

FAMILY LAW SECTION

Respectfully submits the following position on:

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SB 0557 – SB 0560

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Family Law Section is 2,481.

The position was adopted after discussion and vote at a regularly scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 20. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of section:

Family Law Section

Contact person:

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Bill Number:

[SB 0557](#) (Bieda) Family law; paternity; revocation of paternity act; enact. Creates new act.

[SB 0558](#) (Bieda) Family law; paternity; acknowledgment of parentage; allow to be set aside under revocation of paternity act. Amends sec. 7 of [1996 PA 305](#) (MCL [722.1007](#)) & repeals sec. 11 of 1996 PA 305 (MCL [722.1011](#)).

[SB 0559](#) (Jones) Family law; paternity; order of filiation; allow to be set aside under revocation of paternity act. Amends sec. 10 of [1956 PA 205](#) (MCL [722.720](#)).

[SB 0560](#) (Jones) Family law; paternity; determination of parentage for intestate succession; provide for determination under revocation of paternity act. Amends sec. 2114 of [1998 PA 386](#) (MCL [700.2114](#)).

Date position was adopted:

September 15, 2011

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

20 Voted for position

0 Voted against position

0 Abstained from vote

1 Did not vote

Position:

Support and Amend

Explanation of the position, including any recommended amendments:

SB 557-560 is a package of bills for the Revocation of Paternity. The bills attempt to comprehensively deal with the problem of misidentified fathers, whether fatherhood was established by affidavit of parentage, a paternity action default, or marriage. The bills generally require an action to be filed before the child's third birthday, or within one year of an erroneous affidavit or paternity establishment. The court has discretion to allow an action after the child's third birthday on equitable grounds, e.g., legal husband never in the child's life and child has been living with biological father. The court may also refuse to correct paternity if it is clearly contrary to the child's best interests. This is a much needed bill which will provide a remedy for some tragic cases. The bill did not include a savings provision, allowing one year for filings that would not otherwise meet the general criteria. Family Law Section supports this bill and recommends that amendment.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2011-SB-0557>

<http://legislature.mi.gov/doc.aspx?2011-SB-0558>

<http://legislature.mi.gov/doc.aspx?2011-SB-0559>

<http://legislature.mi.gov/doc.aspx?2011-SB-0560>