

**EXECUTIVE SUMMARY
DADS AND MOMS OF MICHIGAN PAC
SENATE SUBSTITUTE FOR SENATE BILL NO. 557 (S-2) , 558-560**

The following amendments are suggested:

1. Delete Section 7 (1) of the proposed Revocation of Paternity Act (the "Act"), Page 2, Lines 20-23, Sec. 7. (1), the requirement to file before the child is three years old in connection with revocations of an acknowledgment of paternity.
2. Delete Section 9 of the Act, Page 4, Lines 10-14, Sec. 9. (2), the requirement to file before the child is three years old in connection with a paternity determination decided by default.
3. Delete Page 4, lines 10-14, Sec. 9 which requires the Court to impose costs and attorney fees on the individual who filed the motion if the order of filiation is not set aside. This section appears unduly punitive towards putative fathers seeking confirmation of paternity and unnecessary in light of Section 13 (11) on p. 11, which authorizes the Court to require a nonprevailing party to pay costs and attorney fees.
4. Section 11 of the Act is greatly simplified if the requirement to file an action before the child is three years old is removed. The extreme complexity is virtually all written to allow exceptions to the prohibition against filing after a child is three years old. The proof that the best interest of the child is given little actual concern in this legislation is the provisions of Section 11(4) on pp. 7-8 allowing the Department of Human Services to proceed regardless of the child's age if the presumed father is not reimbursing the Department's welfare payments.
5. If the limitations imposed after the child turns three years old is not removed, the following changes to Section 11 of the Act should be considered:
 - a. In an action by the Mother, the requirement that she be able to identify the actual father should be removed as sadly, she often is unable to do so.
 - b. Where the biological father's relationship with the child is openly acknowledged by all the parties involved, imposing a requirement to file an action before the child is three years old would appear impossible to justify.
 - c. If a husband is allowed to raise the paternity of a ten year old child in a divorce proceeding, why should he not be allowed to raise the issue when he finds out years after his wife divorced him and refused to allow him any access to his child? Clearly this does not reflect a concern for the impact on the child, or the results would be the opposite.
 - d. Since women who were married when the child was conceived are allowed to file actions to determine that the child is born out of wedlock, it seems hypocritical and gender biased to restrict a father's ability to file such actions if he knew the mother was married when the child was conceived.
6. Section 13 (8) should be amended to expressly authorize a biological father's contest of an acknowledgment of paternity where the child has been placed for adoption.