

LEXSTAT MICH. COMP. LAWS 333.2824

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CHAPTER 333 HEALTH
PUBLIC HEALTH CODE
ARTICLE 2. ADMINISTRATION
PART 28. VITAL RECORDS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

MCLS § 333.2824 (2003)

MCL § 333.2824

§ 333.2824. Registering name of husband as father of child; registering surname of child; consent; acknowledgment of parentage; designating surname of child; entering name of father and surname of child on birth certificate; father not named on birth registration; utilization of assisted reproductive technology; reference to legitimacy or illegitimacy prohibited.

Sec. 2824. (1) The name of the husband at the time of conception or, if none, the husband at birth shall be registered as the father of the child. The surname of the child shall be registered as designated by the child's parents.

(2) If the child's mother was not married at the time of conception or birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and without the completion, and filing with the state registrar, of an acknowledgment of parentage by the mother and the individual to be named as the father. The acknowledgment of parentage shall be completed in the manner provided in the acknowledgment of parentage act. For a certificate of birth completed under this subsection and upon the written request of both parents, the surname of the child shall be designated by the child's parents.

(3) If the name of the child's father cannot be shown under subsection (1) or (2), the child shall be given the surname designated by the mother.

(4) If the paternity of a child is determined by a court of competent jurisdiction, the name of the father shall be entered on the certificate of birth as found and ordered by the court. The surname of the child shall be entered on the certificate of birth as designated by the child's mother.

(5) If the child's father is not named on the birth registration, no other information about the father shall be entered on the registration.

(6) A child conceived by a married woman with consent of her husband following the utilization of assisted reproductive technology is considered to be the legitimate child of the husband and wife.

(7) After May 30, 1979, a birth certificate shall not contain a reference to the legitimacy or illegitimacy of a child.

HISTORY: Act 368, 1978, p 865; eff September 30, 1978.

Pub Acts 1978, No. 368, § 2824, eff September 30, 1978; amended by Pub Acts 1979, No. 23, imd eff May 30, 1979; 1993, No. 115, imd eff July 20, 1993.

Amended by Pub Acts 1996, No. 307, imd eff June 20, 1996, by § 2 eff June 1, 1997 (see 1996 note below).

NOTES:

Editor's notes:

Pub Acts 1996, No. 307, § 3, imd eff June 20, 1996, by § 2 eff June 1, 1997, provides:

"Section 3. This amendatory act shall not take effect unless Senate Bill No. 749 of the 88th Legislature [Pub Acts 1996, No. 305] is enacted into law."

Effect of amendment notes:

The 1993 amendment made grammatical changes in subsection (1); revised subsection (2) which formerly read: "If the child's mother was not married at the time of conception or birth, the name of the father shall not be entered on the certificate without the written consent of the mother and the individual to be named as the father, in which case, upon the written request of both parents, the surname of the child shall be designated by the child's parents."; and revised subsection (7) which formerly read: "A birth certificate after the effective date of this subsection shall not contain a reference to the legitimacy or illegitimacy of a child."

The 1996 amendment made both grammatical and substantive changes throughout the section.

LEXIS Publishing Michigan analytical references:

Michigan Law and Practice, Parent and Child § 1

ALR notes:

Rights and remedies of parents inter se with respect to the names of their children, *92 ALR3d 1091*.