

Revocation of Paternity Act (ROPA)

■ Procedural Checklists for ROPA Actions:

- **Setting Aside an Acknowledgment of Parentage:** [MCL 722.1437](#) governs motions and actions to set aside an acknowledgment of parentage. [MCL 722.1435\(1\)](#).
- **Determining that a Genetic Father Is Not a Child's Father:** [MCL 722.1438](#) governs motions and actions to determine that a genetic father is not a child's father. [MCL 722.1435\(2\)](#).
- **Setting Aside an Order of Filiation:** [MCL 722.1439](#) governs motions to set aside an order of filiation. [MCL 722.1435\(3\)](#).
- **Determining that a Child's Presumed Father Is Not a Child's Father:** [MCL 722.1441](#) governs motions and actions to determine that a child's presumed father is not a child's father (child born out of wedlock). [MCL 722.1435\(4\)](#).

► Editorial Advisory Committee

MJI gratefully acknowledges the time, helpful advice, and expertise contributed by the Committee members, who are as follows:

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Revocation of Paternity Act (ROPA)

Determining That a Child's Presumed Father Is Not a Child's Father

Actions under the Revocation of Paternity Act (ROPA), [MCL 722.1431 et seq.](#), resolve the identity of a child's father; ROPA enables a court to determine who is, and who is not, the father of a child. A court is authorized under ROPA to determine that a child was **born out of wedlock** even though the man married to the child's mother at the time of the child's conception or birth was presumed to be the child's father.¹ [MCL 722.1443\(2\)\(d\)](#).

The statute under ROPA specific to determining that a **presumed father** is not a child's father is [MCL 722.1441](#). [MCL 722.1435\(4\)](#). The statute sets out the procedure applicable to each of the four different parties authorized to initiate a ROPA action under [MCL 722.1441](#). In addition to the provisions in [MCL 722.1441](#), the relevant provisions in [MCL 722.1443](#) also apply to actions to determine that a presumed father is not a child's father.



Initiating an Action to Determine That a Child's Presumed Father Is Not a Child's Father

■ Is the ROPA action permitted?

- A ROPA action **MAY NOT** be initiated when a **court** has jurisdiction of a child under [MCL 712A.1](#) to [MCL 712A.32](#) (probate code governing the jurisdiction, procedure, and disposition of minors), **AND**
- A petition to terminate parental rights to the child has been filed. [MCL 722.1443\(15\)](#).

¹Determining that a child's presumed father is not a child's father means determining that a child was **born out of wedlock**. That is, when a **court** determines that a child's **presumed father** is not the child's father, the court has determined that the mother conceived the child with a man other than her husband, and therefore, the child was born out of wedlock. This QRM uses *born out of wedlock* and *presumed father is not a child's father* interchangeably.

- HOWEVER**, a ROPA action **MAY** be permitted if the **court** having jurisdiction of a child under [MCL 712A.1](#) to [MCL 712A.32](#) determines that allowing an action under ROPA would be in the child's best interests. *Id.*

■ Was the ROPA action properly initiated?

A ROPA action may be initiated by complaint in a circuit court as an original action or by motion in certain actions that already exist in a circuit court. [MCL 722.1441\(5\)](#). A child's **presumed father** must be made a party to the action.

■ Original action in circuit court.²

- When there is not an existing action involving the child, a party may initiate an original action in circuit court by filing a complaint.
 - The complaint **MUST** be filed in the county where the mother or child resides, **OR**
 - If the child and mother do not reside in Michigan, the complaint **MUST** be filed in the county where the child was born. [MCL 722.1443\(1\)](#).

■ Motion in certain existing actions in circuit court.

- When an existing action identified in [MCL 722.1443\(1\)](#) involves the child, a ROPA action **MUST** be initiated by motion in the existing case.
 - A motion **MUST** be filed if an action involving the support, custody, or parenting time related to a child already exists, regardless of the stage of the proceedings in the existing action, **OR**
 - If an action under [MCL 712A.2\(b\)](#) is pending in a circuit court in Michigan, the ROPA action **MUST** be initiated by motion in the existing case.
- The motion **MUST** be initiated pursuant to the applicable court rules. [MCL 722.1443\(1\)](#).

■ The presumed father is a named party in the action.

A child's presumed father must be a named party in an action to determine that a child's presumed father is not a child's father.

²ROPA actions are identified by case-type code *DP*. See [Michigan Trial Court Records Management Standards—Case Type Codes \(MCR 8.117\)](#), Circuit Court Case-Type Code List (A)(6)(d) (rev. 5/2021). *DP* identifies “[a]ll questions of paternity; paternity and custody; or paternity, custody, and support. [*DP* is also] used for intrastate transfers of postjudgment paternity; paternity and custody; or paternity, custody, and support complaints.” *Id.*

- ❑ ROPA “clearly implies that the presumed father is afforded the legal right of parenthood, unless the presumption is rebutted in a successful action under [ROPA].” *Graham v Foster*, 311 Mich App 139, 144 (2015), vacated in part on other grounds 500 Mich 23 (2017). A presumed father’s interests “must not be set aside without [affording the presumed father] a fair chance to defend those interests.” *Id.* at 145.

■ **Was the action to determine that a presumed father is not a child’s father initiated by a proper party?**

- ❑ A party is authorized to initiate an action to determine that a **presumed father** is not a child’s father if the party satisfies the requirements listed in [MCL 722.1441\(1\)-\(4\)](#). Each subsection describes the specific requirements a particular party must satisfy before the party is authorized to initiate an action to determine that a presumed father is not a child’s father. [MCL 722.1441\(1\)-\(4\)](#). Those parties are listed below. To go directly to the section addressing a specific party, click on the appropriate underlined text below.
- ❑ A [child’s mother](#) is authorized to initiate an action if she satisfies the conditions in [MCL 722.1441\(1\)](#).
- ❑ A [presumed father](#) is authorized to initiate an action if he satisfies the conditions in [MCL 722.1441\(2\)](#).
- ❑ The [Department of Health and Human Services \(DHHS\)](#) is authorized to initiate an action if it satisfies the conditions in [MCL 722.1441\(4\)](#).
- ❑ An [alleged father](#) is authorized to initiate an action if he satisfies the conditions in [MCL 722.1441\(3\)](#).

► **Note:**

An **alleged father** **IS NOT** permitted to initiate an action under ROPA “if the child is conceived as the result of acts for which the alleged father was convicted of criminal sexual conduct under [[MCL 750.520b](#) to [MCL 750.520e](#)].” [MCL 722.1443\(14\)](#).

■ **Was the action to determine that a child’s presumed father is not a child’s father timely initiated?**

The time permitted to initiate a ROPA action is separately specified in each of the subsections in [MCL 722.1441](#) solely applicable to each of the parties authorized to initiate an action under [MCL 722.1441](#). See [MCL 722.1441\(1\)-\(4\)](#).

- ❑ A **court MAY** extend the time allowed for a party to initiate a ROPA action. [MCL 722.1443\(12\)](#).
- ❑ A request for an extension of time **MUST** be accompanied by an affidavit.³ *Id.*
 - ❑ The affidavit **MUST** be signed by the person requesting the extension. *Id.*
 - ❑ The affidavit **MUST** state facts that the person requesting the extension satisfied all the requirements for initiating an action under ROPA but did not timely file the action or motion for one of the following reasons:
 - ❑ **Mistake of fact.** [MCL 722.1443\(12\)\(a\)](#).
 “A mistake of fact is ‘a belief that a certain fact exists when in truth and in fact it does not exist.’” *Rogers v Wcisel*, 312 Mich App 79, 96 (2015), quoting *Montgomery Ward & Co v Williams*, 330 Mich 275, 279 (1951). “The law . . . does not require that a party have no knowledge that a fact might be untrue to create a mistake of fact.” *Wcisel*, 312 Mich App at 96. A party may establish a mistake of fact when the party acts on an erroneous belief, even if the party acted on the belief only in part, and even if the party had some doubt about the truth of the belief. *Wcisel*, 312 Mich App at 96. [MCR 2.112\(B\)\(1\)](#) requires a party alleging mistake of fact to state with particularity the circumstances that constitute mistake.
 - ❑ **Newly discovered evidence** that could not have been discovered earlier with the exercise of due diligence. [MCL 722.1443\(12\)\(b\)](#).
 - ❑ **Fraud.** [MCL 722.1443\(12\)\(c\)](#). A party alleging fraud must state with particularity the circumstances that constitute fraud. [MCR 2.112\(B\)\(1\)](#).
 - ❑ **Misrepresentation or misconduct.** [MCL 722.1443\(12\)\(d\)](#).
 - ❑ **Duress.** [MCL 722.1443\(12\)\(e\)](#).
- ❑ If the court finds that the affidavit in support of the time extension is sufficient, the court **MAY** allow the action or

³“An oath or affidavit . . . may be taken before a justice, judge, or clerk of a court, or before a notary public.” [MCL 600.1440\(1\)](#). See *Sherry v East Sub Football League*, 292 Mich App 23, 31 (2011) (“To be valid, an affidavit must be (1) a written or printed declaration or statement of facts, (2) voluntarily made, and (3) confirmed by the oath or affirmation of the party making it, taken before a person having authority to administer such oath or affirmation.”).

motion to be filed and engage in any other action considered appropriate. [MCL 722.1443\(13\)](#).

- The party requesting the extension of time has the burden of proving by **clear and convincing evidence** that granting relief under ROPA would **NOT** be against a child's best interests in light of the equities of the case. *Id.*

■ Is it a Title IV-D case?

- In **Title IV-D cases**, the court **MAY** appoint an attorney to represent the state's interests with regard to the action or motion under ROPA. [MCL 722.1443\(6\)](#).
 - An attorney must be one approved by the Office of Child Support. *Id.*
- The **court MAY** appoint a guardian ad litem to represent the child's interests. *Id.*

■ Is a surety or other assurance appropriate?

- With the exception of an action filed by a mother who proves by clear and convincing evidence that a child was conceived as a result of nonconsensual **sexual penetration** ([MCL 722.1445\(2\)](#)), a court **MAY** order the person who initiated the ROPA action or motion to post a monetary amount with the court, to obtain a surety, or to offer other assurances to secure attorney fees and costs if the person does not prevail. [MCL 722.1443\(11\)](#).

A Child's Mother Initiates the Action

- **Court MUST order blood or tissue typing or DNA identification profiling.**
 - [MCL 722.1443\(5\)](#) mandates blood or tissue typing or **DNA identification profiling** in all actions under ROPA; that is, a court **MUST** order the parties in an action or motion under ROPA to submit to, and pay for, blood or tissue typing or DNA identification profiling to assist the court in making the findings required under ROPA. [MCL 722.1443\(5\)](#).
 - The testing **MUST** be conducted as indicated in [MCL 722.716](#) of the Paternity Act.⁴ [MCL 722.1443\(5\)](#).
 - HOWEVER**, a court is **NOT** bound by the test results when it makes the necessary findings in a ROPA case. *Id.*

⁴[MCL 722.716](#) provides details concerning the conduct of and payment for the testing ordered; [MCL 722.716](#) also addresses posttesting procedures and the proper management and use of the testing results.

■ **Payment for the cost of blood or tissue typing or DNA identification profiling in Title IV-D cases.**

- ❑ If a party's ROPA action satisfies the [eligibility criteria](#) set out in Subsection 4.1 of Section 4.06, the Title IV-D program must provide the genetic testing ordered by a court.
- ❑ Federal funding may be available to reimburse the costs of genetic testing in a [Title IV-D case](#) when a court has ordered the parties involved to undergo blood or tissue typing or [DNA identification profiling](#).⁵

■ **Determining whether a child's presumed father is a child's father when the ROPA action is initiated by a child's mother.**

- ❑ "[A] court may determine that [a] child is [born out of wedlock](#) for the purpose of establishing the child's paternity" if the child has a [presumed father](#), the child's mother initiates the action, **AND EITHER:**

■ **ALL of the following:**

- ❑ The mother names the [alleged father](#) in the complaint or motion initiating the action, **AND**
- ❑ The child's presumed father, the child's alleged father, and the child's mother have at some time "mutually and openly" acknowledged that the alleged father and the child share a biological relationship, **AND**
- ❑ The action is filed within three years after the child's birth, **AND**
- ❑ If a child is determined to be born out of wedlock, the child's paternity will be established by either the court, or by Michigan law or the law of another jurisdiction. [MCL 722.1441\(1\)\(a\)\(j\)-\(iv\)](#).

■ **OR**

■ **ALL of the following:**

- ❑ The mother names the alleged father in the complaint or motion initiating the action, **AND EITHER:**

⁵Subject to the conditions described in [Section 4.06, Paternity Disestablishment, of the Michigan IV-D Child Support Manual](#), a Title IV-D program may be required to provide genetic testing services when a court has ordered the parties to undergo blood or tissue typing or [DNA identification profiling](#). Additionally, pursuant to the [eligibility guidelines](#) prescribed in Section 4.06, federal funding may be available to reimburse a portion of the costs of providing the testing.

- ❑ The presumed father had the ability to support or assist in supporting the child, and without good cause, the presumed father failed or neglected to provide the child with regular and substantial support for two or more years before the action was filed, or if a support order had been entered, the presumed father failed to substantially comply with the order for two or more years before the action was filed, **OR**
- ❑ The child is under the age of three, and the **presumed father** resides separately and away from the child,

AND

- ❑ If a child is determined to be **born out of wedlock**, the child's paternity will be established by either the **court**, or by Michigan law or the law of another jurisdiction. [MCL 722.1441\(1\)\(b\)\(i\)-\(iii\)](#).

A Child's Presumed Father Initiates the Action

■ Court **MUST** order blood or tissue typing or DNA identification profiling.

- ❑ [MCL 722.1443\(5\)](#) mandates blood or tissue typing or **DNA identification profiling** in all actions under ROPA; that is, a court **MUST** order the parties in an action or motion under ROPA to submit to, and pay for, blood or tissue typing or DNA identification profiling to assist the court in making the findings required under ROPA. [MCL 722.1443\(5\)](#).
- ❑ The testing **MUST** be conducted as indicated in [MCL 722.716](#) of the Paternity Act.⁶ [MCL 722.1443\(5\)](#).
- ❑ **HOWEVER**, a court is **NOT** bound by the test results when it makes the necessary findings in a ROPA case. *Id.*

■ Payment for the cost of blood or tissue typing or DNA identification profiling in Title IV-D cases.

- ❑ If a party's ROPA action satisfies the **eligibility criteria** set out in Subsection 4.1 of Section 4.06, the Title IV-D program must provide the genetic testing ordered by a court.
- ❑ Federal funding may be available to reimburse the costs of genetic testing in a **Title IV-D case** when a court has ordered the parties involved to undergo blood or tissue typing or DNA identification profiling.⁷

⁶[MCL 722.716](#) provides details concerning the conduct of and payment for the testing ordered; [MCL 722.716](#) also addresses posttesting procedures and the proper management and use of the testing results.

- **Determining whether a presumed father is a child's father when a presumed father initiates the ROPA action.**
 - “[A] court may determine that [a] child is born out of wedlock for the purpose of establishing the child's paternity” if the child has a presumed father, AND
 - The presumed father initiates an action within three years after the child's birth, OR
 - The presumed father raises the issue during a divorce or separate maintenance action between the child's mother and the presumed father. [MCL 722.1441\(2\)](#).

A Child's Alleged Father Initiates the Action

► Note:

An **alleged father** IS NOT permitted to initiate an action under ROPA “if the child is conceived as the result of acts for which the alleged father was convicted of criminal sexual conduct under [[MCL 750.520b](#) to [MCL 750.520e](#)].” [MCL 722.1443\(14\)](#).

- **Court MUST order blood or tissue typing or DNA identification profiling.**
 - [MCL 722.1443\(5\)](#) mandates blood or tissue typing or **DNA identification profiling** in all actions under ROPA; that is, a court **MUST** order the parties in an action or motion under ROPA to submit to, and pay for, blood or tissue typing or DNA identification profiling to assist the court in making the findings required under ROPA. [MCL 722.1443\(5\)](#).
 - The testing **MUST** be conducted as indicated in [MCL 722.716](#) of the Paternity Act.⁸ [MCL 722.1443\(5\)](#).
 - **HOWEVER**, a court is **NOT** bound by the test results when it makes the necessary findings in a ROPA case. *Id.*

⁷Subject to the conditions described in [Section 4.06, Paternity Disestablishment, of the Michigan IV-D Child Support Manual](#), a Title IV-D program may be required to provide genetic testing services when a court has ordered the parties to undergo blood or tissue typing or **DNA identification profiling**. Additionally, pursuant to the eligibility guidelines prescribed in Section 4.06, federal funding may be available to reimburse a portion of the costs of providing the testing.

⁸[MCL 722.716](#) provides details concerning the conduct of and payment for the testing ordered; [MCL 722.716](#) also addresses posttesting procedures and the proper management and use of the testing results.

■ **Payment for the cost of blood or tissue typing or DNA identification profiling in Title IV-D cases.**

- If a party's ROPA action satisfies the [eligibility criteria](#) set out in Subsection 4.1 of Section 4.06, the Title IV-D program must provide the genetic testing ordered by a court.
- Federal funding may be available to reimburse the costs of genetic testing in a [Title IV-D case](#) when a [court](#) has ordered the parties involved to undergo blood or tissue typing or [DNA identification profiling](#).⁹

■ **Determining whether a presumed father is a child's father when an alleged father initiates the ROPA action.**

- Unless prohibited by [MCL 722.1443\(14\)](#), "a court may determine that [a] child is [born out of wedlock](#) for the purpose of establishing the child's paternity" if the child has a [presumed father](#), the child's [alleged father](#) initiates the action, **AND ANY** of the following applies:

■ **ALL of the following:**

- The alleged father did not know, and had no reason to know, that a child's mother was married when the child was conceived, **AND**
- At some time the child's mother, the child's presumed father, and the child's alleged father "mutually and openly" acknowledged that the child and the child's alleged father share a biological relationship, **AND**
- The alleged father initiates the action within three years after a child's birth, **AND**
- If a child is determined to be born out of wedlock, the child's paternity will be established by either the court, or by Michigan law or the law of another jurisdiction. [MCL 722.1441\(3\)\(a\)\(i\)-\(iv\)](#).

■ **OR**

■ **ALL of the following:**

- The alleged father did not know, and had no reason to know, that a child's mother was married when the child was conceived, **AND EITHER:**

⁹Subject to the conditions described in [Section 4.06, Paternity Disestablishment, of the Michigan IV-D Child Support Manual](#), a Title IV-D program may be required to provide genetic testing services when a court has ordered the parties to undergo blood or tissue typing or [DNA identification profiling](#). Additionally, pursuant to the eligibility guidelines prescribed in Section 4.06, federal funding may be available to reimburse a portion of the costs of providing the testing.

- The presumed father had the ability to support or assist in supporting the child, and without good cause, the presumed father failed or neglected to provide the child with regular and substantial support for two or more years before the action was filed, or if a support order had been entered, the presumed father failed to substantially comply with the order for two or more years before the action was filed, **OR**
- The child is under the age of three, and the **presumed father** resides separately and apart from the child,

■ **AND**

- If a child is determined to be **born out of wedlock**, the child's paternity will be established by either the **court**, or by Michigan law or the law of another jurisdiction. [MCL 722.1441\(3\)\(b\)\(i\)-\(iii\)](#).

■ **OR**

■ **BOTH of the following:**

- The child's mother was unmarried at the time the child was conceived, **AND**
- The action is filed within three years after the child's birth. [MCL 722.1441\(3\)\(c\)\(i\)-\(ii\)](#).

■ **Department of Health and Human Services (DHHS) Initiates the Action**

■ **Court MUST order blood or tissue typing or DNA identification profiling.**

- [MCL 722.1443\(5\)](#) mandates blood or tissue typing or **DNA identification profiling** in all actions under ROPA; that is, a court **MUST** order the parties in an action or motion under ROPA to submit to, and pay for, blood or tissue typing or DNA identification profiling to assist the court in making the findings required under ROPA. [MCL 722.1443\(5\)](#).
- The testing **MUST** be conducted as indicated in [MCL 722.716](#) of the Paternity Act.¹⁰ [MCL 722.1443\(5\)](#).
- HOWEVER**, a court is **NOT** bound by the test results when it makes the necessary findings in a ROPA case. *Id.*

¹⁰[MCL 722.716](#) provides details concerning the conduct of and payment for the testing ordered; [MCL 722.716](#) also addresses posttesting procedures and the proper management and use of the testing results.

■ **Payment for the cost of blood or tissue typing or DNA identification profiling in Title IV-D cases.**

- ❑ If a party's ROPA action satisfies the [eligibility criteria](#) set out in Subsection 4.1 of Section 4.06, the Title IV-D program must provide the genetic testing ordered by a court.
- ❑ Federal funding may be available to reimburse the costs of genetic testing in a [Title IV-D case](#) when a court has ordered the parties involved to undergo blood or tissue typing or [DNA identification profiling](#).¹¹

■ **Determining whether a presumed father is a child's father when DHHS initiates the ROPA action.**

- “[A] court may determine that [a] child is [born out of wedlock](#) for the purpose of establishing the child's paternity” if the child has a [presumed father](#), the child is supported wholly or partially by public assistance, the DHHS initiates the action,

■ **AND BOTH of the following apply:**

■ **EITHER**

- ❑ The presumed father had the ability to support or assist in supporting the child, and without good cause, the presumed father failed or neglected to provide the child with regular and substantial support for two or more years before the action was filed, or if a support order had been entered, the presumed father failed to substantially comply with the order for two or more years before the action was filed, **OR**
- ❑ The child is under the age of three, and the presumed father resides separately and apart from the child,

■ **AND**

- ❑ If a child is determined to be born out of wedlock, the child's paternity will be established by either the court, or by Michigan law or the law of another jurisdiction. [MCL 722.1441\(4\)\(a\)-\(b\)](#).

¹¹Subject to the conditions described in [Section 4.06, Paternity Disestablishment, of the Michigan IV-D Child Support Manual](#), a Title IV-D program may be required to provide genetic testing services when a court has ordered the parties to undergo blood or tissue typing or [DNA identification profiling](#). Additionally, pursuant to the eligibility guidelines prescribed in Section 4.06, federal funding may be available to reimburse a portion of the costs of providing the testing.

Disposition of an Action to Determine That a Child's Presumed Father Is Not a Child's Father

- A court may determine that a child was born out of wedlock.
 - Pursuant to [MCL 722.1443\(2\)\(d\)](#), a court may determine that a child was born out of wedlock; that is, a court may determine that a child's presumed father is not a child's father.
 - If a court finds that a child was born out of wedlock, a court **MAY** determine a child's paternity and enter an order of filiation, or a child's paternity may be established by Michigan law or the law of another jurisdiction. [MCL 722.1443\(2\)\(e\)](#).
- A court may refuse to enter an order determining that a child was born out of wedlock IF:
 - There is evidence that an order determining that a child was born out of wedlock would not be in a child's best interests. [MCL 722.1443\(4\)](#).
 - If a court refuses to order that a child was born out of wedlock, it must state on the record its reasons for refusing to enter such an order. *Id.*
 - Factors a court **MAY** consider when determining whether an order declaring that a child's presumed father is not a child's father is in the child's best interests:
 - "Whether the presumed father is estopped from denying parentage because of his conduct." [MCL 722.1443\(4\)\(a\)](#).
 - "The length of time the presumed father was on notice that he might not be the child's father." [MCL 722.1443\(4\)\(b\)](#).
 - "The facts surrounding the presumed father's discovery that he might not be the child's father." [MCL 722.1443\(4\)\(c\)](#).
 - "The nature of the relationship between the child and the presumed or alleged father." [MCL 722.1443\(4\)\(d\)](#).
 - "The age of the child." [MCL 722.1443\(4\)\(e\)](#).
 - "The harm that may result to the child." [MCL 722.1443\(4\)\(f\)](#).

- ❑ “Other factors that may affect the equities arising from the disruption of the father-child relationship.” [MCL 722.1443\(4\)\(g\)](#).
- ❑ “Any other factor that the court determines appropriate to consider.” [MCL 722.1443\(4\)\(h\)](#).

■ Action initiated by alleged father.

- ❑ When a child's **alleged father** initiates a ROPA action and by clear and convincing evidence proves that he is a child's father, a “court [MAY] make a determination of paternity and enter an **order of filiation** as provided for under [MCL 722.717.” [MCL 722.1445\(1\)](#).

■ Payment of costs and fees.

- ❑ A court MAY order a nonprevailing party, even a mother who fails to make the necessary showing under [MCL 722.1445\(2\)](#),¹² “to pay the reasonable attorney fees and costs of a prevailing party.” [MCL 722.1443\(11\)](#).

What a ROPA Order Does Not, Cannot, and Must Not Do

■ ROPA does not authorize orders affecting other states' judgments or orders inconsistent with applicable federal law.

- ❑ The court **MUST NOT** issue an order in a ROPA action “that sets aside a judgment or determination of a court or administrative agency of another state, even if the judgment or determination is being enforced in this state[.]” [MCL 722.1443\(7\)](#).
- ❑ The **court MUST NOT** issue an order in a ROPA action “that is inconsistent with [28 USC 1738A](#) (full faith and credit given to child custody determinations made by a court in another state) or [28 USC 1738B](#) (full faith and credit given to child support orders entered by a court in another state). *Id.*

■ ROPA does not relieve a man of his obligation to pay child support.

- ❑ A judgment under ROPA does **NOT** relieve a man of his obligation to pay support already due to a child or a child's mother before initiation of the ROPA action to set aside an acknowledgment of parentage. [MCL 722.1443\(3\)](#).

¹²[MCL 722.1445\(2\)](#) concerns “an action . . . brought by a mother who, after a fact-finding hearing, proves by clear and convincing evidence that the child was conceived as a result of nonconsensual **sexual penetration**”

- A judgment under ROPA does **NOT** prevent an individual from seeking to have a judgment vacated or set aside under the applicable court rules. *Id.*
- **ROPA does not terminate adoption orders or interfere with adoptive obligations.**
 - ROPA does **NOT** provide a basis for terminating an adoption. [MCL 722.1443\(8\)](#).
 - ROPA does **NOT** affect any obligation an adoptive parent has to an adopted child. [MCL 722.1443\(8\)](#).
- **ROPA does not constitute grounds for vacating paternity established in a surrogacy contract.**
 - ROPA does **NOT** provide a basis for vacating a paternity determination involving a child who was conceived under a surrogate parentage contract as defined in [MCL 722.853](#). [MCL 722.1443\(9\)](#).



Revocation of Paternity Act (ROPA) Glossary

A

Acknowledged father

- For purposes of the Revocation of Paternity Act (ROPA), [MCL 722.1431 et seq.](#), *acknowledged father* “means a man who has affirmatively held himself out to be the child’s father by executing an acknowledgment of parentage under the acknowledgment of parentage act, [MCL 722.1001 to MCL 722.1013].” [MCL 722.1433\(a\)](#).

Affiliated father

- For purposes of the Revocation of Paternity Act (ROPA), [MCL 722.1431 et seq.](#), *affiliated father* “means a man who has been determined in a court to be the child’s father.” [MCL 722.1433\(b\)](#).

Alleged father

- For purposes of the Revocation of Paternity Act (ROPA), [MCL 722.1431 et seq.](#), *alleged father* “means a man who by his actions could have fathered the child.” [MCL 722.1433\(c\)](#).

C

Child born out of wedlock

- For purposes of the Paternity Act, [MCL 722.711 et seq.](#), *child born out of wedlock* “means a child begotten and born to a woman who was not married from the conception to the date of birth of the child, or a child that the court has determined to be a child born or conceived during a marriage but not the issue of that marriage.” [MCL 722.711\(a\)](#).

Court

- *Court* is not expressly defined in the Revocation of Paternity Act (ROPA), [MCL 722.1431](#) *et seq.* However, when ROPA refers to initiating a ROPA action by complaint or motion and when ROPA refers to jurisdiction, it is referring to a circuit court in Michigan. See [MCL 722.1443](#)
- For purposes of the Acknowledgment of Parentage Act, [MCL 722.1001](#) *et seq.*, *court* “means the circuit court.” [MCL 722.1002\(c\)](#).
- For purposes of the Paternity Act, [MCL 722.711](#) *et seq.*, *court* “means the circuit court.” [MCL 722.711\(d\)](#).

D

DNA identification profiling

- For purposes of the Paternity Act, [MCL 722.711](#) *et seq.*, *DNA identification profiling* “means a validated scientific method of analyzing components of deoxyribonucleic acid molecules in a sample of genetic testing material to identify the pattern of the components’ chemical structure that is unique to the individual.” [MCL 722.711\(f\)](#).

G

Genetic father

- For purposes of the Revocation of Paternity Act (ROPA), [MCL 722.1431](#) *et seq.*, *genetic father* “means a man whose paternity has been determined solely through genetic testing under the paternity act, [[MCL 722.711](#) to [MCL 722.730](#)], the summary support and paternity act, or the genetic parentage act.” [MCL 722.1433\(d\)](#).

O

Order of filiation

- For purposes of the Revocation of Paternity Act (ROPA), [MCL 722.1431](#) *et seq.*, *order of filiation* “means a judicial order establishing an affiliated father.” [MCL 722.1433\(f\)](#).

P

Presumed father

- For purposes of the Revocation of Paternity Act (ROPA), [MCL 722.1431 et seq.](#), *presumed father* “means a man who is presumed to be the child’s father by virtue of his marriage to the child’s mother at the time of the child’s conception or birth.” [MCL 722.1433\(e\)](#).

S

Sexual penetration

- For purposes of [MCL 722.1445](#) of the Revocation of Paternity Act (ROPA), *sexual penetration* “means that term as defined in . . . [MCL 750.520a](#).” [MCL 722.1445\(4\)](#). [MCL 750.520a\(r\)](#) defines *sexual penetration* as “sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, but emission of semen is not required.”

State registrar

- For purposes of the Acknowledgment of Parentage Act, [MCL 722.1001 et seq.](#), *state registrar* “means that term as defined in [[MCL 333.2805](#)].” [MCL 722.1002\(e\)](#). *State registrar* is defined in [MCL 333.2805](#) of the Public Health Code as “the official appointed under [[MCL 333.2813](#)] or his or her authorized representative.” [MCL 333.2805\(1\)](#). According to [MCL 333.2813](#), the state registrar is “to administer the system of vital statistics.” [MCL 333.2813\(1\)](#). A state registrar’s specific duties are set forth in [MCL 333.2813\(2\)\(a\)-\(f\)](#).

T

Title IV-D case

- For purposes of the Revocation of Paternity Act (ROPA), [MCL 722.1431 et seq.](#), *Title IV-D case* “means an action in which services are provided under part D of title IV of the social security act, [[42 USC 651](#) to [42 USC 669b](#)].” [MCL 722.1433\(g\)](#).