

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER ON MOTION TO SET ASIDE ORDER OF FILIATION	CASE NO. and JUDGE
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Court address _____ Court telephone no, _____

Plaintiff's name, address, and telephone no. <input type="checkbox"/> moving party
Plaintiff's attorney, bar no., address, and telephone no.
Alleged father's name, address, and telephone no. <input type="checkbox"/> moving party

v

Defendant's name, address, and telephone no. <input type="checkbox"/> moving party
Defendant's attorney, bar no., address, and telephone no.
Alleged father's attorney, bar no., address, and telephone no.

1. On _____, a motion was filed requesting that a Michigan order of filiation be set aside.
Date
2. Specific findings of fact are on the record.

THE COURT FINDS:

3. An order of filiation was entered in this case on _____, determining
Date
 _____ to be the father of the minor child _____.
Affiliated father's name Child's name
4. The child's date of birth is provided on a personal identifying information form (MC 97a).
5. The motion to set aside the order of filiation was timely with or without an extension. was not timely.
6. The child is under the court's jurisdiction pursuant to MCL 712A.1 to MCL 712A.32. A petition to terminate parental rights has been filed and the court with jurisdiction has has not found that this action should proceed.
7. Either of the following applies and this proceeding must be dismissed:
 - a. The child was conceived through the use of assisted reproduction that does not involve surrogacy and the parents of the child may be determined under the assisted reproduction and surrogacy parentage act.
 - b. The child was conceived under a surrogacy agreement that complies with the assisted reproduction and surrogacy parentage act.
8. The affiliated father did did not participate in the proceedings that resulted in the order of filiation.

9. The child was conceived as a result of acts for which the alleged father was convicted of criminal sexual conduct under MCL 750.520b to MCL 750.520e and the motion of the alleged father must be dismissed.
10. A fact-finding hearing was conducted under MCL 722.1445(2) on the mother's request to set aside an order of filiation. By clear and convincing evidence, the child was was not conceived as a result of nonconsensual sexual penetration as defined in MCL 750.520a and MCL 722.1445(3) does does not apply.
11. There is is not clear and convincing evidence that the affiliated father is not the father of the child.
12. It is not in the child's best interests to set aside the order of filiation. The basis for the court's determination is on the record, including any considerations under MCL 722.1443(4).

IT IS ORDERED:

13. The motion to set aside the order of filiation is granted. Any child support arrears owed are preserved as of the date the motion to set aside the order of filiation was filed.
- The child support obligation of _____ is terminated effective _____.
Name Date
14. An order of filiation under MCL 722.717 or parentage order will enter. The order is included.
15. The motion to set aside the order of filiation is denied. The moving party shall pay the reasonable attorney fees and costs to any other party as follows:
16. Other:

Judge signature and date

Note: Pursuant to MCL 722.717(5) of the Paternity Act, when an order of filiation is set aside, the clerk of the court that enters the order must immediately communicate this fact to the director of the Department of Health and Human Services on a form prescribed by the director of that department.