

HOUSE BILL No. 5758

April 14, 1992, Introduced by Reps. Gubow, Randall, Yokich, Perry Bullard, Wallace, Dalman, Nye and DeMars and referred to the Committee on Judiciary.

A bill to amend sections 22, 24, 24a, 28, 29, 31, 41, 43, 44, 46, 51, 52, and 54 of chapter X of Act No. 288 of the Public Acts of 1939, entitled as amended

"An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,"

sections 22, 28, and 43 as amended by Act No. 175 of the Public Acts of 1990 and sections 29, 41, 44, 46, and 51 as amended and

1 Section 1. Sections 22, 24, 24a, 28, 29, 31, 41, 43, 44,
2 46, 51, 52, and 54 of chapter X of Act No. 288 of the Public Acts
3 of 1939, sections 22, 28, and 43 as amended by Act No. 175 of the
4 Public Acts of 1990 and sections 29, 41, 44, 46, and 51 as
5 amended and section 24a as added by Act No. 72 of the Public Acts
6 of 1982, being sections 710.22, 710.24, 710.24a, 710.28, 710.29,
7 710.31, 710.41, 710.43, 710.44, 710.46, 710.51, 710.52, and
8 710.54 of the Michigan Compiled Laws, are amended and sections
9 23a, 23b, 23c, 23d, 23e, 23f, 55, and 55a are added to chapter X
0 to read as follows:

2 Sec. 22. As used in this chapter:

(B) "AGENCY PLACEMENT" MEANS A PLACEMENT IN WHICH A CHILD
PLACING AGENCY, THE DEPARTMENT, OR A COURT SELECTS THE ADOPTIVE
PARENT FOR A CHILD AND TRANSFERS PHYSICAL CUSTODY OF THE CHILD TO
THE PROSPECTIVE ADOPTIVE PARENT.

1 (C) "ATTENDING PRACTITIONER" MEANS A LICENSED PHYSICIAN OR A
2 REGISTERED PROFESSIONAL NURSE CERTIFIED AS A NURSE MIDWIFE BY THE
3 MICHIGAN BOARD OF NURSING.

4 (D) ~~(b)~~ "Best interests of the adoptee" or "best interests
5 of the child" means the sum total of the following factors to be
6 considered, evaluated, and determined by the court to be applied
7 to give the adoptee permanence at the earliest possible date:

8 (i) The love, affection, and other emotional ties existing
9 between the adopting ~~person~~ INDIVIDUAL or ~~persons or~~
10 INDIVIDUALS AND THE ADOPTEE OR, IN THE CASE OF A HEARING UNDER
11 SECTION 39, the putative father ~~—~~ and the adoptee.

12 (ii) The capacity and disposition of the adopting ~~person~~
13 INDIVIDUAL or ~~persons~~ INDIVIDUALS or, IN THE CASE OF A HEARING
14 UNDER SECTION 39, the putative father, to give the adoptee love,
15 affection, and guidance, and to educate and create a milieu that
16 fosters the religion, racial identity, and culture of the
17 adoptee.

18 (iii) The capacity and disposition of the adopting ~~person~~
19 INDIVIDUAL or ~~persons~~ INDIVIDUALS or, IN THE CASE OF A HEARING
20 UNDER SECTION 39, the putative father, to provide the adoptee
21 with food, clothing, education, permanence, medical care or other
22 remedial care recognized and permitted under the laws of this
23 state in place of medical care, and other material needs.

24 (iv) The length of time the adoptee has lived in a stable,
25 satisfactory environment, and the desirability of maintaining
26 continuity.

1 (v) The permanence as a family unit of the proposed adoptive
2 home, or, IN THE CASE OF A HEARING UNDER SECTION 39, the home of
3 the putative father.

4 (vi) The moral fitness of the adopting ~~person~~ INDIVIDUAL
5 or ~~persons~~ INDIVIDUALS or, IN THE CASE OF A HEARING UNDER
6 SECTION 39, of the putative father.

7 (vii) The mental and physical health of the adopting
8 ~~person~~ INDIVIDUAL or ~~persons~~ INDIVIDUALS or, IN THE CASE OF A
9 HEARING UNDER SECTION 39, of the putative father, and of the
10 adoptee.

11 (viii) The home, school, and community record of the
12 adoptee.

13 (ix) The reasonable preference of the adoptee, if the
14 adoptee is 14 years of age or less and if the court deems the
15 adoptee to be of sufficient age to express a preference.

16 (x) The ability and willingness of the adopting ~~person~~
17 INDIVIDUAL or ~~persons~~ INDIVIDUALS to adopt the adoptee's
18 siblings.

19 (xi) Any other factor considered by the court to be relevant
20 to a particular adoption proceeding, or to a putative father's
21 request for child custody.

22 ~~(c) "Biological parent" means a person whose rights were~~
23 ~~terminated pursuant to this chapter or chapter XIII.~~

24 (E) ~~(d)~~ "Born out of wedlock" means a child ~~begotten~~
25 CONCEIVED and born to a woman who was not married from the con-
26 ception to the date of birth of the child, or a child ~~which~~

1 WHOM the court has determined to be a child born during a
2 marriage but not the issue of that marriage.

3 (F) "CENTRAL ADOPTION REGISTRY" MEANS THE REGISTRY ESTAB-
4 LISHED BY THE DEPARTMENT PURSUANT TO SECTION 27B TO CONTROL THE
5 RELEASE OF IDENTIFYING ADOPTION INFORMATION.

6 (G) ~~(e)~~ "Child" means ~~a person~~ AN INDIVIDUAL less than
7 18 years of age.

8 (H) ~~(f)~~ "Child placing agency" means a private organi-
9 zation licensed to place children for adoption.

10 (I) ~~(g)~~ "Consent" means a duly executed document in which
11 all parental rights over a specific child are voluntarily relin-
12 quished to the court for ~~adoptive~~ placement with ~~the~~
13 ~~petitioner~~ A SPECIFIC ADOPTIVE PARENT.

14 (J) ~~(h)~~ "Court" means the probate court of this state, and
15 when the context requires, the court having jurisdiction over
16 adoption in another state or country.

17 (K) ~~(i)~~ "Department" means the state department of social
18 services.

19 (L) "DIRECT PLACEMENT" MEANS A PLACEMENT IN WHICH A PARENT
20 OR GUARDIAN, WITH OR WITHOUT ASSISTANCE FROM ANOTHER PERSON,
21 SELECTS AN ADOPTIVE PARENT FOR A CHILD AND TRANSFERS PHYSICAL
22 CUSTODY OF THE CHILD TO THE PROSPECTIVE ADOPTIVE PARENT.

23 (M) "FORMAL PLACEMENT" MEANS SELECTION OF AN ADOPTIVE PARENT
24 FOR A CHILD AND TRANSFER OF PHYSICAL CUSTODY OF THE CHILD TO THE
25 PROSPECTIVE ADOPTIVE PARENT THAT IS APPROVED BY THE COURT UNDER
26 SECTION 51.

1 (N) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
2 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

3 (O) ~~(j)~~ "Petitioner" means the ~~person~~ INDIVIDUAL or
4 ~~persons~~ INDIVIDUALS who file an adoption petition with the
5 court.

6 (P) "PLACEMENT" MEANS A FORMAL PLACEMENT OR A TEMPORARY
7 PLACEMENT.

8 (Q) ~~(k)~~ "Release" means a duly executed document in which
9 all parental rights over a specific child are voluntarily relin-
10 quished to the department or to a child placing agency.

11 ~~(l)~~ "Stepparent" means a person who adopts a child + of
12 whose parents is the adopting person's spouse.

13 (R) "SUITABLE TO BE A PARENT OF AN ADOPTEE" MEANS A CONCLU-
14 SION THAT THERE IS NO SPECIFIC CONCERN RAISED WITH RESPECT TO AN
15 INDIVIDUAL THAT WOULD SUGGEST THAT PLACEMENT OF ANY CHILD, OR A
16 PARTICULAR CHILD, IN THE HOME OF THE INDIVIDUAL WOULD POSE A RISK
17 OF HARM TO THE PHYSICAL OR PSYCHOLOGICAL WELL-BEING OF THE CHILD.

18 (S) "TEMPORARY PLACEMENT" MEANS SELECTION OF AN ADOPTIVE
19 PARENT FOR A CHILD AND TRANSFER OF PHYSICAL CUSTODY OF THE CHILD
20 TO THE PROSPECTIVE ADOPTIVE PARENT THAT OCCURS PRIOR TO COURT
21 APPROVAL UNDER SECTION 51 AND THAT MEETS THE REQUIREMENTS OF SEC-
22 TION 23D.

23 (T) ~~(m)~~ "Within the fifth degree by marriage, blood, or
24 adoption" means any of the following relationships: parent,
25 step-parent, grandparent, step-grandparent, brother,
26 step-brother, sister, step-sister, uncle, step-uncle, aunt,
27 step-aunt, first cousin, step-first cousin, great aunt,

1 step-great aunt, great uncle, step-great uncle, great
 2 grandparent, step-great grandparent, first cousin once removed,
 3 step-first cousin once removed, great great grandparent,
 4 step-great great grandparent, great great uncle, step-great great
 5 uncle, great great aunt, step-great great aunt, great great great
 6 grandparent, or step-great great great grandparent.

7 SEC. 23A. (1) A PARENT OR GUARDIAN HAVING LEGAL AND PHYSI-
 8 CAL CUSTODY OF A CHILD MAY DIRECTLY PLACE A CHILD FOR ADOPTION BY
 9 MAKING A TEMPORARY PLACEMENT UNDER SECTION 23D OR A FORMAL PLACE-
 10 MENT UNDER SECTION 51. A TEMPORARY PLACEMENT BECOMES A FORMAL
 11 PLACEMENT WHEN THE COURT ORDERS THE TERMINATION OF THE RIGHTS OF
 12 PARENTS OR PERSONS IN LOCO PARENTIS AND APPROVES PLACEMENT PURSU-
 13 ANT TO SECTION 51. A FORMAL PLACEMENT UNDER SECTION 51 DOES NOT
 14 HAVE TO BE PRECEDED BY A TEMPORARY PLACEMENT.

15 (2) A PARENT OR GUARDIAN SHALL PERSONALLY SELECT A PROSPEC-
 16 TIVE ADOPTIVE PARENT IN A DIRECT PLACEMENT. THE SELECTION SHALL
 17 NOT BE DELEGATED, BUT A PARENT OR GUARDIAN MAY OBTAIN ASSISTANCE
 18 FROM ANOTHER PERSON IN LOCATING OR EVALUATING A PROSPECTIVE ADOP-
 19 TIVE PARENT, SUBJECT TO THE LIMITATIONS OF SECTIONS 54 AND 55.

20 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), INFORMATION ABOUT
 21 A PROSPECTIVE ADOPTIVE PARENT SHALL BE PROVIDED TO A PARENT OR
 22 GUARDIAN BY THE PROSPECTIVE ADOPTIVE PARENT, THE PROSPECTIVE
 23 ADOPTIVE PARENT'S ATTORNEY, OR A PERSON ASSISTING THE PARENT OR
 24 GUARDIAN. THIS INFORMATION SHALL INCLUDE THE SPECIFIC INFORMA-
 25 TION CONTAINED IN A PREPLACEMENT ASSESSMENT AS REQUIRED BY SEC-
 26 TION 23F, AND MAY INCLUDE ADDITIONAL INFORMATION REQUESTED BY THE
 27 PARENT OR GUARDIAN. THE INFORMATION DOES NOT HAVE TO INCLUDE

1 IDENTIFYING INFORMATION DESCRIBED IN SECTION 27(3). THE PARENT
2 OR GUARDIAN AND THE PROSPECTIVE ADOPTIVE PARENT SHALL DETERMINE
3 WHETHER TO EXCHANGE IDENTIFYING INFORMATION AND WHETHER TO MEET
4 EACH OTHER.

5 (4) A PREPLACEMENT ASSESSMENT IS NOT REQUIRED WHEN A PARENT
6 OR GUARDIAN PLACES A CHILD DIRECTLY WITH AN INDIVIDUAL WHO IS
7 RELATED TO THE CHILD WITHIN THE FIFTH DEGREE BY MARRIAGE, BLOOD,
8 OR ADOPTION.

9 SEC. 23B. (1) A CHILD PLACING AGENCY OR THE DEPARTMENT THAT
10 ACQUIRES LEGAL AND PHYSICAL CUSTODY OF A CHILD PURSUANT TO SEC-
11 TION 29 OR CHAPTER XIIA MAY FORMALLY PLACE A CHILD FOR ADOPTION
12 UNDER SECTION 51. A CHILD PLACING AGENCY THAT ACQUIRES WRITTEN
13 AUTHORIZATION PURSUANT TO SUBSECTION (5) FROM THE PARENT OR
14 GUARDIAN HAVING LEGAL CUSTODY OF A CHILD MAY MAKE A TEMPORARY
15 PLACEMENT OF THE CHILD UNDER SECTION 23D.

16 (2) A CHILD PLACING AGENCY SHALL GIVE ANY INDIVIDUAL WHO
17 INQUIRES ABOUT ITS SERVICES A WRITTEN STATEMENT INCLUDING ALL OF
18 THE FOLLOWING INFORMATION:

19 (A) TYPES OF CHILDREN TO BE PLACED.

20 (B) ELIGIBILITY REQUIREMENTS FOR ADOPTIVE FAMILIES.

21 (C) SERVICES PROVIDED DURING THE ADOPTION PROCESS.

22 (D) PROCEDURE FOR SELECTING A PROSPECTIVE ADOPTIVE PARENT
23 FOR A CHILD, INCLUDING THE ROLE OF THE CHILD'S PARENT OR GUARDIAN
24 IN THE SELECTION PROCESS.

25 (E) POST-RELEASE AND POST-FINALIZATION SERVICES PROVIDED, IF
26 ANY.

1 (F) A SCHEDULE OF ANY FEE CHARGED BY THE AGENCY FOR ITS
2 SERVICES.

3 (3) IN AN AGENCY PLACEMENT, A CHILD PLACING AGENCY OR THE
4 DEPARTMENT MAY INVOLVE THE PARENT OR GUARDIAN OF A CHILD IN THE
5 SELECTION OF AN ADOPTIVE PARENT AND MAY FACILITATE THE EXCHANGE
6 OF IDENTIFYING INFORMATION OR MEETINGS BETWEEN A BIRTH PARENT AND
7 AN ADOPTIVE PARENT.

8 (4) A CHILD PLACING AGENCY MAY ASSIST A PARENT OR GUARDIAN
9 TO MAKE A DIRECT PLACEMENT UNDER SECTION 23A.

10 (5) A PARENT OR GUARDIAN HAVING LEGAL AND PHYSICAL CUSTODY
11 OF A CHILD MAY, IN A WRITTEN DOCUMENT SIGNED BY A WITNESS AND BY
12 THE PARENT OR GUARDIAN IN THE PRESENCE OF THE WITNESS, AUTHORIZE
13 A CHILD PLACING AGENCY TO MAKE A TEMPORARY PLACEMENT OF THE CHILD
14 UNDER SECTION 23D. IF THE PARENT OF THE CHILD BEING TEMPORARILY
15 PLACED IS AN UNEMANCIPATED MINOR, THE AUTHORIZATION IS NOT VALID
16 UNLESS IT IS ALSO SIGNED IN THE PRESENCE OF THE WITNESS BY A
17 PARENT OR GUARDIAN OF THAT MINOR PARENT.

18 SEC. 23C. A COURT THAT ACQUIRES LEGAL AND PHYSICAL CUSTODY
19 OF A CHILD PURSUANT TO CHAPTER XIIA MAY FORMALLY PLACE A CHILD
20 FOR ADOPTION UNDER SECTION 51.

21 SEC. 23D. (1) IN A DIRECT PLACEMENT, A PARENT OR GUARDIAN
22 WITH LEGAL AND PHYSICAL CUSTODY OF A CHILD MAY MAKE A TEMPORARY
23 PLACEMENT OF THE CHILD AS PRESCRIBED BY THIS SECTION. IN AN
24 AGENCY PLACEMENT, A CHILD PLACING AGENCY WITH WRITTEN AUTHORIZA-
25 TION FROM THE PARENT OR GUARDIAN PURSUANT TO SECTION 23B(5) MAY
26 MAKE A TEMPORARY PLACEMENT OF THE CHILD AS PRESCRIBED BY THIS

1 SECTION. A TEMPORARY PLACEMENT SHALL MEET ALL OF THE FOLLOWING
2 REQUIREMENTS:

3 (A) THE PROSPECTIVE ADOPTIVE PARENT WITH WHOM A CHILD IS
4 TEMPORARILY PLACED IS A MICHIGAN RESIDENT.

5 (B) THE PARENT, GUARDIAN, OR REPRESENTATIVE OF THE CHILD
6 PLACING AGENCY SIGNS, IN THE PRESENCE OF AN INDIVIDUAL DESCRIBED
7 IN SUBSECTION (2), WHO ALSO SIGNS AS A WITNESS, A STATEMENT EVI-
8 DENCING THE TRANSFER OF PHYSICAL CUSTODY. IF THE PARENT OF THE
9 CHILD BEING TEMPORARILY PLACED IS AN UNEMANCIPATED MINOR, THE
10 STATEMENT IS NOT VALID UNLESS IT IS ALSO SIGNED IN THE PRESENCE
11 OF THE INDIVIDUAL DESCRIBED IN SUBSECTION (2) BY A PARENT OR
12 GUARDIAN OF THAT MINOR PARENT. THE STATEMENT SHALL CONTAIN ALL
13 OF THE FOLLOWING:

14 (i) THAT THE TRANSFER IS FOR THE PURPOSE OF ADOPTION BY THE
15 PROSPECTIVE ADOPTIVE PARENT WHO IS A MICHIGAN RESIDENT.

16 (ii) THAT THE PERSON MAKING THE TRANSFER HAS READ A PRE-
17 PLACEMENT ASSESSMENT OF THE PROSPECTIVE ADOPTIVE PARENT COMPLETED
18 OR UPDATED WITHIN 6 MONTHS BEFORE THE DATE OF THE TRANSFER WITH A
19 FINDING THAT THE PROSPECTIVE ADOPTIVE PARENT IS SUITABLE TO BE
20 THE PARENT OF AN ADOPTEE.

21 (iii) THE NAME AND ADDRESS OF THE OTHER PARENT OF THE CHILD
22 IF ONLY 1 PARENT IS MAKING THE TEMPORARY PLACEMENT, AND IN THE
23 CASE OF A CHILD BORN OUT OF WEDLOCK, THE NAME AND THE ADDRESS OF
24 THE PUTATIVE FATHER OF THE CHILD, IF KNOWN.

25 (C) THE PROSPECTIVE ADOPTIVE PARENT SIGNS, IN THE PRESENCE
26 OF AN INDIVIDUAL DESCRIBED IN SUBSECTION (2), WHO ALSO SIGNS AS A
27 WITNESS, A DOCUMENT ATTESTING TO THE FOLLOWING:

1 (i) THAT THE PROSPECTIVE ADOPTIVE PARENT UNDERSTANDS THAT
2 THE PLACEMENT IS SUBJECT TO PARENTAL CONSENT OR RELEASE, TERMINA-
3 TION OF PARENTAL RIGHTS, AND COURT APPROVAL.

4 (ii) THAT THE PROSPECTIVE ADOPTIVE PARENT AGREES TO RESIDE
5 WITH THE CHILD IN MICHIGAN UNTIL A CHANGE OF RESIDENCE IS
6 APPROVED BY THE COURT AFTER FORMAL PLACEMENT OCCURS.

7 (iii) IN THE CASE OF A TEMPORARY PLACEMENT BY A PARENT OR
8 GUARDIAN, THAT THE PROSPECTIVE ADOPTIVE PARENT WILL REPORT TO THE
9 COURT DESCRIBED IN SUBSECTION (3) WITHIN 30 DAYS AFTER THE TRANS-
10 FER WHETHER 1 OF THE FOLLOWING HAS OCCURRED:

11 (A) A PETITION FOR ADOPTION OF THE CHILD HAS BEEN FILED.

12 (B) THE CHILD HAS BEEN RETURNED TO A PARENT OR OTHER PERSON
13 HAVING LEGAL CUSTODY.

14 (D) IN THE CASE OF A TEMPORARY PLACEMENT BY A CHILD PLACING
15 AGENCY, AN AUTHORIZED REPRESENTATIVE OF THE CHILD PLACING AGENCY
16 SIGNS, IN THE PRESENCE OF AN INDIVIDUAL DESCRIBED IN SUBSECTION
17 (2), WHO ALSO SIGNS AS A WITNESS, A DOCUMENT ATTESTING THAT THE
18 CHILD PLACING AGENCY WILL REPORT TO THE COURT DESCRIBED IN SUB-
19 SECTION (3) WITHIN 30 DAYS AFTER THE TRANSFER WHETHER 1 OF THE
20 FOLLOWING DISPOSITIONS HAS OCCURRED:

21 (i) A PETITION FOR ADOPTION OF THE CHILD HAS BEEN FILED.

22 (ii) THE CHILD HAS BEEN RETURNED TO THE AGENCY OR TO A
23 PARENT OR OTHER PERSON HAVING LEGAL CUSTODY.

24 (2) THE DOCUMENTS REQUIRED FOR A TEMPORARY PLACEMENT UNDER
25 SUBSECTION (1) SHALL BE WITNESSED BY 1 OF THE FOLLOWING:

26 (A) AN EMPLOYEE OF A HOSPITAL.

1 (B) AN ATTENDING PRACTITIONER.

2 (C) A PROBATE COURT REGISTER.

3 (D) AN ATTORNEY.

4 (E) AN EMPLOYEE OF A CHILD PLACING AGENCY.

5 (3) NOT LATER THAN 48 HOURS AFTER A TRANSFER PURSUANT TO
6 SUBSECTION (1) THE INDIVIDUAL WHO WITNESSES THE DOCUMENTS
7 REQUIRED UNDER SUBSECTION (1) SHALL SUBMIT TO THE COURT IN THE
8 COUNTY IN WHICH THE PROSPECTIVE ADOPTIVE PARENT RESIDES A REPORT
9 THAT CONTAINS ALL OF THE FOLLOWING:

10 (A) THE DATE OF THE TRANSFER.

11 (B) THE NAME AND ADDRESS OF THE PARENT OR GUARDIAN WHO MADE
12 THE TEMPORARY PLACEMENT.

13 (C) THE NAME AND ADDRESS OF THE PROSPECTIVE ADOPTIVE PARENT
14 WITH WHOM THE TEMPORARY PLACEMENT WAS MADE.

15 (D) THE NAME AND ADDRESS OF THE OTHER PARENT, IF ONLY 1
16 PARENT MADE THE TEMPORARY PLACEMENT, AND IN THE CASE OF A CHILD
17 BORN OUT OF WEDLOCK, THE NAME OF THE PUTATIVE FATHER, IF KNOWN.

18 (E) THE DOCUMENTS REQUIRED UNDER SUBSECTION (1) (B), (C),
19 AND (D).

20 (4) IF THE COURT HAS NOT RECEIVED THE REPORT REQUIRED UNDER
21 SUBSECTION (1)(C)(iii) OR SUBSECTION (1)(D) WITHIN 45 DAYS AFTER
22 THE TRANSFER OF A CHILD, THE PROBATE REGISTER SHALL IMMEDIATELY
23 INVESTIGATE AND DETERMINE WHETHER AN ADOPTION PETITION HAS BEEN
24 FILED OR THE CHILD HAS BEEN RETURNED TO A PARENT OR OTHER PERSON
25 HAVING LEGAL CUSTODY. IF NEITHER DISPOSITION HAS OCCURRED, THE
26 PROBATE REGISTER SHALL IMMEDIATELY REPORT TO THE PROSECUTOR, WHO
27 SHALL IMMEDIATELY FILE A PETITION IN THE COURT DESCRIBED IN

1 SUBSECTION (3) FOR DISPOSITION OF THE CHILD PURSUANT TO
2 SECTION 23E.

3 (5) IF A PROSPECTIVE ADOPTIVE PARENT WITH WHOM A CHILD HAS
4 BEEN TEMPORARILY PLACED REFUSES TO RETURN THE CHILD TO THE PARENT
5 OR GUARDIAN WHO PLACED THE CHILD UPON THAT PARENT'S OR GUARDIAN'S
6 REQUEST, THE PARENT OR GUARDIAN MAY FILE A PETITION IN THE COURT
7 DESCRIBED IN SUBSECTION (3) FOR RETURN OF THE CHILD TO THE
8 PARENT'S OR GUARDIAN'S CUSTODY PURSUANT TO SECTION 23E.

9 (6) IF A PROSPECTIVE ADOPTIVE PARENT WITH WHOM A CHILD HAS
10 BEEN TEMPORARILY PLACED IS EITHER UNWILLING OR UNABLE TO PROCEED
11 WITH THE ADOPTION, THE PROSPECTIVE ADOPTIVE PARENT MAY FILE A
12 PETITION IN THE COURT DESCRIBED IN SUBSECTION (3) FOR DISPOSITION
13 OF THE CHILD PURSUANT TO SECTION 23E.

14 (7) IF A CHILD PLACING AGENCY THAT TEMPORARILY PLACED A
15 CHILD IS UNABLE TO PROCEED WITH AN ADOPTION BECAUSE OF THE
16 UNAVAILABILITY OR UNWILLINGNESS OF A PARENT OR GUARDIAN TO EXE-
17 CUTE A RELEASE, OR IF A CHILD PLACING AGENCY WITH LEGAL CUSTODY
18 OF A CHILD DECIDES NOT TO PROCEED WITH THE ADOPTION BY A PROSPEC-
19 TIVE ADOPTIVE PARENT WITH WHOM THE CHILD HAS BEEN TEMPORARILY
20 PLACED AND THE PROSPECTIVE ADOPTIVE PARENT REFUSES UPON THE
21 AGENCY'S REQUEST TO RETURN THE CHILD TO THE AGENCY, THE CHILD
22 PLACING AGENCY MAY FILE A PETITION IN THE COURT DESCRIBED IN
23 SUBSECTION (3) FOR DISPOSITION OF THE CHILD PURSUANT TO SECTION
24 23E.

25 (8) EXCEPT AS OTHERWISE AGREED TO BY THE PARTIES, THE PRO-
26 SPECTIVE ADOPTIVE PARENT WITH WHOM A CHILD IS TEMPORARILY PLACED

1 UNDER THIS SECTION MAY CONSENT TO ALL MEDICAL, SURGICAL,
2 PSYCHOLOGICAL, EDUCATIONAL, AND RELATED SERVICES FOR THE CHILD.

3 (9) A HOSPITAL OR ATTENDING PRACTITIONER SHALL NOT RELEASE A
4 CHILD TO AN INDIVIDUAL OR AGENCY NOT OTHERWISE LEGALLY ENTITLED
5 TO THE PHYSICAL CUSTODY OF THE CHILD UNLESS ALL OF THE REQUIRE-
6 MENTS OF SUBSECTION (1) ARE MET.

7 SEC. 23E. (1) UPON THE FILING OF A PETITION BY THE PROSECU-
8 TOR PURSUANT TO SECTION 23D(4), BY A PARENT OR GUARDIAN PURSUANT
9 TO SECTION 23D(5), BY A PROSPECTIVE ADOPTIVE PARENT PURSUANT TO
10 SECTION 23D(6), OR BY A CHILD PLACING AGENCY PURSUANT TO SECTION
11 23D(7), THE COURT SHALL HOLD A HEARING TO DETERMINE THE CUSTODY
12 OF A CHILD FOR WHOM A TEMPORARY PLACEMENT HAS BEEN MADE.

13 (2) IF UPON HEARING THE MATTER THE COURT DETERMINES THAT THE
14 PARENT OR GUARDIAN WISHES THE RETURN OF THE CHILD AND THE
15 PARENT'S OR GUARDIAN'S RIGHTS TO THE CHILD HAVE NOT BEEN TERMI-
16 NATED, THE COURT SHALL ORDER THE CHILD TO BE RETURNED TO THE
17 PARENT OR GUARDIAN WITH LEGAL CUSTODY UNLESS THE COURT PROCEEDS
18 UNDER SUBSECTION (3).

19 (3) THE COURT MAY APPOINT AN ATTORNEY TO REPRESENT THE CHILD
20 OR REFER THE MATTER TO THE DEPARTMENT FOR THE FILING OF A PETI-
21 TION ON BEHALF OF THE CHILD REQUESTING THE COURT TO TAKE JURIS-
22 DICTION UNDER SECTION 2(B) OF CHAPTER XIIA. IF A PETITION HAS
23 NOT BEEN FILED WITHIN 14 DAYS AFTER THE HEARING UNDER THIS SEC-
24 TION, THE COURT SHALL ORDER THE RETURN OF THE CHILD TO THE PARENT
25 OR GUARDIAN WITH LEGAL CUSTODY. DURING THE PERIOD BEFORE THE
26 PETITION IS FILED AND A PRELIMINARY HEARING IS HELD OR THE RETURN
27 OF CUSTODY IS ORDERED, THE COURT MAY BY EX PARTE ORDER MAKE A

1 TEMPORARY DISPOSITION APPROPRIATE FOR THE WELFARE OF THE CHILD AS
2 AUTHORIZED BY SECTION 18 OF CHAPTER XIIA.

3 (4) SUBJECT TO SUBSECTION (2), THE COURT MAY APPOINT A
4 GUARDIAN UNDER THE REVISED PROBATE CODE, ACT NO. 642 OF THE
5 PUBLIC ACTS OF 1978, BEING SECTIONS 700.1 TO 700.993 OF THE
6 MICHIGAN COMPILED LAWS, PURSUANT TO A PETITION FILED BY THE PRO-
7 SPECTIVE ADOPTIVE PARENT OR ANOTHER INDIVIDUAL INTERESTED IN THE
8 WELFARE OF THE CHILD, OR MAKE A TEMPORARY DISPOSITION APPROPRIATE
9 FOR THE WELFARE OF THE CHILD AS AUTHORIZED BY SECTION 18 OF CHAP-
10 TER XIIA UNTIL AN ORDER OF GUARDIANSHIP IS ENTERED.

11 (5) THE COURT MAY ORDER THE RETURN OF A CHILD TO A CHILD
12 PLACING AGENCY THAT HAS OBTAINED LEGAL CUSTODY OF THE CHILD.

13 (6) THE COURT MAY APPOINT A GUARDIAN AD LITEM FOR THE CHILD
14 OR FOR A MINOR PARENT OF THE CHILD.

15 (7) THIS ACT PROVIDES THE EXCLUSIVE REMEDY FOR ALL CIVIL
16 CUSTODY DISPUTES ARISING OUT OF A TEMPORARY PLACEMENT.

17 SEC. 23F. (1) AN INDIVIDUAL SEEKING TO ADOPT MAY REQUEST AT
18 ANY TIME THAT A PREPLACEMENT ASSESSMENT BE PREPARED BY ANY OF THE
19 FOLLOWING INVESTIGATORS:

20 (A) AN EMPLOYEE OF A CHILD PLACING AGENCY WHO IS QUALIFIED
21 TO MAKE PREPLACEMENT ASSESSMENTS.

22 (B) AN INDIVIDUAL WITH EXPERIENCE IN ADOPTION MATTERS WHO IS
23 A PSYCHIATRIST, PSYCHOLOGIST, MARRIAGE AND FAMILY COUNSELOR, PRO-
24 FESSIONAL COUNSELOR, OR SOCIAL WORKER CERTIFIED BY THE MICHIGAN
25 BOARD OF SOCIAL WORK EXAMINERS AND WHO IS APPROVED BY THE COURT.

1 (2) AN INDIVIDUAL REQUESTING A PREPLACEMENT ASSESSMENT NEED
2 NOT HAVE LOCATED A PROSPECTIVE ADOPTEE WHEN THE REQUEST IS MADE
3 OR WHEN THE ASSESSMENT IS COMPLETED.

4 (3) AN INDIVIDUAL MAY HAVE MORE THAN 1 PREPLACEMENT ASSESS-
5 MENT OR MAY REQUEST THAT AN ASSESSMENT, ONCE INITIATED, NOT BE
6 COMPLETED.

7 (4) IF AN INDIVIDUAL IS SEEKING TO ADOPT A CHILD FROM A PAR-
8 TICULAR AGENCY, THE AGENCY MAY REQUIRE THE INDIVIDUAL TO BE
9 ASSESSED BY ITS OWN EMPLOYEE, EVEN IF THE INDIVIDUAL HAS ALREADY
10 HAD A FAVORABLE PREPLACEMENT ASSESSMENT COMPLETED BY ANOTHER
11 INVESTIGATOR LISTED IN SUBSECTION (1).

12 (5) A PREPLACEMENT ASSESSMENT SHALL BE BASED UPON A PERSONAL
13 INTERVIEW AND VISIT AT THE RESIDENCE OF THE INDIVIDUAL BEING
14 ASSESSED, PERSONAL INTERVIEWS OF OTHERS WHO KNOW THE INDIVIDUAL,
15 AND REPORTS RECEIVED PURSUANT TO THIS SUBSECTION. THE ASSESSMENT
16 SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION ABOUT THE INDIVID-
17 UAL BEING ASSESSED:

18 (A) AGE, NATIONALITY, RACE OR ETHNICITY, AND ANY RELIGIOUS
19 PREFERENCE.

20 (B) MARITAL AND FAMILY STATUS AND HISTORY, INCLUDING THE
21 PRESENCE OF OTHER CHILDREN IN THE HOUSEHOLD.

22 (C) PHYSICAL AND MENTAL HEALTH, INCLUDING ANY HISTORY OF
23 ADDICTION TO ALCOHOL OR DRUGS.

24 (D) EDUCATIONAL AND EMPLOYMENT HISTORY AND ANY SPECIAL
25 SKILLS AND INTERESTS.

1 (E) PROPERTY AND INCOME, INCLUDING OUTSTANDING FINANCIAL
2 OBLIGATIONS AS INDICATED IN A CURRENT FINANCIAL REPORT PROVIDED
3 BY THE INDIVIDUAL.

4 (F) REASON FOR WANTING TO ADOPT.

5 (G) ANY PREVIOUS REQUEST FOR AN ASSESSMENT OR INVOLVEMENT IN
6 AN ADOPTIVE PLACEMENT AND THE OUTCOME OF THE ASSESSMENT OR
7 PLACEMENT.

8 (H) WHETHER THE INDIVIDUAL HAS EVER BEEN THE RESPONDENT IN A
9 DOMESTIC VIOLENCE PROCEEDING OR A PROCEEDING CONCERNING A CHILD
10 WHO WAS ALLEGEDLY ABUSED, DEPENDENT, DEPRIVED, NEGLECTED, ABAN-
11 DONED, OR DELINQUENT, AND THE OUTCOME OF THE PROCEEDING.

12 (I) WHETHER THE INDIVIDUAL HAS EVER BEEN CONVICTED OF A
13 CRIME.

14 (J) WHETHER THE INDIVIDUAL HAS LOCATED A PARENT INTERESTED
15 IN PLACING A CHILD WITH THE INDIVIDUAL FOR ADOPTION AND A BRIEF
16 DESCRIPTION OF THE PARENT AND THE CHILD.

17 (K) ANY FACT OR CIRCUMSTANCE THAT RAISES A SPECIFIC CONCERN
18 ABOUT THE SUITABILITY OF THE INDIVIDUAL AS AN ADOPTIVE PARENT,
19 INCLUDING THE QUALITY OF THE ENVIRONMENT IN THE HOME, THE FUNC-
20 TIONING OF OTHER CHILDREN IN THE HOUSEHOLD, AND ANY ASPECT OF THE
21 INDIVIDUAL'S FAMILIAL, SOCIAL, PSYCHOLOGICAL, OR FINANCIAL CIR-
22 CUMSTANCES THAT MAY BE RELEVANT TO A DETERMINATION THAT THE INDI-
23 VIDUAL IS NOT SUITABLE. A SPECIFIC CONCERN IS ONE THAT SUGGESTS
24 THAT PLACEMENT OF ANY CHILD, OR A PARTICULAR CHILD, IN THE HOME
25 OF THE INDIVIDUAL WOULD POSE A RISK OF HARM TO THE PHYSICAL OR
26 PSYCHOLOGICAL WELL-BEING OF THE CHILD.

1 (6) THE INVESTIGATOR SHALL REQUIRE AN INDIVIDUAL BEING
2 ASSESSED TO BE FINGERPRINTED AND SHALL SECURE FROM AN APPROPRIATE
3 LAW ENFORCEMENT AGENCY ANY CRIMINAL RECORD THAT INDICATES THE
4 INDIVIDUAL WAS CONVICTED OF A CRIME.

5 (7) A PREPLACEMENT ASSESSMENT SHALL CONTAIN A LIST OF THE
6 SOURCES OF INFORMATION ON WHICH IT IS BASED. IF THE INVESTIGATOR
7 CONCLUDES THAT AN INDIVIDUAL IS NOT SUITABLE TO BE AN ADOPTIVE
8 PARENT, THE CONCLUSION SHALL BE SUPPORTED BY A WRITTEN ACCOUNT OF
9 HOW 1 OR MORE SPECIFIC CONCERNS POSE A RISK TO THE PHYSICAL OR
10 PSYCHOLOGICAL WELL-BEING OF ANY CHILD OR A PARTICULAR CHILD. IF
11 THE CONCLUSION OF A PREPLACEMENT ASSESSMENT REGARDING THE SUITA-
12 BILITY OF THE INDIVIDUAL DIFFERS FROM THE CONCLUSION IN A PRIOR
13 ASSESSMENT, THE INVESTIGATOR SHALL EXPLAIN AND JUSTIFY THE
14 DIFFERENCE.

15 (8) AN INDIVIDUAL WHO RECEIVES A PREPLACEMENT ASSESSMENT
16 WITH A CONCLUSION OF UNSUITABILITY MAY SEEK A REVIEW OF THE
17 ASSESSMENT BY THE COURT AFTER FILING AN ADOPTION PETITION. THE
18 COURT MAY ORDER AN EMPLOYEE OF THE COURT OR THE DEPARTMENT TO
19 MAKE AN INVESTIGATION AND REPORT TO THE COURT BEFORE THE
20 HEARING. IF, AT THE HEARING, THE COURT FINDS BY CLEAR AND CON-
21 VINING EVIDENCE THAT THE CONCLUSION OF UNSUITABILITY IS NOT JUS-
22 TIFIED, THE PARENT OR GUARDIAN WITH LEGAL CUSTODY OF THE CHILD
23 MAY PLACE THE CHILD WITH THAT INDIVIDUAL. IF THE COURT DETER-
24 MINES THAT THE CONCLUSION OF UNSUITABILITY IS JUSTIFIED, IT SHALL
25 ORDER THAT THE CHILD SHALL NOT BE PLACED WITH THE INDIVIDUAL.

26 Sec. 24. (1) If a person desires to adopt a child or an
27 adult and to bestow upon the adoptee his OR HER family name, or

1 to adopt a child or an adult without a change of name, with the
2 intent to make the adoptee his OR HER heir, that person, together
3 with his wife or her husband, if married, shall file a petition
4 with the probate court of the county in which the petitioner
5 resides or where the adoptee is found.

6 (2) The petition for adoption shall be verified by each
7 petitioner and shall contain the following information:

8 (a) The name, date and place of birth, and place of resi-
9 dence of each petitioner, including the maiden name of the adopt-
10 ing mother.

11 (b) The name, date and place of birth, and place of resi-
12 dence if known of the adoptee.

13 (c) The relationship, if any, of the adoptee to the
14 petitioner.

15 (d) The full name by which the adoptee shall be known after
16 adoption.

17 (e) The full description of the property, if any, of the
18 adoptee.

19 (f) ~~The~~ UNLESS THE RIGHTS OF THE PARENTS HAVE BEEN TERMI-
20 NATED BY A COURT OF COMPETENT JURISDICTION OR EXCEPT AS OTHERWISE
21 PROVIDED IN SUBSECTION (5), THE names of the parents of the
22 adoptee, and the ~~address~~ PLACE OF RESIDENCE of each living
23 parent if known. ~~, except that the names and addresses of the~~
24 ~~parents may be omitted if the rights of the parents have been~~
25 ~~terminated by a court of competent jurisdiction.~~

1 (g) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5),
2 THE name and ~~address~~ PLACE OF RESIDENCE of the guardian of the
3 person or estate of the adoptee, if any has been appointed.

4 (3) THE PETITIONER SHALL ATTACH TO THE PETITION AN AFFIDAVIT
5 CERTIFYING THAT THE PETITIONER HAS BEEN INFORMED OF THE AVAIL-
6 ABILITY OF COUNSELING SERVICES AND WHETHER THE PETITIONER HAS
7 RECEIVED COUNSELING.

8 (4) IN A DIRECT PLACEMENT, THE PETITIONER SHALL ATTACH
9 COPIES OF ALL PREPLACEMENT ASSESSMENTS OF THE PETITIONER.

10 (5) IN A DIRECT PLACEMENT IN WHICH THE PARTIES HAVE ELECTED
11 NOT TO EXCHANGE IDENTIFYING INFORMATION, THE INFORMATION REQUIRED
12 BY SUBSECTION (2)(F) AND (G) AND THE SURNAME AND PLACE OF RESI-
13 DENCE OF THE ADOPTEE REQUIRED UNDER SUBSECTION (2)(B) MAY BE
14 OMITTED. A PERSON ASSISTING IN THE ADOPTION SHALL FILE AN AFFI-
15 DAVIT CONTAINING THE OMITTED INFORMATION.

16 Sec. 24a. (1) Interested parties in a petition for adoption
17 include ~~— but shall not be limited to —~~ ALL OF THE FOLLOWING:

18 (a) The petitioner.

19 (b) The adoptee, if over 14 years of age.

20 (c) A minor parent, adult parent, or surviving parent of a
21 minor adoptee, unless:

22 (i) The rights of the parent have been terminated by a court
23 of competent jurisdiction.

24 (ii) A guardian of the adoptee, with specific authority to
25 consent to adoption, has been appointed.

26 (iii) A guardian of the parent, with specific authority to
27 consent to adoption, has been appointed.

1 (iv) The rights of the parent have been released.

2 (v) The parent has consented to the granting of the
3 petition.

4 (d) The department or a child placing agency to which the
5 adoptee has been, or for purposes of subsection ~~(2)~~ (3) is pro-
6 posed to be, released or committed by an order of the juvenile
7 division of the probate court.

8 (e) A parent, guardian, or guardian ad litem of an unemanci-
9 pated minor parent of the adoptee.

10 (f) The juvenile division of the probate court with per-
11 manent custody of the adoptee.

12 (g) A court with continuing jurisdiction over the adoptee.

13 (h) A child placing agency of another state or country
14 ~~which~~ THAT has authority to consent to adoption.

15 (i) The guardian or guardian ad litem of an interested
16 party.

17 (2) Interested parties in a petition for a hearing to iden-
18 tify the father of ~~a child~~ AN ADOPTEE and to determine or ter-
19 minate his rights include ~~, but shall not be limited to~~ ALL OF
20 THE FOLLOWING:

21 (a) The persons set forth in subsection (1).

22 (b) A putative father of the ~~child~~ ADOPTEE.

23 (3) Interested parties in a proceeding relating to the exe-
24 cution of a voluntary release include ~~, but shall not be limited~~
25 ~~to~~ ALL OF THE FOLLOWING:

26 (a) The adoptee, if over 5 years of age.

1 (b) The department or a child placing agency to which the
2 adoptee is proposed to be released.

3 (c) The person executing the release of parental rights.

4 (4) INTERESTED PARTIES IN A HEARING RELATED TO TEMPORARY
5 PLACEMENT INCLUDE ALL OF THE FOLLOWING:

6 (A) THE PARENT OR GUARDIAN WHO MADE OR AUTHORIZED THE TEMPO-
7 RARY PLACEMENT.

8 (B) THE PARENT OR GUARDIAN OF AN UNEMANCIPATED MINOR PARENT
9 OF THE ADOPTEE.

10 (C) A CHILD PLACING AGENCY THAT WAS AUTHORIZED UNDER
11 SECTION 23B(5) TO MAKE THE TEMPORARY PLACEMENT.

12 (D) IF ONLY 1 PARENT MADE OR AUTHORIZED THE TEMPORARY PLACE-
13 MENT, THE OTHER PARENT, AND EACH PUTATIVE FATHER OF THE ADOPTEE.

14 (E) THE PROSPECTIVE ADOPTIVE PARENT WITH WHOM TEMPORARY
15 PLACEMENT WAS MADE.

16 (F) THE PROSECUTOR WHO FILED A PETITION UNDER
17 SECTION 23D(4).

18 (5) ~~-(4)-~~ The court shall not appoint a guardian of the
19 adoptee or of a parent solely for the purpose of defeating that
20 parent's status as an interested party under this section.

21 Sec. 28. (1) Subject to this section and section 29, a
22 release shall be executed:

23 (a) By each parent of a child to be adopted or the surviving
24 parent, except under the following circumstances:

25 (i) The rights of the parent have been terminated by a court
26 of competent jurisdiction.

1 (ii) A guardian of the child has been appointed.

2 (iii) A guardian of a parent has been appointed.

3 (b) By the ~~duly~~ authorized representative of a child plac-
4 ing agency to whom the child has been committed by an order of
5 the juvenile division of the probate court.

6 (c) By the ~~duly~~ authorized representative of the child
7 placing agency to whom the child has been released.

8 (d) By the guardian of the child, SUBJECT TO SUBSECTION (3),
9 if a guardian has been appointed.

10 (e) By the guardian of a parent, SUBJECT TO SUBSECTION (4),
11 IF A GUARDIAN HAS BEEN APPOINTED.

12 ~~(2) A release by a parent shall be executed only after the~~
13 ~~department or child placing agency has provided that parent with~~
14 ~~a list of adoption support groups.~~

15 (2) ~~(3)~~ If the parent of the child to be adopted is an
16 unemancipated minor, that parent's release is not valid unless a
17 parent, guardian, or guardian ad litem of that minor parent has
18 also executed the release.

19 (3) ~~(4)~~ The guardian of the child to be adopted may not
20 execute a release of the child pursuant to subsection (1) unless
21 the guardian has first obtained authority to execute the release
22 from the court which appointed the guardian.

23 (4) ~~(5)~~ The guardian of a parent may not execute a release
24 of the parent's child pursuant to subsection (1) unless the
25 guardian has first obtained authority to execute the release from
26 the court which appointed the guardian. Such a release shall

1 have the same effect as if the release were executed by the
2 parent.

3 (5) ~~(6)~~ A release shall be given only to a child placing
4 agency or to the department.

5 (6) ~~(7)~~ Before the department arranges a release from a
6 parent or guardian, a representative of the department shall
7 advise the parent or guardian about child placing agencies serv-
8 ing the county and, upon the parent's or guardian's request,
9 shall refer the parent or guardian to a child placing agency.
10 After the release of a child by a parent or guardian to the
11 department, the department shall advise the child placing agen-
12 cies serving the county that the child is available for
13 adoption.

14 (7) ~~(8) Where~~ IF a child was released for adoption or com-
15 mitted to a child placing agency, that agency may release that
16 child to the department and the department shall accept the
17 release.

18 (8) ~~(9)~~ Upon release of a child to the department pursuant
19 to this section, the child ~~shall become~~ BECOMES a state ward.

20 (9) ~~(10)~~ Where applicable under this section, proof of the
21 termination of parental rights, release of parental rights,
22 appointment, authorization, or commitment shall accompany the
23 release.

24 Sec. 29. (1) Except as otherwise provided in this section,
25 a release shall be by a separate instrument executed before a
26 judge of probate or before a referee of the court. THE RELEASE
27 HEARING SHALL BE HELD WITHIN 7 DAYS AFTER IT IS REQUESTED. If a

1 parent's or guardian's release is executed before a judge or
2 referee as provided in this subsection, a verbatim record of tes-
3 timony related to execution of the release shall be made.

4 (2) If the person from whom a release is required is in the
5 armed services or is in prison, the release may be executed and
6 acknowledged before ~~a person~~ AN INDIVIDUAL authorized by law to
7 administer oaths.

8 (3) If the release is to be given by a duly authorized rep-
9 resentative of a child placing agency which has jurisdiction of
10 the child to be adopted, the release may be executed and acknowl-
11 edged before ~~a person~~ AN INDIVIDUAL authorized by law to admin-
12 ister oaths.

13 (4) If the release is executed in another state or country,
14 the court having jurisdiction over the adoption proceeding in
15 this state shall determine whether the release was executed in
16 accordance with the laws of that state or country OR THE LAWS OF
17 THIS STATE and shall not proceed unless it finds that the release
18 was so executed.

19 (5) A RELEASE BY A PARENT OR GUARDIAN SHALL BE ACCOMPANIED
20 BY A VERIFIED STATEMENT SIGNED BY THE PARENT OR GUARDIAN THAT
21 CONTAINS ALL OF THE FOLLOWING:

22 (A) THAT THE PARENT OR GUARDIAN HAS RECEIVED A LIST OF ADOP-
23 TION SUPPORT GROUPS, AND, IF THE RELEASE IS TO A CHILD PLACING
24 AGENCY, A COPY OF THE STATEMENT REQUIRED UNDER SECTION 23B(2).

25 (B) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT HE OR SHE
26 MAY RECEIVE PSYCHOLOGICAL COUNSELING AND WHETHER THE PARENT OR
27 GUARDIAN HAS RECEIVED SUCH COUNSELING.

1 (C) THAT THE PARENT OR GUARDIAN HAS NOT RECEIVED OR BEEN
2 PROMISED ANY MONEY OR ANYTHING OF VALUE FOR THE RELEASE OF THE
3 CHILD, EXCEPT FOR LAWFUL PAYMENTS THAT ARE ITEMIZED ON A SCHEDULE
4 FILED WITH THE RELEASE.

5 (D) THAT THE VALIDITY AND FINALITY OF THE RELEASE IS NOT
6 AFFECTED BY ANY COLLATERAL OR SEPARATE AGREEMENT BETWEEN THE
7 PARENT OR GUARDIAN AND THE AGENCY OR THE PARENT OR GUARDIAN AND
8 THE PROSPECTIVE ADOPTIVE PARENT.

9 (E) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT IT SERVES
10 THE WELFARE OF THE CHILD FOR THE PARENT TO KEEP THE CHILD PLACING
11 AGENCY OR DEPARTMENT INFORMED OF ANY HEALTH PROBLEMS THAT THE
12 PARENT DEVELOPS WHICH COULD AFFECT THE CHILD.

13 (F) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT IT SERVES
14 THE WELFARE OF THE CHILD FOR THE PARENT OR GUARDIAN TO KEEP HIS
15 OR HER ADDRESS CURRENT WITH THE CHILD PLACING AGENCY OR DEPART-
16 MENT IN ORDER TO PERMIT A RESPONSE TO ANY INQUIRY CONCERNING MED-
17 ICAL OR SOCIAL HISTORY FROM AN ADOPTIVE PARENT OF A MINOR ADOPTEE
18 OR FROM AN ADOPTEE WHO IS 18 YEARS OF AGE OR OLDER.

19 (6) ~~-(5)-~~ A release by a parent or a guardian of the child
20 shall not be executed until after such investigation as the court
21 deems proper and until after the judge, referee, or other
22 ~~person~~ INDIVIDUAL authorized in subsection (2) has fully
23 explained to the parent or guardian the legal rights of the
24 parent or guardian and the fact that the parent or guardian by
25 virtue of the release voluntarily relinquishes permanently his or
26 her rights to the child; and, if the child is over 5 years of

1 age, the court has determined that the child is best served by
2 the release.

3 (7) ~~-(6)-~~ Upon the release of a child by a parent or guardi-
4 an, the court immediately shall issue an order terminating the
5 rights of that parent or guardian to that child. If the rights
6 of both parents, the surviving parent, or the guardian have been
7 terminated, the court shall issue an order committing the child
8 to the child placing agency or department to which the release
9 was given.

10 (8) ~~-(7)-~~ The court shall authorize foster care funding
11 pending expiration of the period of appeal or rehearing as pro-
12 vided in sections 64 and 65 of this chapter, and pending disposi-
13 tion of any appeal or rehearing, for all persons committed to a
14 child placing agency. Foster care funding authorized under this
15 subsection shall exclude the administrative costs of the child
16 placing agency. The costs of foster care shall be paid through
17 the use of the child care fund as provided by section 117c of Act
18 No. 280 of the Public Acts of 1939, as amended, being section
19 400.117c of the Michigan Compiled Laws, or by any successor
20 statute. When foster care funding is authorized pursuant to this
21 subsection, the court shall send a copy of the order to the
22 department. Upon receiving a copy of this order, the department
23 shall reimburse the court child care fund of the county where the
24 court order for foster care funding was made in the total amount
25 of the court ordered payment. The reimbursement shall be made
26 monthly.

1 (9) ~~-(8)-~~ Entry of an order terminating the rights of both
2 parents pursuant to subsection ~~-(6)-~~ (7) shall terminate the
3 jurisdiction of the circuit court over the child in any divorce
4 or separate maintenance action.

5 (10) ~~-(9)-~~ Upon petition of the same person or persons who
6 executed the release and of the department or child placing
7 agency to which the child was released, the court with which the
8 release was filed may grant a hearing to consider whether the
9 release should be revoked. A release may not be revoked if the
10 child has been FORMALLY placed for adoption unless the child is
11 placed pursuant to section 41(2) of this chapter and a petition
12 for rehearing or claim of appeal is filed within the time
13 required. A verbatim record of testimony related to a petition
14 to revoke a release shall be made.

15 Sec. 31. (1) If a child is born out of wedlock and the
16 release or consent of the ~~natural~~ BIOLOGICAL father cannot be
17 obtained, the child shall not be FORMALLY placed for adoption
18 until the parental rights of the father are terminated by the
19 court as provided in section 37 or 39 of this chapter, by the
20 court pursuant to chapter ~~-12a-~~ XIIIA, or by a court of competent
21 jurisdiction in another state or country.

22 (2) Pending the termination or other disposition of the
23 rights of the father of a child born out of wedlock, the mother
24 may execute a release terminating her rights to the child. If
25 the mother releases the child, the child placing agency or
26 department to which the child is released may file a petition of
27 dependency or neglect pursuant to chapter ~~-12a-~~ XIIIA. Pending

1 disposition of the dependency or neglect petition, the court may
2 enter an order authorizing temporary care of the child.

3 (3) At the request of the mother, her formal execution of a
4 release or consent shall be delayed until after court determina-
5 tion of the status of the putative father's request for custody
6 of the child.

7 Sec. 41. (1) ~~—A—~~ EXCEPT AS PROVIDED IN SECTION 23D, A child
8 shall not be placed in a home for the purpose of adoption until
9 an order terminating parental rights has been entered pursuant to
10 this chapter or chapter XIIIA AND THE COURT HAS FORMALLY APPROVED
11 PLACEMENT UNDER SECTION 51. After an order terminating parental
12 rights has been entered, the court shall enter any appropriate
13 orders pursuant to sections 45, 46, and 51 of this chapter. Such
14 orders shall not be withheld because the period specified for a
15 rehearing or an appeal as of right has not expired, or because of
16 the pendency of any rehearing or appeal as of right.

17 (2) If an order terminating parental rights is entered pur-
18 suant to this chapter or chapter XIIIA, the child may be FORMALLY
19 placed in a home for the purpose of adoption during the period
20 specified for a rehearing or an appeal as of right and the period
21 during which a rehearing or appeal as of right is pending. When
22 a child placing agency, the court, or the department FORMALLY
23 places a child pursuant to this subsection, it shall inform the
24 person or persons in whose home the child is placed that an adop-
25 tion will not be ordered until 1 of the following occurs:

26 (a) The petition for rehearing is granted, at the rehearing
27 the order terminating parental rights is not modified or set

1 aside, and subsequently the period for appeal as of right to the
2 court of appeals has expired without an appeal being filed.

3 (b) The petition for rehearing is denied and the period for
4 appeal as of right to the court of appeals has expired without an
5 appeal being filed.

6 (c) There is a decision of the court of appeals affirming
7 the order terminating parental rights.

8 (3) This section shall not be construed to prevent a child
9 ~~placed~~ RESIDING in a licensed foster home from being adopted by
10 the foster parent or parents.

11 (4) This section ~~shall~~ DOES not apply if the petitioner
12 for adoption is married to a parent having legal custody of the
13 child.

14 Sec. 43. (1) Subject to this section and sections 44 and 51
15 of this chapter, consent to adoption of a child shall be
16 executed:

17 (a) By each parent of a child to be adopted or the surviving
18 parent, except under the following circumstances:

19 (i) The rights of the parent have been terminated by a court
20 of competent jurisdiction.

21 (ii) The child has been released for the purpose of adoption
22 to a child placing agency or to the department.

23 (iii) A guardian of the child has been appointed.

24 (iv) A guardian of a parent has been appointed.

25 ~~(v) The child is not related to the petitioner within the~~
26 ~~fifth degree by marriage, blood, or adoption.~~

1 (v) ~~(vi)~~ A parent having legal custody of the child is
2 married to the petitioner.

3 (b) By the ~~duly~~ authorized representative of the depart-
4 ment or of a child placing agency to whom the child has been per-
5 manently committed by an order of the juvenile division of the
6 probate court.

7 (c) By the juvenile division of the probate court having
8 permanent custody of the child.

9 (d) By the ~~duly~~ authorized representative of the depart-
10 ment or of a child placing agency to whom the child has been
11 released.

12 (e) By the guardian of the child, SUBJECT TO SUBSECTION (5),
13 if a guardian has been appointed.

14 (f) By the guardian of a parent, SUBJECT TO SUBSECTION (6),
15 IF A GUARDIAN HAS BEEN APPOINTED.

16 (g) By the authorized representative of a child placing
17 agency of another state or country which has authority to consent
18 to adoption.

19 (2) If the child to be adopted is over 14 years of age, that
20 child's consent ~~shall be~~ IS necessary before the court may
21 enter an order of adoption.

22 (3) If the ~~person~~ INDIVIDUAL to be adopted is an adult,
23 ~~that person's~~ THE INDIVIDUAL'S consent ~~shall be~~ IS necessary
24 before the court may enter an order of adoption, but consent by
25 any other ~~person~~ INDIVIDUAL is not required.

26 (4) If the parent of the child to be adopted is an
27 unemancipated minor, that parent's consent is not valid unless a

1 parent, guardian, or guardian ad litem of that minor parent has
2 also executed the consent.

3 (5) The guardian of the child to be adopted shall not exe-
4 cute a consent to that child's adoption pursuant to subsection
5 (1) unless the guardian has first obtained authority to execute
6 the consent from the court which appointed the guardian.

7 (6) The guardian of a parent shall not execute a consent to
8 the adoption of the parent's child pursuant to subsection (1)
9 unless the guardian has first obtained authority to execute the
10 consent from the court which appointed the guardian. The consent
11 shall have the same effect as if the consent were executed by the
12 parent.

13 ~~(7) The parent of a child shall not execute a consent~~
14 ~~unless the petitioner is related to the child within the fifth~~
15 ~~degree by marriage, blood, or adoption.~~

16 (7) ~~(8)~~ If the petitioner for adoption is married to the
17 parent having legal custody of the child and that parent has
18 joined the petitioner in filing the petition for adoption, that
19 parent shall not execute a consent to the adoption. The consent
20 of the parent who does not have legal custody of the child and
21 whose parental rights have not been terminated shall be executed
22 before the court may enter an order of adoption under section 56
23 of this chapter.

24 Sec. 44. (1) Except as otherwise provided in this section,
25 the consent required by section 43 of this chapter shall be by a
26 separate instrument executed before the judge of probate having
27 jurisdiction or, at the court's direction, before another judge

1 of probate in this state. A consent may be executed before a
2 referee of the probate court. THE CONSENT HEARING SHALL BE HELD
3 WITHIN 7 DAYS AFTER IT IS REQUESTED. If the consent of a parent
4 or guardian is executed before a judge or referee as provided in
5 this subsection, a verbatim record of testimony related to execu-
6 tion of the consent shall be made.

7 (2) If the ~~person~~ INDIVIDUAL whose consent is required is
8 in any of the armed services or is in prison, the consent may be
9 executed and acknowledged before any ~~person~~ INDIVIDUAL autho-
10 rized by law to administer oaths.

11 (3) If the child to be adopted is legally a ward of the
12 department or of a child placing agency, the consent required to
13 be made under section 43 of this chapter by the ~~duly~~ authorized
14 representative of the department or agency may be executed and
15 acknowledged before ~~a person~~ AN INDIVIDUAL authorized by law to
16 administer oaths.

17 (4) If the consent is executed in another state or country,
18 the court having jurisdiction over the adoption proceeding in
19 this state shall determine whether the consent was executed in
20 accordance with the laws of that state or country OR THE LAWS OF
21 THIS STATE and shall not proceed unless it finds that the consent
22 was so executed.

23 (5) A CONSENT BY A PARENT OR GUARDIAN SHALL BE ACCOMPANIED
24 BY A VERIFIED STATEMENT SIGNED BY THE PARENT OR GUARDIAN THAT
25 CONTAINS ALL OF THE FOLLOWING:

1 (A) THAT THE PARENT OR GUARDIAN HAS RECEIVED A LIST OF
2 ADOPTION SUPPORT GROUPS, AND IF BEING ASSISTED BY A CHILD PLACING
3 AGENCY, A COPY OF THE STATEMENT REQUIRED UNDER SECTION 23B(2).

4 (B) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT HE OR SHE
5 MAY RECEIVE PSYCHOLOGICAL COUNSELING AND WHETHER THE PARENT OR
6 GUARDIAN HAS RECEIVED SUCH COUNSELING.

7 (C) THAT THE PARENT OR GUARDIAN HAS NOT RECEIVED OR BEEN
8 PROMISED ANY MONEY OR ANYTHING OF VALUE FOR THE CONSENT TO ADOPT-
9 TION OF THE CHILD, EXCEPT FOR LAWFUL PAYMENTS THAT ARE ITEMIZED
10 ON A SCHEDULE FILED WITH THE CONSENT.

11 (D) THAT THE VALIDITY AND FINALITY OF THE CONSENT IS NOT
12 AFFECTED BY ANY COLLATERAL OR SEPARATE AGREEMENT BETWEEN THE
13 PARENT OR GUARDIAN AND THE ADOPTIVE PARENT.

14 (E) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT IT SERVES
15 THE WELFARE OF THE CHILD FOR THE PARENT TO KEEP THE CHILD PLACING
16 AGENCY OR COURT INFORMED OF ANY HEALTH PROBLEMS THAT THE PARENT
17 DEVELOPS WHICH COULD AFFECT THE CHILD.

18 (F) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT IT SERVES
19 THE WELFARE OF THE CHILD FOR THE PARENT OR GUARDIAN TO KEEP HIS
20 OR HER ADDRESS CURRENT WITH THE CHILD PLACING AGENCY OR COURT IN
21 ORDER TO PERMIT A RESPONSE TO ANY INQUIRY CONCERNING MEDICAL OR
22 SOCIAL HISTORY FROM AN ADOPTIVE PARENT OF A MINOR ADOPTEE OR FROM
23 AN ADOPTEE WHO IS 18 YEARS OR OLDER.

24 (6) ~~-(5)-~~ If a parent's consent to adoption is required
25 under section 43 of this chapter or if a guardian's consent is
26 required pursuant to section 43(1)(e) of this chapter, the
27 consent shall not be executed until after such investigation as

1 the court deems proper and until after the judge, referee, or
2 other ~~person~~ INDIVIDUAL authorized in subsection (2) has fully
3 explained to the parent or guardian the legal rights of the
4 parent or guardian and the fact that the parent or guardian by
5 virtue of the consent voluntarily relinquishes permanently his or
6 her rights to the child.

7 (7) ~~(6)~~ If the adoptee's consent to adoption is required
8 under section 43, ~~of this chapter,~~ the consent shall not be
9 executed until after such investigation as the court deems proper
10 and until after the judge or referee has fully explained to the
11 adoptee the fact that he or she is consenting to acquire per-
12 manently the adopting parent or parents as his or her legal
13 parent or parents as though the adoptee had been born to the
14 adopting parent or parents.

15 Sec. 46. (1) ~~In an adoption proceeding~~ UPON THE FILING OF
16 AN ADOPTION PETITION, the court shall direct a full investigation
17 by an employee or agent of the court, a child placing agency,
18 ~~or~~ the department, OR THE INVESTIGATOR WHO MADE THE PREPLACE-
19 MENT ASSESSMENT PURSUANT TO SECTION 23F. THE COURT MAY USE THE
20 PREPLACEMENT ASSESSMENT REQUIRED UNDER SECTION 23D AND MAY ORDER
21 AN ADDITIONAL INVESTIGATION. The following shall be considered in
22 the investigation:

23 (a) The best interests of the adoptee.

24 (b) The adoptee's family background, including names and
25 identifying data regarding the parent or parents, if obtainable.

26 (c) The reasons for the adoptee's placement away from his or
27 her parent or parents.

1 (2) A written report of the investigation shall be filed
2 within 3 months of the order for investigation.

3 Sec. 51. (1) Not later than 14 days after receipt of the
4 report of investigation, except as provided in subsections (2)
5 and (5), the judge of probate shall examine the report and shall
6 enter an order terminating the rights of the child's parent or
7 parents, if there was a parental consent, or the rights of any
8 person in loco parentis, if there was a consent by other than
9 parents, AND APPROVE PLACEMENT OF THE CHILD WITH THE PETITIONER
10 if the judge is satisfied as to both of the following:

11 (a) The genuineness of consent to the adoption and the legal
12 authority of the person or persons signing the consent.

13 (b) The best interests of the adoptee will be served by the
14 adoption.

15 (2) If it is necessary to hold a hearing before entering an
16 order terminating the rights of a parent, parents, or a person in
17 loco parentis, or if other good cause is shown, the time speci-
18 fied in subsection (1) shall be extended for an additional 14-day
19 period.

20 (3) Upon entry of an order terminating rights of parents or
21 persons in loco parentis, a child shall be a ward of the court
22 and a consent to adoption executed pursuant to section 43 of this
23 chapter shall not thereafter be withdrawn. Entry of the order
24 shall terminate the jurisdiction of the circuit court over the
25 child in a divorce or separate maintenance action. If the peti-
26 tioner for adoption is married to the parent having legal custody

1 of the child, the child shall not be made a ward of the court
2 after termination of the rights of the other parent.

3 (4) Without making the child a ward of the court, the court
4 may ~~authorize~~ APPROVE placement of a child if the child is
5 placed for adoption in this state by a public or licensed private
6 agency of another state or country and if the law of the sending
7 state or country prohibits the giving of consent to adoption at
8 the time of placement. Before FORMAL placement of the child in
9 that instance, the sending agency shall tender evidence as the
10 court requires to demonstrate that the agency possesses the nec-
11 essary authority to consent to the adoption at the time of entry
12 of the final order of adoption. After the sending agency has
13 given evidence of its ability to consent, the agency shall not do
14 anything to jeopardize its ability to grant the required consent
15 before entry of the final order of adoption. After the sending
16 agency gives its consent for the adoption, that consent shall not
17 be withdrawn.

18 (5) If a parent having legal custody of the child is married
19 to the petitioner for adoption, the judge of probate shall not
20 enter an order terminating the rights of that parent.

21 (6) If the parents of a child are divorced, or if the par-
22 ents are unmarried but the father has acknowledged paternity or
23 is a putative father who meets the conditions in section 39(2) of
24 this chapter, and if the parent having legal custody of the child
25 subsequently marries and that parent's spouse petitions to adopt
26 the child, the court upon notice and hearing may issue an order

1 terminating the rights of the other parent if both of the
2 following occur:

3 (a) The other parent, having the ability to support, or
4 assist in supporting, the child, has failed or neglected to pro-
5 vide regular and substantial support for the child or if a sup-
6 port order has been entered, has failed to substantially comply
7 with the order, for a period of 2 years or more before the filing
8 of the petition.

9 (b) The other parent, having the ability to visit, contact,
10 or communicate with the child, has regularly and substantially
11 failed or neglected to do so for a period of 2 years or more
12 before the filing of the petition.

13 (7) Unless otherwise ordered by the court, the prospective
14 adoptive parents with whom a child is FORMALLY placed pursuant to
15 a court order APPROVING PLACEMENT under this section may consent
16 to all medical, surgical, psychological, educational, and related
17 services for the child.

18 Sec. 52. During the period before entry of the order of
19 adoption, the child shall be supervised at the direction of the
20 court by an employee or agent of the court, a child placing
21 agency, ~~or~~ the department, THE INVESTIGATOR WHO MADE THE PRE-
22 PLACEMENT ASSESSMENT REQUIRED UNDER SECTION 23D, OR ANY OTHER
23 INDIVIDUAL QUALIFIED UNDER SECTION 23F TO MAKE AN ASSESSMENT, who
24 shall make such reports regarding the adjustment of the child in
25 the home as the court shall order. The investigations shall be
26 made under reasonable circumstances and at reasonable intervals.

1 Sec. 54. (1) Except for charges and fees approved by the
2 court, a person shall not ~~offer, give, or receive~~ PAY OR GIVE,
3 OFFER TO PAY OR GIVE, OR REQUEST, RECEIVE, OR ACCEPT any money or
4 other consideration or thing of value, DIRECTLY OR INDIRECTLY, in
5 connection with any of the following: ~~—~~

6 (a) The placing of a child for adoption.

7 (b) The registration, recording, or communication of the
8 existence of a child available for adoption or the existence of
9 ~~a person~~ AN INDIVIDUAL interested in adopting a child.

10 (c) A release.

11 (d) A consent.

12 (e) A petition.

13 ~~(2) Before the entry of the final order of adoption, the~~
14 ~~petitioner shall file with the court a sworn statement describing~~
15 ~~money or other consideration or thing of value paid to or~~
16 ~~exchanged by any party in the adoption proceeding, including~~
17 ~~anyone consenting to the adoption or adopting the adoptee, any~~
18 ~~relative of a party or of the adoptee, any physician, attorney,~~
19 ~~social worker or member of the clergy, and any other person, cor-~~
20 ~~poration, association, or other organization. The court shall~~
21 ~~approve or disapprove fees and expenses. Acceptance or retention~~
22 ~~of amounts in excess of those approved by the court constitutes a~~
23 ~~violation of this section.~~

24 (2) AN ADOPTIVE PARENT, OR A PERSON ACTING ON BEHALF OF AN
25 ADOPTIVE PARENT, MAY PAY THE REASONABLE AND ACTUAL CHARGE FOR ALL
26 OF THE FOLLOWING:

1 (A) THE SERVICES OF A CHILD PLACING AGENCY IN CONNECTION
2 WITH AN ADOPTION.

3 (B) MEDICAL, HOSPITAL, NURSING, PHARMACEUTICAL, OR OTHER
4 SIMILAR EXPENSES INCURRED BY A MOTHER OR HER CHILD IN CONNECTION
5 WITH THE BIRTH OR ANY ILLNESS OF THE ADOPTEE.

6 (C) COUNSELING SERVICES FOR A PARENT OR THE ADOPTEE.

7 (D) LIVING EXPENSES OF A MOTHER BEFORE THE BIRTH OF THE
8 CHILD AND FOR NO MORE THAN 6 WEEKS AFTER THE BIRTH.

9 (E) EXPENSES INCURRED IN ASCERTAINING THE INFORMATION
10 REQUIRED UNDER THIS CHAPTER ABOUT AN ADOPTEE AND THE ADOPTEE'S
11 BIOLOGICAL FAMILY.

12 (F) LEGAL FEES CHARGED FOR CONSULTATION AND LEGAL ADVICE,
13 PREPARATION OF PAPERS AND REPRESENTATION AND OTHER LEGAL SERVICES
14 RENDERED IN CONNECTION WITH AN ADOPTION PROCEEDING, INCLUDING
15 LEGAL SERVICES PERFORMED FOR A BIOLOGICAL PARENT, AND NECESSARY
16 COSTS FOR OR IN AN ADOPTION PROCEEDING.

17 (G) TRAVELING EXPENSES OR OTHER EXPENSES NECESSITATED BY THE
18 ADOPTION.

19 (H) PREPARATION OF THE PREPLACEMENT ASSESSMENT AND ANY ADDI-
20 TIONAL INVESTIGATION ORDERED PURSUANT TO SECTION 46.

21 (I) ANY OTHER SERVICE APPROVED BY THE COURT UNDER THIS
22 SECTION.

23 (3) A PAYMENT AUTHORIZED BY SUBSECTION (2) SHALL NOT BE MADE
24 CONTINGENT ON THE PLACEMENT OF THE CHILD FOR ADOPTION, RELEASE OF
25 THE CHILD, CONSENT TO THE ADOPTION, OR COOPERATION IN THE COMPLE-
26 TION OF THE ADOPTION. IF THE ADOPTION IS NOT COMPLETED, AN

1 INDIVIDUAL WHO HAS MADE PAYMENTS AUTHORIZED BY SUBSECTION (2) MAY
2 NOT RECOVER THEM.

3 (4) AT LEAST 21 DAYS BEFORE THE ENTRY OF THE FINAL ORDER OF
4 ADOPTION, THE FOLLOWING DOCUMENTS SHALL BE FILED WITH THE COURT:

5 (A) A VERIFIED ACCOUNTING SIGNED BY THE PETITIONER ITEMIZING
6 ALL PAYMENTS OR DISBURSEMENTS OF MONEY OR ANYTHING OF VALUE MADE
7 OR AGREED TO BE MADE BY OR ON BEHALF OF THE PETITIONER IN CONNEC-
8 TION WITH THE ADOPTION. THE ACCOUNTING SHALL INCLUDE THE DATE
9 AND AMOUNT OF EACH PAYMENT OR DISBURSEMENT MADE, THE NAME AND
10 ADDRESS OF EACH RECIPIENT, AND THE PURPOSE OF EACH PAYMENT OR
11 DISBURSEMENT. RECEIPTS SHALL BE ATTACHED TO THE ACCOUNTING.

12 (B) AN AFFIDAVIT OF THE ATTORNEY FOR EACH PETITIONER ITEMIZ-
13 ING THE SERVICES AND ANY FEE, COMPENSATION, OR OTHER THING OF
14 VALUE RECEIVED BY, OR AGREED TO BE PAID TO, THE ATTORNEY FOR, OR
15 INCIDENTAL TO, THE PLACEMENT AND ADOPTION OF THE CHILD.

16 (C) AN AFFIDAVIT OF THE ATTORNEY FOR EACH PARENT OF THE
17 ADOPTEE ITEMIZING THE SERVICES AND ANY FEE, COMPENSATION, OR
18 OTHER THING OF VALUE RECEIVED BY, OR AGREED TO BE PAID TO, THE
19 ATTORNEY FOR, OR INCIDENTAL TO, THE PLACEMENT AND ADOPTION OF THE
20 CHILD.

21 (D) IN A PLACEMENT BY A CHILD PLACING AGENCY, AN AFFIDAVIT
22 OF THE CHILD PLACING AGENCY ITEMIZING THE SERVICES AND ANY FEE,
23 COMPENSATION, OR OTHER THING OF VALUE RECEIVED BY, OR AGREED TO
24 BE PAID TO, THE AGENCY FOR, OR INCIDENTAL TO, THE PLACEMENT AND
25 ADOPTION OF THE CHILD.

26 (5) ~~-(3)-~~ To assure compliance with limitations imposed by
27 this section ~~—~~ AND SECTION 55 AND by section 14 of Act No. 116

1 of the Public Acts of 1973, being section 722.124 of the Michigan
2 Compiled Laws, ~~and by section 4 of Act No. 263 of the Public~~
3 ~~Acts of 1913, as amended, being section 331.404 of the Michigan~~
4 ~~Compiled Laws,~~ the court may require sworn testimony from per-
5 sons who were involved in any way in informing, notifying,
6 exchanging information, identifying, locating, assisting, or in
7 any other way participating in the contracts or arrangements
8 which, directly or indirectly, led to placement of the ~~person~~
9 INDIVIDUAL for adoption.

10 (6) THE COURT SHALL APPROVE OR DISAPPROVE ALL FEES AND
11 EXPENSES. ACCEPTANCE OR RETENTION OF AMOUNTS IN EXCESS OF THOSE
12 APPROVED BY THE COURT CONSTITUTES A VIOLATION OF THIS SECTION.

13 (7) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
14 MEANOR FOR THE FIRST VIOLATION, AND OF A FELONY FOR EACH SUBSE-
15 QUENT VIOLATION. THE COURT MAY ENJOIN FROM FURTHER VIOLATIONS
16 ANY PERSON WHO VIOLATES THIS SECTION.

17 SEC. 55. (1) A PERSON OTHER THAN A PERSON SPECIFIED IN SEC-
18 TIONS 23A TO 23C SHALL NOT PLACE A CHILD FOR ADOPTION OR SOLICIT
19 BIOLOGICAL PARENTS OR GUARDIANS OF POTENTIAL ADOPTEES OR POTEN-
20 TIAL ADOPTIVE PARENTS FOR THE PURPOSES OF ADOPTION. A PERSON WHO
21 VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
22 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN
23 \$100.00, OR BOTH, FOR THE FIRST VIOLATION, AND OF A FELONY PUN-
24 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF
25 NOT MORE THAN \$2,000.00 FOR EACH SUBSEQUENT VIOLATION. THE COURT
26 MAY ENJOIN FROM FURTHER VIOLATIONS ANY PERSON WHO VIOLATES THIS
27 SECTION.

1 (2) A PERSON MAY ASSIST A PARENT OR GUARDIAN IN LOCATING OR
2 EVALUATING A POTENTIAL ADOPTIVE PARENT AND IN TRANSFERRING LEGAL
3 AND PHYSICAL CUSTODY OF AN ADOPTEE TO THE ADOPTIVE PARENT. A
4 PERSON MAY ASSIST A POTENTIAL ADOPTIVE PARENT IN LOCATING OR
5 EVALUATING A PARENT OR GUARDIAN AND AN ADOPTEE AND IN TRANSFER-
6 RING LEGAL AND PHYSICAL CUSTODY OF AN ADOPTEE TO THE ADOPTIVE
7 PARENT.

8 SEC. 55A. AN ATTORNEY OR LAW FIRM SHALL NOT SERVE AS THE
9 ATTORNEY FOR, OR PROVIDE LEGAL SERVICES TO, BOTH A PARENT OR
10 GUARDIAN AND A PROSPECTIVE ADOPTIVE PARENT.