

# HOUSE BILL No. 5759

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

A bill to amend section 56 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,"

as amended by Act No. 72 of the Public Acts of 1982, being section 710.56 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 56 of chapter X of Act No. 288 of the  
2 Public Acts of 1939, as amended by Act No. 72 of the Public Acts  
3 of 1982, being section 710.56 of the Michigan Compiled Laws, is  
4 amended to read as follows:

## 5 CHAPTER X

6 Sec. 56. (1) ~~One year~~ SIX MONTHS after ~~the entry of an~~  
7 ~~order terminating rights~~ FORMAL PLACEMENT pursuant to ~~this~~  
8 ~~chapter~~ SECTION 51, unless the court determines that circum-  
9 stances have arisen which make adoption undesirable, the court  
10 may enter an order of adoption. Upon the motion of the petition-  
11 er, the court may waive the ~~1 year~~ 6-MONTH period, or any por-  
12 tion of that period, if the waiver is in the best interests of  
13 the adoptee. If, after a hearing, the court finds that the best  
14 interests of the adoptee will be served thereby, it may extend  
15 the ~~1 year~~ 6-MONTH period for an additional period of time not  
16 exceeding ~~2 years~~ 18 MONTHS from the time of FORMAL placement  
17 for adoption. In an adoption proceeding for which an adoption  
18 order is not entered within ~~2 years~~ 18 MONTHS after FORMAL  
19 placement, the court shall hold a hearing and determine whether  
20 an order of adoption shall be entered or the petition denied. If  
21 a child is FORMALLY placed pursuant to section 41(2) of this  
22 chapter, the court may extend the ~~1 year~~ 6-MONTH period for an  
23 additional period, which may exceed ~~2 years~~ 18 MONTHS from the  
24 time of FORMAL placement, until an order for adoption may be  
25 entered under subsection (2).

1       (2) If a petition for rehearing or an appeal as of right  
2 from an order terminating parental rights has been filed, the  
3 court shall not order an adoption until 1 of the following  
4 occurs:

5       (a) The petition for rehearing is granted, and at the  
6 rehearing the order terminating parental rights is not modified  
7 or set aside, and subsequently the period for appeal as of right  
8 to the court of appeals has expired without an appeal being  
9 filed.

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

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

15       (3) If the person to be adopted is an adult, the court may  
16 enter an order of adoption after the filing required by section  
17 43(3) of this chapter and the filing of the written report of  
18 investigation required by section 46(2) of this chapter is made.