

ADOPTION FINALIZATION

House Bill 4736 as introduced
First Analysis (9-22-93)

Sponsor: Rep. Ted Wallace
Committee: Judiciary

THE APPARENT PROBLEM:

The adoption code provides for a supervisory period of one year following termination of parental rights before an adoption becomes final. The probate court may shorten or waive the period if it determines that the best interests of the child would be served, but typically this is done only if the adoptive parents are foster parents who have had the child in their care for some time. Many believe the year-long supervisory period to be unnecessarily long, especially considering that the adoptive parents have already been evaluated in a home study, and that the court has the authority to extend the supervisory period by an additional year. It has been proposed that the presumptive one-year period be shortened to six months.

THE CONTENT OF THE BILL:

The adoption code provides for a supervisory period of one year following termination of parental rights before an adoption becomes final. (However, the probate court may shorten or waive the period upon request from the prospective adoptive parent, if the court determines that the best interests of the child would be served.) The bill would shorten the supervisory period to six months after formal placement of the child. (As it may do now, the court could extend the period for up to a year following expiration of the usual supervisory period.)

MCL 710.56

FISCAL IMPLICATIONS:

With regard to an identical bill last session, the Department of Social Services (DSS) said that the bill would have no significant fiscal impact, but could reduce costs. (5-19-92)

ARGUMENTS:

For:

For most adoptions, a one-year supervisory period is unnecessary, and serves little purpose. Adoptive parents have already been scrutinized through an exhaustive home study, and the waiting period for finalization simply keeps the child in legal limbo and creates undue anxiety for the adoptive parents. The longer supervisory period may increase costs unnecessarily for adoptive parents paying for services provided by private agencies, for the DSS providing services for state wards, and for courts continuing to monitor an adoption.

Against:

With many placements, adoption services cease when an adoption is finalized. To have an adoption finalized at six months could mean the premature loss of services for many families. Such services can be important in making the adoption a success. According to one report, about five percent of adoptions fail in the first year; obviously, for some families that second six months can prove to be the critical period. To in addition make those families manage without needed support services could doom those adoptions to failure.

Response:

The court would continue to have the ability to order the supervisory period to be extended for an additional year, meaning that it could be a total of eighteen months between the time the child is placed in the adoptive home and the time the adoption is finalized. Further, many agencies continue to offer services after an adoption is finalized, and efforts are underway to improve the availability of post-adoption services. For example, the Department of Mental Health has received a three-year federal grant to develop and institutionalize post-adoption services in 25 counties.

POSITIONS:

Legislation such as the bill was recommended in the report of the Special Subcommittee on Adoption, issued March 19, 1992.

Right to Life of Michigan supports the bill. (9-21-93)

The Michigan Federation of Private Child and Family Agencies supports the concept of the bill. (9-22-93)

The following positions were provided on an identical bill (House Bill 5759) last session:

The Adoption Reform Movement of Michigan supports the concept of the bill. (5-19-92)

The Michigan Probate Judges Association participated in the development of legislation to streamline the process and supports legislation to facilitate adoptions. (5-19-92)

The Department of Social Services does not oppose the bill. (5-19-92)