

HOUSE BILL No. 4200

February 10, 1993, Introduced by Reps. Gubow, Gire, Freeman, DeMars, Baade, Yokich, Bobier, Leland, Dalman and McNutt 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 and 24a as amended by Act No. 247 of the Public Acts of 1992, sections 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 by Act No. 72 of the Public Acts of 1982, being sections 710.22, 710.24, 710.24a, 710.28, 710.29, 710.31, 710.41, 710.43, 710.44, 710.46, 710.51, 710.52, and 710.54 of the Michigan Compiled Laws; and to add sections 23a, 23b, 23c, 23d, 23e, 23f, 55, and 55a to chapter X.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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 and 24a as amended by Act No. 247 of the
4 Public Acts of 1992, sections 28 and 43 as amended by Act No. 175
5 of the Public Acts of 1990 and sections 29, 41, 44, 46, and 51 as
6 amended by Act No. 72 of the Public Acts of 1982, being sections
7 710.22, 710.24, 710.24a, 710.28, 710.29, 710.31, 710.41, 710.43,
8 710.44, 710.46, 710.51, 710.52, and 710.54 of the Michigan
9 Compiled Laws, are amended and sections 23a, 23b, 23c, 23d, 23e,
10 23f, 55, and 55a are added to chapter X to read as follows:

11 **CHAPTER X**

12 Sec. 22. As used in this chapter:

13 (a) "Adoptee" means the person who is to be adopted, regard-
14 less of whether the person is a child or an adult.

15 (b) "ADULT FORMER SIBLING" MEANS AN INDIVIDUAL WHO IS 18
16 YEARS OF AGE OR OLDER AND IS RELATED TO AN ADULT ADOPTEE EITHER
17 BIOLOGICALLY OR THROUGH ADOPTION BY AT LEAST 1 COMMON PARENT,
18 REGARDLESS OF WHETHER THE ADULT FORMER SIBLING EVER LIVED IN THE
19 SAME HOUSEHOLD AS THE ADULT ADOPTEE.

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

5 (D) "ATTENDING PRACTITIONER" MEANS A LICENSED PHYSICIAN OR A
6 REGISTERED PROFESSIONAL NURSE CERTIFIED AS A NURSE MIDWIFE BY THE
7 MICHIGAN BOARD OF NURSING.

8 (E) ~~(b)~~ "Best interests of the adoptee" or "best interests
9 of the child" means the sum total of the following factors to be
10 considered, evaluated, and determined by the court to be applied
11 to give the adoptee permanence at the earliest possible date:

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

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

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

1 (iv) The length of time the adoptee has lived in a stable,
2 satisfactory environment, and the desirability of maintaining
3 continuity.

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

7 (vi) The moral fitness of the adopting ~~person~~ INDIVIDUAL
8 or ~~persons~~ INDIVIDUALS or, IN THE CASE OF A HEARING UNDER SEC-
9 TION 39, of the putative father.

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

14 (viii) The home, school, and community record of the
15 adoptee.

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

19 (x) The ability and willingness of the adopting ~~person~~
20 INDIVIDUAL or ~~persons~~ INDIVIDUALS to adopt the adoptee's
21 siblings.

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

25 ~~(c) "Biological parent" means a person whose rights were~~
26 ~~terminated pursuant to this chapter or chapter XIIA.~~

1 (F) ~~(d)~~ "Born out of wedlock" means a child conceived and
2 born to a woman who was not married from the conception to the
3 date of birth of the child, or a child ~~which~~ WHOM the court has
4 determined to be a child born during a marriage but not the issue
5 of that marriage.

6 (G) "CENTRAL ADOPTION REGISTRY" MEANS THE REGISTRY ESTAB-
7 LISHED BY THE DEPARTMENT PURSUANT TO SECTION 27B TO CONTROL THE
8 RELEASE OF IDENTIFYING ADOPTION INFORMATION.

9 (H) "CERTIFIED ADOPTION SPECIALIST" MEANS AN INDIVIDUAL CER-
10 TIFIED BY THE DEPARTMENT PURSUANT TO SECTION 14B OF ACT NO. 116
11 OF THE PUBLIC ACTS OF 1973, BEING SECTION 722.124B OF THE
12 MICHIGAN COMPILED LAWS.

13 (I) ~~(e)~~ "Child" means ~~a person~~ AN INDIVIDUAL less than
14 18 years of age.

15 (J) ~~(f)~~ "Child placing agency" means a private organi-
16 zation licensed to place children for adoption.

17 (K) ~~(g)~~ "Consent" means a duly executed document in which
18 all parental rights over a specific child are voluntarily relin-
19 quished to the court for ~~adoptive~~ placement with ~~the~~
20 ~~petitioner~~ A SPECIFIC ADOPTIVE PARENT.

21 (L) ~~(h)~~ "Court" means the probate court of this state, and
22 when the context requires, the court having jurisdiction over
23 adoption in another state or country.

24 (M) ~~(i)~~ "Department" means the state department of social
25 services.

26 (N) "DIRECT PLACEMENT" MEANS A PLACEMENT IN WHICH A PARENT
27 OR GUARDIAN, WITH OR WITHOUT ASSISTANCE FROM ANOTHER PERSON,

1 SELECTS AN ADOPTIVE PARENT FOR A CHILD AND TRANSFERS PHYSICAL
2 CUSTODY OF THE CHILD TO THE PROSPECTIVE ADOPTIVE PARENT.

3 (O) "FORMAL PLACEMENT" MEANS SELECTION OF AN ADOPTIVE PARENT
4 FOR A CHILD AND TRANSFER OF PHYSICAL CUSTODY OF THE CHILD TO THE
5 PROSPECTIVE ADOPTIVE PARENT THAT IS APPROVED BY THE COURT UNDER
6 SECTION 51.

7 (P) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
8 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

9 (Q) ~~(J)~~ "Petitioner" means the ~~person~~ INDIVIDUAL or
10 ~~persons~~ INDIVIDUALS who file an adoption petition with the
11 court.

12 (R) "PLACEMENT" MEANS A FORMAL PLACEMENT OR A TEMPORARY
13 PLACEMENT.

14 (S) ~~(K)~~ "Release" means a duly executed document in which
15 all parental rights over a specific child are voluntarily relin-
16 quished to the department or to a child placing agency.

17 (T) ~~(L)~~ "Rescission petition" means a petition filed by an
18 adult adoptee and his or her parent whose rights have been termi-
19 nated to rescind the adoption in which a stepparent acquired
20 parental rights and to restore parental rights of that parent
21 pursuant to section 66.

22 (U) "SUITABLE TO BE A PARENT OF AN ADOPTEE" MEANS A CONCLU-
23 SION THAT THERE IS NO SPECIFIC CONCERN RAISED WITH RESPECT TO AN
24 INDIVIDUAL THAT WOULD SUGGEST THAT PLACEMENT OF ANY CHILD, OR A
25 PARTICULAR CHILD, IN THE HOME OF THE INDIVIDUAL WOULD POSE A RISK
26 OF HARM TO THE PHYSICAL OR PSYCHOLOGICAL WELL-BEING OF THE CHILD.

1 (V) "TEMPORARY PLACEMENT" MEANS SELECTION OF AN ADOPTIVE
 2 PARENT FOR A CHILD AND TRANSFER OF PHYSICAL CUSTODY OF THE CHILD
 3 TO THE PROSPECTIVE ADOPTIVE PARENT THAT OCCURS PRIOR TO COURT
 4 APPROVAL UNDER SECTION 51 AND THAT MEETS THE REQUIREMENTS OF SEC-
 5 TION 23D.

6 ~~(m) "Stepparent" means a person who adopts a child + of~~
 7 ~~whose parent is the adopting person's spouse.~~

8 (W) ~~(n)~~ "Within the fifth degree by marriage, blood, or
 9 adoption" means any of the following relationships: parent,
 10 step-parent, grandparent, step-grandparent, brother,
 11 step-brother, sister, step-sister, uncle, step-uncle, aunt,
 12 step-aunt, first cousin, step-first cousin, great aunt,
 13 step-great aunt, great uncle, step-great uncle, great grandpar-
 14 ent, step-great grandparent, first cousin once removed,
 15 step-first cousin once removed, great great grandparent,
 16 step-great great grandparent, great great uncle, step-great great
 17 uncle, great great aunt, step-great great aunt, great great great
 18 grandparent, or step-great great great grandparent.

19 SEC. 23A. (1) A PARENT OR GUARDIAN HAVING LEGAL AND PHYSI-
 20 CAL CUSTODY OF A CHILD MAY DIRECTLY PLACE A CHILD FOR ADOPTION BY
 21 MAKING A TEMPORARY PLACEMENT UNDER SECTION 23D OR A FORMAL PLACE-
 22 MENT UNDER SECTION 51. A TEMPORARY PLACEMENT BECOMES A FORMAL
 23 PLACEMENT WHEN THE COURT ORDERS THE TERMINATION OF THE RIGHTS OF
 24 PARENTS OR PERSONS IN LOCO PARENTIS AND APPROVES PLACEMENT PURSU-
 25 ANT TO SECTION 51. A FORMAL PLACEMENT UNDER SECTION 51 DOES NOT
 26 HAVE TO BE PRECEDED BY A TEMPORARY PLACEMENT.

1 (2) A PARENT OR GUARDIAN SHALL PERSONALLY SELECT A
2 PROSPECTIVE ADOPTIVE PARENT IN A DIRECT PLACEMENT. THE SELECTION
3 SHALL NOT BE DELEGATED, BUT A PARENT OR GUARDIAN MAY OBTAIN
4 ASSISTANCE FROM ANOTHER PERSON IN LOCATING OR EVALUATING A PRO-
5 SPECTIVE ADOPTIVE PARENT, SUBJECT TO THE LIMITATIONS OF SECTIONS
6 54 AND 55.

7 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), THE PROSPECTIVE
8 ADOPTIVE PARENT, THE PROSPECTIVE ADOPTIVE PARENT'S ATTORNEY, OR A
9 PERSON ASSISTING THE PARENT OR GUARDIAN SHALL PROVIDE INFORMATION
10 ABOUT A PROSPECTIVE ADOPTIVE PARENT TO THE PARENT OR GUARDIAN
11 BEFORE PLACEMENT. THIS INFORMATION SHALL INCLUDE THE SPECIFIC
12 INFORMATION CONTAINED IN A PREPLACEMENT ASSESSMENT AS DESCRIBED
13 IN SECTION 23F, AND MAY INCLUDE ADDITIONAL INFORMATION REQUESTED
14 BY THE PARENT OR GUARDIAN. THE INFORMATION DOES NOT HAVE TO
15 INCLUDE IDENTIFYING INFORMATION DESCRIBED IN SECTION 27(3). THE
16 PARENT OR GUARDIAN AND THE PROSPECTIVE ADOPTIVE PARENT SHALL
17 DETERMINE WHETHER TO EXCHANGE IDENTIFYING INFORMATION AND WHETHER
18 TO MEET EACH OTHER.

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

23 SEC. 23B. (1) A CHILD PLACING AGENCY OR THE DEPARTMENT THAT
24 ACQUIRES LEGAL AND PHYSICAL CUSTODY OF A CHILD PURSUANT TO SEC-
25 TION 29 OR CHAPTER XIIA MAY FORMALLY PLACE A CHILD FOR ADOPTION
26 UNDER SECTION 51. A CHILD PLACING AGENCY THAT ACQUIRES WRITTEN
27 AUTHORIZATION PURSUANT TO SUBSECTION (5) FROM THE PARENT OR

1 GUARDIAN HAVING LEGAL CUSTODY OF A CHILD MAY MAKE A TEMPORARY
2 PLACEMENT OF THE CHILD UNDER SECTION 23D.

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

6 (A) TYPES OF CHILDREN TO BE PLACED.

7 (B) ELIGIBILITY REQUIREMENTS FOR ADOPTIVE FAMILIES.

8 (C) SERVICES PROVIDED DURING THE ADOPTION PROCESS.

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

12 (E) THE EXTENT TO WHICH THE AGENCY PERMITS OR ENCOURAGES
13 EXCHANGE OF IDENTIFYING INFORMATION OR CONTACT BETWEEN BIOLOGICAL
14 AND ADOPTIVE FAMILIES.

15 (F) POST-RELEASE AND POST-FINALIZATION SERVICES PROVIDED, IF
16 ANY.

17 (G) A SCHEDULE OF ANY FEE CHARGED BY THE AGENCY FOR ITS
18 SERVICES.

19 (3) IN AN AGENCY PLACEMENT, A CHILD PLACING AGENCY OR THE
20 DEPARTMENT MAY INVOLVE THE PARENT OR GUARDIAN OF A CHILD IN THE
21 SELECTION OF AN ADOPTIVE PARENT AND MAY FACILITATE THE EXCHANGE
22 OF IDENTIFYING INFORMATION OR MEETINGS BETWEEN A BIRTH PARENT AND
23 AN ADOPTIVE PARENT.

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

26 (5) A PARENT OR GUARDIAN HAVING LEGAL AND PHYSICAL CUSTODY
27 OF A CHILD MAY, IN A WRITTEN DOCUMENT SIGNED BY A WITNESS AND BY

1 THE PARENT OR GUARDIAN IN THE PRESENCE OF THE WITNESS, AUTHORIZE
2 A CHILD PLACING AGENCY TO MAKE A TEMPORARY PLACEMENT OF THE CHILD
3 UNDER SECTION 23D. IF THE PARENT OF THE CHILD BEING TEMPORARILY
4 PLACED IS AN UNEMANCIPATED MINOR, THE AUTHORIZATION IS NOT VALID
5 UNLESS IT IS ALSO SIGNED IN THE PRESENCE OF THE WITNESS BY A
6 PARENT OR GUARDIAN OF THAT MINOR PARENT.

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

10 SEC. 23D. (1) IN A DIRECT PLACEMENT, A PARENT OR GUARDIAN
11 WITH LEGAL AND PHYSICAL CUSTODY OF A CHILD MAY MAKE A TEMPORARY
12 PLACEMENT OF THE CHILD AS PRESCRIBED BY THIS SECTION. IN AN
13 AGENCY PLACEMENT, A CHILD PLACING AGENCY WITH WRITTEN AUTHORIZA-
14 TION FROM THE PARENT OR GUARDIAN PURSUANT TO SECTION 23B(5) MAY
15 MAKE A TEMPORARY PLACEMENT OF THE CHILD AS PRESCRIBED BY THIS
16 SECTION. A TEMPORARY PLACEMENT SHALL MEET ALL OF THE FOLLOWING
17 REQUIREMENTS:

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

20 (B) THE PARENT, GUARDIAN, OR REPRESENTATIVE OF THE CHILD
21 PLACING AGENCY SIGNS, IN THE PRESENCE OF AN INDIVIDUAL DESCRIBED
22 IN SUBSECTION (2), WHO ALSO SIGNS AS A WITNESS, A STATEMENT EVI-
23 DENCING THE TRANSFER OF PHYSICAL CUSTODY. IF THE PARENT OF THE
24 CHILD BEING TEMPORARILY PLACED IS AN UNEMANCIPATED MINOR, THE
25 STATEMENT IS NOT VALID UNLESS IT IS ALSO SIGNED IN THE PRESENCE
26 OF THE INDIVIDUAL DESCRIBED IN SUBSECTION (2) BY A PARENT OR

1 GUARDIAN OF THAT MINOR PARENT. THE STATEMENT SHALL CONTAIN ALL
2 OF THE FOLLOWING:

3 (i) THE DATE OF THE TRANSFER.

4 (ii) THAT THE TRANSFER IS FOR THE PURPOSE OF ADOPTION BY THE
5 PROSPECTIVE ADOPTIVE PARENT WHO IS A MICHIGAN RESIDENT.

6 (iii) THAT THE PERSON MAKING THE TRANSFER HAS READ A PRE-
7 PLACEMENT ASSESSMENT OF THE PROSPECTIVE ADOPTIVE PARENT COMPLETED
8 OR UPDATED WITHIN 1 YEAR BEFORE THE DATE OF THE TRANSFER WITH A
9 FINDING THAT THE PROSPECTIVE ADOPTIVE PARENT IS SUITABLE TO BE
10 THE PARENT OF AN ADOPTEE.

11 (iv) EVEN IF ONLY 1 PARENT IS MAKING THE TEMPORARY PLACE-
12 MENT, THE NAME AND ADDRESS OF BOTH PARENTS OF THE CHILD, INCLUD-
13 ING IN THE CASE OF A CHILD BORN OUT OF WEDLOCK, THE NAME AND THE
14 ADDRESS OF THE PUTATIVE FATHER OF THE CHILD, IF KNOWN.

15 (C) THE PROSPECTIVE ADOPTIVE PARENT SIGNS, IN THE PRESENCE
16 OF AN INDIVIDUAL DESCRIBED IN SUBSECTION (2), WHO ALSO SIGNS AS A
17 WITNESS, A DOCUMENT SETTING FORTH THE DATE OF THE TRANSFER AND
18 THE NAME AND ADDRESS OF THE PROSPECTIVE ADOPTIVE PARENT AND
19 ATTESTING TO THE FOLLOWING:

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

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

26 (iii) IN THE CASE OF A TEMPORARY PLACEMENT BY A PARENT OR
27 GUARDIAN, THAT THE PROSPECTIVE ADOPTIVE PARENT WILL SUBMIT A

1 REPORT TO THE COURT DESCRIBED IN SUBSECTION (3) WITHIN 30 DAYS
2 AFTER THE TRANSFER STATING WHETHER 1 OF THE FOLLOWING HAS
3 OCCURRED:

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

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

7 (D) IN THE CASE OF A TEMPORARY PLACEMENT BY A CHILD PLACING
8 AGENCY, AN AUTHORIZED REPRESENTATIVE OF THE CHILD PLACING AGENCY
9 SIGNS, IN THE PRESENCE OF AN INDIVIDUAL DESCRIBED IN SUBSECTION
10 (2), WHO ALSO SIGNS AS A WITNESS, A DOCUMENT ATTESTING THAT THE
11 CHILD PLACING AGENCY WILL SUBMIT A REPORT TO THE COURT DESCRIBED
12 IN SUBSECTION (3) WITHIN 30 DAYS AFTER THE TRANSFER STATING
13 WHETHER 1 OF THE FOLLOWING DISPOSITIONS HAS OCCURRED:

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

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

17 (2) EACH DOCUMENT REQUIRED FOR A TEMPORARY PLACEMENT UNDER
18 SUBSECTION (1) SHALL BE WITNESSED BY 1 OF THE FOLLOWING:

19 (A) A HOSPITAL EMPLOYEE DESIGNATED BY THE HOSPITAL
20 ADMINISTRATOR.

21 (B) AN ATTENDING PRACTITIONER.

22 (C) A PROBATE COURT REGISTER.

23 (D) AN ATTORNEY.

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

25 (3) NOT LATER THAN 48 HOURS AFTER A TRANSFER PURSUANT TO
26 SUBSECTION (1) THE INDIVIDUAL WHO WITNESSES THE DOCUMENTS
27 REQUIRED UNDER SUBSECTION (1) SHALL SUBMIT TO THE COURT IN THE

1 COUNTY IN WHICH THE PROSPECTIVE ADOPTIVE PARENT RESIDES A REPORT
2 THAT CONTAINS ALL OF THE FOLLOWING:

3 (A) THE DATE OF THE TRANSFER.

4 (B) THE NAME AND ADDRESS OF THE PARENT OR GUARDIAN OR CHILD
5 PLACING AGENCY WHO MADE THE TEMPORARY PLACEMENT.

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

8 (D) EVEN IF ONLY 1 PARENT IS MAKING THE TEMPORARY PLACEMENT,
9 THE NAME AND ADDRESS OF BOTH PARENTS OF THE CHILD, INCLUDING, IN
10 THE CASE OF A CHILD BORN OUT OF WEDLOCK, THE NAME OF THE PUTATIVE
11 FATHER, IF KNOWN.

12 (E) THE DOCUMENTS REQUIRED UNDER SUBSECTION (1)(B), (C), AND
13 (D) AND, IN AN AGENCY PLACEMENT, THE AUTHORIZATION REQUIRED UNDER
14 SECTION 23B(5).

15 (4) IF THE COURT HAS NOT RECEIVED THE REPORT REQUIRED UNDER
16 SUBSECTION (1)(C)(iii) OR SUBSECTION (1)(D) WITHIN 45 DAYS AFTER
17 THE TRANSFER OF A CHILD, THE PROBATE REGISTER SHALL IMMEDIATELY
18 INVESTIGATE AND DETERMINE WHETHER AN ADOPTION PETITION HAS BEEN
19 FILED OR THE CHILD HAS BEEN RETURNED TO A PARENT OR OTHER PERSON
20 HAVING LEGAL CUSTODY. IF NEITHER DISPOSITION HAS OCCURRED, THE
21 PROBATE REGISTER SHALL IMMEDIATELY REPORT TO THE PROSECUTOR, WHO
22 SHALL IMMEDIATELY FILE A PETITION IN THE COURT DESCRIBED IN
23 SUBSECTION (3) FOR DISPOSITION OF THE CHILD PURSUANT TO
24 SECTION 23E.

25 (5) IF A PROSPECTIVE ADOPTIVE PARENT WITH WHOM A CHILD HAS
26 BEEN TEMPORARILY PLACED REFUSES TO RETURN THE CHILD TO THE PARENT
27 OR GUARDIAN WHO PLACED THE CHILD UPON THAT PARENT'S OR GUARDIAN'S

1 REQUEST, THE PARENT OR GUARDIAN MAY FILE A PETITION IN THE COURT
2 DESCRIBED IN SUBSECTION (3) FOR RETURN OF THE CHILD TO THE
3 PARENT'S OR GUARDIAN'S CUSTODY PURSUANT TO SECTION 23E.

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

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

20 (8) EXCEPT AS OTHERWISE AGREED TO BY THE PARTIES, THE PRO-
21 SPECTIVE ADOPTIVE PARENT WITH WHOM A CHILD IS TEMPORARILY PLACED
22 UNDER THIS SECTION MAY CONSENT TO ALL MEDICAL, SURGICAL, PSYCHO-
23 LOGICAL, EDUCATIONAL, AND RELATED SERVICES FOR THE CHILD.

24 (9) A HOSPITAL OR ATTENDING PRACTITIONER SHALL NOT RELEASE A
25 CHILD TO AN INDIVIDUAL OR AGENCY NOT OTHERWISE LEGALLY ENTITLED
26 TO THE PHYSICAL CUSTODY OF THE CHILD UNLESS ALL OF THE
27 REQUIREMENTS OF SUBSECTION (1) ARE MET.

1 SEC. 23E. (1) UPON THE FILING OF A PETITION BY THE
2 PROSECUTOR PURSUANT TO SECTION 23D(4), BY A PARENT OR GUARDIAN
3 PURSUANT TO SECTION 23D(5), BY A PROSPECTIVE ADOPTIVE PARENT PUR-
4 SUANT TO SECTION 23D(6), OR BY A CHILD PLACING AGENCY PURSUANT TO
5 SECTION 23D(7), THE COURT SHALL HOLD A HEARING TO DETERMINE THE
6 CUSTODY OF A CHILD FOR WHOM A TEMPORARY PLACEMENT HAS BEEN MADE.

7 (2) IF UPON HEARING THE MATTER THE COURT DETERMINES THAT THE
8 PARENT OR GUARDIAN WISHES THE RETURN OF THE CHILD AND THE
9 PARENT'S OR GUARDIAN'S RIGHTS TO THE CHILD HAVE NOT BEEN TERMI-
10 NATED, THE COURT SHALL ORDER THE CHILD TO BE RETURNED TO THE
11 PARENT OR GUARDIAN WITH LEGAL CUSTODY UNLESS THE COURT PROCEEDS
12 UNDER SUBSECTION (3).

13 (3) THE COURT MAY APPOINT AN ATTORNEY TO REPRESENT THE CHILD
14 OR REFER THE MATTER TO THE DEPARTMENT FOR THE FILING OF A PETI-
15 TION ON BEHALF OF THE CHILD REQUESTING THE COURT TO TAKE JURIS-
16 DICTION UNDER SECTION 2(B) OF CHAPTER XIIA. IF A PETITION HAS
17 NOT BEEN FILED WITHIN 14 DAYS AFTER THE HEARING UNDER THIS SEC-
18 TION, THE COURT SHALL ORDER THE RETURN OF THE CHILD TO THE PARENT
19 OR GUARDIAN WITH LEGAL CUSTODY. DURING THE PERIOD BEFORE THE
20 PETITION IS FILED AND A PRELIMINARY HEARING IS HELD OR THE RETURN
21 OF CUSTODY IS ORDERED, THE COURT MAY BY EX PARTE ORDER MAKE A
22 TEMPORARY DISPOSITION APPROPRIATE FOR THE WELFARE OF THE CHILD AS
23 AUTHORIZED BY SECTION 18 OF CHAPTER XIIA.

24 (4) SUBJECT TO SUBSECTION (2), THE COURT MAY APPOINT A
25 GUARDIAN UNDER THE REVISED PROBATE CODE, ACT NO. 642 OF THE
26 PUBLIC ACTS OF 1978, BEING SECTIONS 700.1 TO 700.993 OF THE
27 MICHIGAN COMPILED LAWS, PURSUANT TO A PETITION FILED BY THE

1 PROSPECTIVE ADOPTIVE PARENT OR ANOTHER INDIVIDUAL INTERESTED IN
2 THE WELFARE OF THE CHILD, OR MAKE A TEMPORARY DISPOSITION APPRO-
3 PRIATE FOR THE WELFARE OF THE CHILD AS AUTHORIZED BY SECTION 18
4 OF CHAPTER XIIA UNTIL AN ORDER OF GUARDIANSHIP IS ENTERED.

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

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

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

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

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

16 (B) A CERTIFIED ADOPTION SPECIALIST.

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

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

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

1 (5) A PREPLACEMENT ASSESSMENT SHALL BE BASED UPON A PERSONAL
2 INTERVIEW AND VISIT AT THE RESIDENCE OF THE INDIVIDUAL BEING
3 ASSESSED, PERSONAL INTERVIEWS OF OTHERS WHO KNOW THE INDIVIDUAL,
4 AND REPORTS RECEIVED PURSUANT TO THIS SUBSECTION. THE ASSESSMENT
5 SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION ABOUT THE INDIVID-
6 UAL BEING ASSESSED:

7 (A) AGE, NATIONALITY, RACE OR ETHNICITY, AND ANY RELIGIOUS
8 PREFERENCE.

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

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

13 (D) EDUCATIONAL AND EMPLOYMENT HISTORY AND ANY SPECIAL
14 SKILLS AND INTERESTS.

15 (E) PROPERTY AND INCOME, INCLUDING OUTSTANDING FINANCIAL
16 OBLIGATIONS AS INDICATED IN A CURRENT FINANCIAL REPORT PROVIDED
17 BY THE INDIVIDUAL.

18 (F) REASON FOR WANTING TO ADOPT.

19 (G) ANY PREVIOUS REQUEST FOR AN ASSESSMENT OR INVOLVEMENT IN
20 AN ADOPTIVE PLACEMENT AND THE OUTCOME OF THE ASSESSMENT OR
21 PLACEMENT.

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

26 (I) WHETHER THE INDIVIDUAL HAS EVER BEEN CONVICTED OF A
27 CRIME.

1 (J) WHETHER THE INDIVIDUAL HAS LOCATED A PARENT INTERESTED
2 IN PLACING A CHILD WITH THE INDIVIDUAL FOR ADOPTION AND A BRIEF
3 DESCRIPTION OF THE PARENT AND THE CHILD.

4 (K) ANY FACT OR CIRCUMSTANCE THAT RAISES A SPECIFIC CONCERN
5 ABOUT THE SUITABILITY OF THE INDIVIDUAL AS AN ADOPTIVE PARENT,
6 INCLUDING THE QUALITY OF THE ENVIRONMENT IN THE HOME, THE FUNC-
7 TIONING OF OTHER CHILDREN IN THE HOUSEHOLD, AND ANY ASPECT OF THE
8 INDIVIDUAL'S FAMILIAL, SOCIAL, PSYCHOLOGICAL, OR FINANCIAL CIR-
9 CUMSTANCES THAT MAY BE RELEVANT TO A DETERMINATION THAT THE INDI-
10 VIDUAL IS NOT SUITABLE. A SPECIFIC CONCERN IS ONE THAT SUGGESTS
11 THAT PLACEMENT OF ANY CHILD, OR A PARTICULAR CHILD, IN THE HOME
12 OF THE INDIVIDUAL WOULD POSE A RISK OF HARM TO THE PHYSICAL OR
13 PSYCHOLOGICAL WELL-BEING OF THE CHILD.

14 (6) THE INVESTIGATOR SHALL REQUIRE AN INDIVIDUAL BEING
15 ASSESSED TO PROVIDE A DOCUMENT FROM THE MICHIGAN STATE POLICE AND
16 THE FEDERAL BUREAU OF INVESTIGATION DESCRIBING ALL OF THE
17 INDIVIDUAL'S CRIMINAL CONVICTIONS AS SHOWN BY THAT AGENCY'S
18 RECORDS, OR STATING THAT THE AGENCY'S RECORDS INDICATE THAT THE
19 INDIVIDUAL HAS NOT BEEN CONVICTED OF A CRIME. UPON REQUEST OF
20 THE INDIVIDUAL AND RECEIPT OF A SIGNED AUTHORIZATION, THE INVES-
21 TIGATOR SHALL OBTAIN THE CRIMINAL RECORD FROM THE LAW ENFORCEMENT
22 AGENCY ON THE INDIVIDUAL'S BEHALF.

23 (7) A PREPLACEMENT ASSESSMENT SHALL CONTAIN A LIST OF THE
24 SOURCES OF INFORMATION ON WHICH IT IS BASED. IF THE INVESTIGATOR
25 CONCLUDES THAT AN INDIVIDUAL IS NOT SUITABLE TO BE AN ADOPTIVE
26 PARENT, THE CONCLUSION SHALL BE SUPPORTED BY A WRITTEN ACCOUNT OF
27 HOW 1 OR MORE SPECIFIC CONCERNS POSE A RISK TO THE PHYSICAL OR

1 PSYCHOLOGICAL WELL-BEING OF ANY CHILD OR A PARTICULAR CHILD. IF
2 THE CONCLUSION OF A PREPLACEMENT ASSESSMENT REGARDING THE SUITA-
3 BILITY OF THE INDIVIDUAL DIFFERS FROM THE CONCLUSION IN A PRIOR
4 ASSESSMENT, THE INVESTIGATOR SHALL EXPLAIN AND JUSTIFY THE
5 DIFFERENCE.

6 (8) AN INDIVIDUAL WHO RECEIVES A PREPLACEMENT ASSESSMENT
7 WITH A CONCLUSION OF UNSUITABILITY MAY SEEK A REVIEW OF THE
8 ASSESSMENT BY THE COURT AFTER FILING AN ADOPTION PETITION. THE
9 COURT MAY ORDER AN EMPLOYEE OF THE COURT OR THE DEPARTMENT TO
10 MAKE AN INVESTIGATION AND REPORT TO THE COURT BEFORE THE
11 HEARING. IF, AT THE HEARING, THE COURT FINDS BY CLEAR AND CON-
12 VINING EVIDENCE THAT THE CONCLUSION OF UNSUITABILITY IS NOT JUS-
13 TIFIED, THE PARENT OR GUARDIAN WITH LEGAL CUSTODY OF THE CHILD
14 MAY PLACE THE CHILD WITH THAT INDIVIDUAL. IF THE COURT DETER-
15 MINES THAT THE CONCLUSION OF UNSUITABILITY IS JUSTIFIED, IT SHALL
16 ORDER THAT THE CHILD SHALL NOT BE PLACED WITH THE INDIVIDUAL.

17 (9) THE INVESTIGATOR SHALL, UPON REQUEST OF THE DEPARTMENT,
18 SUPPLY THE DEPARTMENT WITH COPIES OF PREPLACEMENT ASSESSMENTS TO
19 ENABLE THE DEPARTMENT TO INVESTIGATE A COMPLAINT AGAINST THE
20 INVESTIGATOR, -AS REQUIRED UNDER SECTION 14B(7) OF ACT NO. 116 OF
21 THE PUBLIC ACTS OF 1973, BEING SECTION 722.124B OF THE MICHIGAN
22 COMPILED LAWS.

23 Sec. 24. (1) If a person desires to adopt a child or an
24 adult and to bestow upon the adoptee his OR HER family name, or
25 to adopt a child or an adult without a change of name, with the
26 intent to make the adoptee his OR HER heir, that person, together
27 with his wife or her husband, if married, shall file a petition

1 with the probate court of the county in which the petitioner
2 resides or where the adoptee is found.

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

5 (a) The name, date and place of birth, and place of resi-
6 dence of each petitioner, including the maiden name of the adopt-
7 ing mother.

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

10 (c) The relationship, if any, of the adoptee to the
11 petitioner.

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

14 (e) The full description of the property, if any, of the
15 adoptee.

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

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

26 (3) THE PETITIONER SHALL ATTACH TO THE PETITION AN AFFIDAVIT
27 CERTIFYING THAT THE PETITIONER HAS BEEN INFORMED OF THE

1 AVAILABILITY OF COUNSELING SERVICES AND WHETHER THE PETITIONER
2 HAS RECEIVED COUNSELING.

3 (4) IN A DIRECT PLACEMENT, THE PETITIONER SHALL ATTACH
4 COPIES OF ALL PREPLACEMENT ASSESSMENTS OF THE PETITIONER, INCLUD-
5 ING A COPY OF A PREPLACEMENT ASSESSMENT OF THE PETITIONER COM-
6 PLETED OR UPDATED WITHIN 1 YEAR BEFORE THE PETITION IS FILED WITH
7 A FINDING THAT THE PETITIONER IS SUITABLE TO BE AN ADOPTIVE
8 PARENT.

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

15 Sec. 24a. (1) Interested parties in a petition for adop-
16 tion are all of the following:

17 (a) The petitioner.

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

19 (c) A minor parent, adult parent, or surviving parent of an
20 adoptee, unless 1 or more of the following apply:

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

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

25 (iii) A guardian of the parent, with specific authority to
26 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 (3) is proposed
6 to be, released or committed by an order of the juvenile division
7 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 are all of the following:

20 (a) The ~~persons set forth~~ INDIVIDUALS IDENTIFIED in sub-
21 section (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 are all of the following:

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

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

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

(4) Interested parties in a rescission petition are all of the following:

(a) The petitioners.

(b) The stepparent who adopted the adult adoptee.

(c) The spouse of the parent whose rights were terminated.

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

(A) THE PARENT OR GUARDIAN WHO MADE OR AUTHORIZED THE TEMPORARY PLACEMENT.

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

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

(D) IF ONLY 1 PARENT MADE OR AUTHORIZED THE TEMPORARY PLACEMENT, THE OTHER PARENT, AND EACH PUTATIVE FATHER OF THE ADOPTEE.

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

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

(G) THE GUARDIAN AD LITEM, IF A GUARDIAN AD LITEM HAS BEEN APPOINTED.

(6) ~~-(5)-~~ In the interest of justice, the court may require additional parties to be served.

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

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

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

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

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

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

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

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

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

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

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

21 (2) ~~-(3)-~~ If the parent of the child to be adopted is an
22 unemancipated minor, that parent's release is not valid unless a
23 parent, guardian, or guardian ad litem of that minor parent has
24 also executed the release.

25 (3) ~~-(4)-~~ The guardian of the child to be adopted may not
26 execute a release of the child pursuant to subsection (1) unless

1 the guardian has first obtained authority to execute the release
2 from the court which appointed the guardian.

3 (4) ~~-(5)-~~ The guardian of a parent may not execute a release
4 of the parent's child pursuant to subsection (1) unless the
5 guardian has first obtained authority to execute the release from
6 the court which appointed the guardian. Such a release shall
7 have the same effect as if the release were executed by the
8 parent.

9 (5) ~~-(6)-~~ A release shall be given only to a child placing
10 agency or to the department.

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

20 (7) ~~-(8)-Where~~ IF a child was released for adoption or com-
21 mitted to a child placing agency, that agency may release that
22 child to the department and the department shall accept the
23 release.

24 (8) ~~-(9)-~~ Upon release of a child to the department pursuant
25 to this section, the child ~~-shall-become-~~ BECOMES a state ward.

26 (9) ~~-(10)-~~ Where applicable under this section, proof of the
27 termination of parental rights, release of parental rights,

1 appointment, authorization, or commitment shall accompany the
2 release.

3 Sec. 29. (1) Except as otherwise provided in this section,
4 a release shall be by a separate instrument executed before a
5 judge of probate or before a referee of the court. THE RELEASE
6 HEARING SHALL BE HELD WITHIN 7 DAYS AFTER IT IS REQUESTED. If a
7 parent's or guardian's release is executed before a judge or ref-
8 eree as provided in this subsection, a verbatim record of testi-
9 mony related to execution of the release shall be made.

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

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

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

25 (5) A RELEASE BY A PARENT OR GUARDIAN SHALL BE ACCOMPANIED
26 BY AN AFFIDAVIT THAT CONTAINS ALL OF THE FOLLOWING STATEMENTS:

1 (A) THAT THE PARENT OR GUARDIAN HAS RECEIVED A LIST OF
2 ADOPTION SUPPORT GROUPS, AND, IF THE RELEASE IS TO A CHILD
3 PLACING AGENCY, A COPY OF THE STATEMENT REQUIRED UNDER SECTION
4 23B(2).

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

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

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

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

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

16 (6) ~~-(5)-~~ A release by a parent or a guardian of the child
17 shall not be executed until after such investigation as the court

1 deems proper and until after the judge, referee, or other
2 ~~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 release voluntarily relinquishes permanently his or
6 her rights to the child; and, if the child is over 5 years of
7 age, the court has determined that the child is best served by
8 the release.

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

16 (8) ~~(7)~~ The court shall authorize foster care funding
17 pending expiration of the period of appeal or rehearing as pro-
18 vided in sections 64 and 65 of this chapter, and pending disposi-
19 tion of any appeal or rehearing, for all persons committed to a
20 child placing agency. Foster care funding authorized under this
21 subsection shall exclude the administrative costs of the child
22 placing agency. The costs of foster care shall be paid through
23 the use of the child care fund as provided by section 117c of THE
24 SOCIAL WELFARE ACT, Act No. 280 of the Public Acts of 1939, as
25 amended, being section 400.117c of the Michigan Compiled Laws, or
26 by any successor statute. When foster care funding is authorized
27 pursuant to this subsection, the court shall send a copy of the

1 order to the department. Upon receiving a copy of this order,
2 the department shall reimburse the court child care fund of the
3 county where the court order for foster care funding was made in
4 the total amount of the court ordered payment. The reimbursement
5 shall be made monthly.

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

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

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

1 (2) Pending the termination or other disposition of the
2 rights of the father of a child born out of wedlock, the mother
3 may execute a release terminating her rights to the child. If
4 the mother releases the child, the child placing agency or
5 department to which the child is released may file a petition of
6 dependency or neglect pursuant to chapter ~~+2a~~ XIIIA. Pending
7 disposition of the dependency or neglect petition, the court may
8 enter an order authorizing temporary care of the child.

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

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

23 (2) If an order terminating parental rights is entered pur-
24 suant to this chapter or chapter XIIIA, the child may be FORMALLY
25 placed in a home for the purpose of adoption during the period
26 specified for a rehearing or an appeal as of right and the period
27 during which a rehearing or appeal as of right is pending. When

1 a child placing agency, the court, or the department FORMALLY
2 places a child pursuant to this subsection, it shall inform the
3 person or persons in whose home the child is placed that an adop-
4 tion will not be ordered until 1 of the following occurs:

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

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

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

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

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

20 Sec. 43. (1) Subject to this section and sections 44 and 51
21 of this chapter, consent to adoption of a child shall be
22 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) The child has been released for the purpose of adoption
2 to a child placing agency or to the department.

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

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

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

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

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

13 (c) By the juvenile division of the probate court having
14 permanent custody of the child.

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

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

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

22 (g) By the authorized representative of a child placing
23 agency of another state or country which has authority to consent
24 to adoption.

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

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

5 (4) If the parent of the child to be adopted is an unemanci-
6 pated minor, that parent's consent is not valid unless a parent,
7 guardian, or guardian ad litem of that minor parent has also exe-
8 cuted the consent.

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

13 (6) The guardian of a parent shall not execute a consent to
14 the adoption of the parent's child pursuant to subsection (1)
15 unless the guardian has first obtained authority to execute the
16 consent from the court which appointed the guardian. The consent
17 shall have the same effect as if the consent were executed by the
18 parent.

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

22 (7) ~~(8)~~ If the petitioner for adoption is married to the
23 parent having legal custody of the child and that parent has
24 joined the petitioner in filing the petition for adoption, that
25 parent shall not execute a consent to the adoption. The consent
26 of the parent who does not have legal custody of the child and
27 whose parental rights have not been terminated shall be executed

1 before the court may enter an order of adoption under section 56
2 of this chapter.

3 Sec. 44. (1) Except as otherwise provided in this section,
4 the consent required by section 43 of this chapter shall be by a
5 separate instrument executed before the judge of probate having
6 jurisdiction or, at the court's direction, before another judge
7 of probate in this state. A consent may be executed before a
8 referee of the probate court. THE CONSENT HEARING SHALL BE HELD
9 WITHIN 7 DAYS AFTER IT IS REQUESTED. If the consent of a parent
10 or guardian is executed before a judge or referee as provided in
11 this subsection, a verbatim record of testimony related to execu-
12 tion of the consent shall be made.

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

17 (3) If the child to be adopted is legally a ward of the
18 department or of a child placing agency, the consent required to
19 be made under section 43 of this chapter by the ~~duly~~ authorized
20 representative of the department or agency may be executed and
21 acknowledged before ~~a person~~ AN INDIVIDUAL authorized by law to
22 administer oaths.

23 (4) If the consent is executed in another state or country,
24 the court having jurisdiction over the adoption proceeding in
25 this state shall determine whether the consent was executed in
26 accordance with the laws of that state or country OR THE LAWS OF

1 THIS STATE and shall not proceed unless it finds that the consent
2 was so executed.

3 (5) A CONSENT BY A PARENT OR GUARDIAN SHALL BE ACCOMPANIED
4 BY AN AFFIDAVIT THAT CONTAINS ALL OF THE FOLLOWING STATEMENTS:

5 (A) THAT THE PARENT OR GUARDIAN HAS RECEIVED A LIST OF ADOPT-
6 TION SUPPORT GROUPS, AND IF BEING ASSISTED BY A CHILD PLACING
7 AGENCY, A COPY OF THE STATEMENT REQUIRED UNDER SECTION 23B(2).

8 (B) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT HE OR SHE
9 MAY RECEIVE PSYCHOLOGICAL COUNSELING AND WHETHER THE PARENT OR
10 GUARDIAN HAS RECEIVED SUCH COUNSELING.

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

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

18 (E) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT IT SERVES
19 THE WELFARE OF THE CHILD FOR THE PARENT TO KEEP THE CHILD PLACING
20 AGENCY OR COURT INFORMED OF ANY HEALTH PROBLEMS THAT THE PARENT
21 DEVELOPS WHICH COULD AFFECT THE CHILD.

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

1 (6) ~~-(5)-~~ If a parent's consent to adoption is required
2 under section 43 of this chapter or if a guardian's consent is
3 required pursuant to section 43(1)(e) of this chapter, the con-
4 sent shall not be executed until after such investigation as the
5 court deems proper and until after the judge, referee, or other
6 ~~person~~ INDIVIDUAL authorized in subsection (2) has fully
7 explained to the parent or guardian the legal rights of the
8 parent or guardian and the fact that the parent or guardian by
9 virtue of the consent voluntarily relinquishes permanently his or
10 her rights to the child.

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

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

1 (a) The best interests of the adoptee.

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

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

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

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

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

18 (b) The best interests of the adoptee will be served by the
19 adoption.

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

25 (3) Upon entry of an order terminating rights of parents or
26 persons in loco parentis, a child shall be a ward of the court
27 and a consent to adoption executed pursuant to section 43 of this

1 chapter shall not thereafter be withdrawn. Entry of the order
2 shall terminate the jurisdiction of the circuit court over the
3 child in a divorce or separate maintenance action. If the peti-
4 tioner for adoption is married to the parent having legal custody
5 of the child, the child shall not be made a ward of the court
6 after termination of the rights of the other parent.

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

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

25 (6) If the parents of a child are divorced, or if the par-
26 ents are unmarried but the father has acknowledged paternity or
27 is a putative father who meets the conditions in section 39(2) of

1 this chapter, and if the parent having legal custody of the child
2 subsequently marries and that parent's spouse petitions to adopt
3 the child, the court upon notice and hearing may issue an order
4 terminating the rights of the other parent if both of the follow-
5 ing occur:

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

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

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

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

1 the home as the court shall order. The investigations shall be
2 made under reasonable circumstances and at reasonable intervals.

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

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

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

12 (c) A release.

13 (d) A consent.

14 (e) A petition.

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

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

4 (A) THE SERVICES OF A CHILD PLACING AGENCY IN CONNECTION
5 WITH AN ADOPTION.

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

9 (C) COUNSELING SERVICES FOR A PARENT, GUARDIAN, OR THE
10 ADOPTEE.

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

13 (E) EXPENSES INCURRED IN ASCERTAINING THE INFORMATION
14 REQUIRED UNDER THIS CHAPTER ABOUT AN ADOPTEE AND THE ADOPTEE'S
15 BIOLOGICAL FAMILY.

16 (F) LEGAL FEES CHARGED FOR CONSULTATION AND LEGAL ADVICE,
17 PREPARATION OF PAPERS AND REPRESENTATION AND OTHER LEGAL SERVICES
18 RENDERED IN CONNECTION WITH AN ADOPTION PROCEEDING, INCLUDING
19 LEGAL SERVICES PERFORMED FOR A BIOLOGICAL PARENT OR A GUARDIAN,
20 AND NECESSARY COSTS FOR OR IN AN ADOPTION PROCEEDING.

21 (G) TRAVELING EXPENSES OR OTHER EXPENSES NECESSITATED BY THE
22 ADOPTION.

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

25 (I) ANY OTHER SERVICE APPROVED BY THE COURT UNDER THIS
26 SECTION.

1 (3) A PAYMENT AUTHORIZED BY SUBSECTION (2) SHALL NOT BE MADE
2 CONTINGENT ON THE PLACEMENT OF THE CHILD FOR ADOPTION, RELEASE OF
3 THE CHILD, CONSENT TO THE ADOPTION, OR COOPERATION IN THE COMPLE-
4 TION OF THE ADOPTION. IF THE ADOPTION IS NOT COMPLETED, AN INDI-
5 VIDUAL WHO HAS MADE PAYMENTS AUTHORIZED BY SUBSECTION (2) MAY NOT
6 RECOVER THEM.

7 (4) AT LEAST 7 DAYS BEFORE FORMAL PLACEMENT OF A CHILD UNDER
8 SECTION 51, THE FOLLOWING DOCUMENTS SHALL BE FILED WITH THE
9 COURT:

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

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

21 (C) AN AFFIDAVIT OF THE ATTORNEY FOR EACH PARENT OF THE
22 ADOPTEE ITEMIZING THE SERVICES AND ANY FEE, COMPENSATION, OR
23 OTHER THING OF VALUE RECEIVED BY, OR AGREED TO BE PAID TO, THE
24 ATTORNEY FOR, OR INCIDENTAL TO, THE PLACEMENT AND ADOPTION OF THE
25 CHILD.

26 (D) IN A PLACEMENT BY A CHILD PLACING AGENCY, AN AFFIDAVIT
27 OF THE CHILD PLACING AGENCY ITEMIZING THE SERVICES AND ANY FEE,

1 COMPENSATION, OR OTHER THING OF VALUE RECEIVED BY, OR AGREED TO
2 BE PAID TO, THE AGENCY FOR, OR INCIDENTAL TO, THE PLACEMENT AND
3 ADOPTION OF THE CHILD.

4 (5) AT LEAST 21 DAYS BEFORE THE ENTRY OF THE FINAL ORDER OF
5 ADOPTION, THE DOCUMENTS DESCRIBED IN SUBSECTION (4) SHALL BE
6 UPDATED AND FILED WITH THE COURT.

7 (6) ~~(3)~~ To assure compliance with limitations imposed by
8 this section ~~—~~ AND SECTION 55 AND by section 14 of Act No. 116
9 of the Public Acts of 1973, being section 722.124 of the Michigan
10 Compiled Laws, ~~and by section 4 of Act No. 263 of the Public~~
11 ~~Acts of 1913, as amended, being section 331.404 of the Michigan~~
12 ~~Compiled Laws,~~ the court may require sworn testimony from per-
13 sons who were involved in any way in informing, notifying,
14 exchanging information, identifying, locating, assisting, or in
15 any other way participating in the contracts or arrangements
16 which, directly or indirectly, led to placement of the ~~person~~
17 INDIVIDUAL for adoption.

18 (7) THE COURT SHALL APPROVE OR DISAPPROVE ALL FEES AND
19 EXPENSES. ACCEPTANCE OR RETENTION OF AMOUNTS IN EXCESS OF THOSE
20 APPROVED BY THE COURT CONSTITUTES A VIOLATION OF THIS SECTION.

21 (8) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
22 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A
23 FINE OF NOT MORE THAN \$100.00, OR BOTH, FOR THE FIRST VIOLATION,
24 AND OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4
25 YEARS OR A FINE OF NOT MORE THAN \$2,000.00 FOR EACH SUBSEQUENT
26 VIOLATION. THE COURT MAY ENJOIN FROM FURTHER VIOLATIONS ANY
27 PERSON WHO VIOLATES THIS SECTION.

1 SEC. 55. (1) ONLY A PERSON SPECIFIED IN SECTIONS 23A(1),
2 23B(1), AND 23C SHALL PLACE A CHILD FOR ADOPTION. ONLY A PRO-
3 SPECTIVE ADOPTIVE PARENT OR A PERSON AUTHORIZED TO PLACE A CHILD
4 FOR ADOPTION SHALL SOLICIT BIOLOGICAL PARENTS OR GUARDIANS OF
5 POTENTIAL ADOPTEES OR POTENTIAL ADOPTIVE PARENTS FOR THE PURPOSES
6 OF ADOPTION. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
7 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS
8 OR A FINE OF NOT MORE THAN \$100.00, OR BOTH, FOR THE FIRST VIOLA-
9 TION, AND OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE
10 THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00 FOR EACH SUBSE-
11 QUENT VIOLATION. THE COURT MAY ENJOIN FROM FURTHER VIOLATIONS
12 ANY PERSON WHO VIOLATES THIS SECTION.

13 (2) A PERSON MAY ASSIST A PARENT OR GUARDIAN IN LOCATING OR
14 EVALUATING A POTENTIAL ADOPTIVE PARENT AND IN TRANSFERRING LEGAL
15 AND PHYSICAL CUSTODY OF AN ADOPTEE TO THE ADOPTIVE PARENT. A
16 PERSON MAY ASSIST A POTENTIAL ADOPTIVE PARENT IN LOCATING OR
17 EVALUATING A PARENT OR GUARDIAN AND AN ADOPTEE AND IN TRANSFER-
18 RING LEGAL AND PHYSICAL CUSTODY OF AN ADOPTEE TO THE ADOPTIVE
19 PARENT.

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

23 Section 2. This amendatory act shall not take effect unless
24 all of the following bills of the 87th Legislature are enacted
25 into law:

26 (a) Senate Bill No. _____ or House Bill No. _____ (request
27 no. 01932'93).

1 (b) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 01933'93).

3 (c) Senate Bill No. _____ or House Bill No. 4201 (request
4 no. 01934'93).