



HOUSE BILL No. 4736

May 6, 1993, Introduced by Rep. Wallace 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. 247 of the Public Acts of 1992, 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. 247 of the Public Acts
3 of 1992, being section 710.56 of the Michigan Compiled Laws, is
4 amended to read as follows:

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, it may extend the
15 ~~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~~ THE court of appeals
14 ~~affirming~~ AFFIRMS 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 all of the following ~~are~~
17 ~~completed~~ OCCUR:

18 (a) The ~~filing required by~~ PERSON TO BE ADOPTED CONSENTS
19 TO THE ADOPTION PURSUANT TO section 43(3) of this chapter.

20 (b) The ~~filing of the~~ written report of investigation
21 required by section 46(2) of this chapter IS FILED.

22 (c) ~~The serving of notice required pursuant to~~ NOTICE HAS
23 BEEN SERVED UPON INTERESTED PARTIES DESCRIBED IN section 24a of
24 this chapter.