



SENATE BILL No. 721

June 30, 1993, Introduced by Senators WELBORN, DINGELL, GEAKE, CISKY, DILLINGHAM, GOUGEON, MC MANUS, WARTNER, DE GROW, PRIDNIA, HONIGMAN, GAST, HOFFMAN, ARTHURHULTZ and HART and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend sections 22, 24, 24a, 27, 28, 29, 31, 41, 43, 44, 46, 51, 54, and 68a 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 27, 28, 43, and 68a 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, 710.27, 710.28, 710.29, 710.31, 710.41, 710.43, 710.44, 710.46, 710.51, 710.54, and 710.68a of the Michigan Compiled Laws; and to add sections 23a, 23b, 23c, 23d, 23e, 23f, 27a, 27b, 55, and 55a to chapter X.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 22, 24, 24a, 27, 28, 29, 31, 41, 43,
2 44, 46, 51, 54, and 68a of chapter X of Act No. 288 of the Public
3 Acts of 1939, sections 22 and 24a as amended by Act No. 247 of
4 the Public Acts of 1992, sections 27, 28, 43, and 68a as amended
5 by Act No. 175 of the Public Acts of 1990 and sections 29, 41,
6 44, 46, and 51 as amended by Act No. 72 of the Public Acts of
7 1982, being sections 710.22, 710.24, 710.24a, 710.27, 710.28,
8 710.29, 710.31, 710.41, 710.43, 710.44, 710.46, 710.51, 710.54,
9 and 710.68a of the Michigan Compiled Laws, are amended and sec-
10 tions 23a, 23b, 23c, 23d, 23e, 23f, 27a, 27b, 55, and 55a are
11 added to chapter X to read as follows:

12 CHAPTER X

13 **Sec. 22. As used in this chapter:**

14 (a) "Adoptee" means the ~~person~~ INDIVIDUAL who is to be
15 adopted, regardless of whether the ~~person~~ INDIVIDUAL is a child
16 or an adult.

17 (B) "ADULT FORMER SIBLING" MEANS AN INDIVIDUAL WHO IS 18
18 YEARS OF AGE OR OLDER AND IS RELATED TO AN ADULT ADOPTEE EITHER
19 BIOLOGICALLY OR THROUGH ADOPTION BY AT LEAST 1 COMMON PARENT,

1 REGARDLESS OF WHETHER THE ADULT FORMER SIBLING EVER LIVED IN THE
2 SAME HOUSEHOLD AS THE ADULT ADOPTEE.

3 (C) "AGENCY PLACEMENT" MEANS A PLACEMENT IN WHICH A CHILD
4 PLACING AGENCY, THE DEPARTMENT, OR A COURT WITH LEGAL AND PHYSI-
5 CAL CUSTODY OF A CHILD SELECTS THE ADOPTIVE PARENT FOR THE CHILD
6 AND TRANSFERS PHYSICAL CUSTODY OF THE CHILD TO THE PROSPECTIVE
7 ADOPTIVE PARENT.

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

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

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

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

25 (iii) The capacity and disposition of the adopting ~~person~~
26 INDIVIDUAL or ~~persons~~ INDIVIDUALS or, IN THE CASE OF A HEARING
27 UNDER SECTION 39, the putative father, to provide the adoptee

1 with food, clothing, education, permanence, medical care or other
2 remedial care recognized and permitted under the laws of this
3 state in place of medical care, and other material needs.

4 (iv) The length of time the adoptee has lived in a stable,
5 satisfactory environment, and the desirability of maintaining
6 continuity.

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

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

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

17 (viii) The home, school, and community record of the
18 adoptee.

19 (ix) The reasonable preference of the adoptee, if the
20 adoptee is 14 years of age or less and if the court ~~deems~~
21 CONSIDERS the adoptee to be of sufficient age to express a
22 preference.

23 (x) The ability and willingness of the adopting ~~person~~
24 INDIVIDUAL or ~~persons~~ INDIVIDUALS to adopt the adoptee's
25 siblings.

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

4 ~~(e) "Biological parent" means a person whose rights were~~
5 ~~terminated pursuant to this chapter or chapter XIIIA.~~

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

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

14 (H) ~~(e)~~ "Child" means ~~a person~~ AN INDIVIDUAL less than
15 18 years of age.

16 (I) ~~(f)~~ "Child placing agency" means a private organi-
17 zation licensed UNDER ACT NO. 116 OF THE PUBLIC ACTS OF 1973,
18 BEING SECTIONS 722.111 TO 722.128 OF THE MICHIGAN COMPILED LAWS,
19 to place children for adoption.

20 (J) ~~(g)~~ "Consent" means a ~~duly executed~~ document in
21 which all parental rights over a specific child are voluntarily
22 relinquished to the court for ~~adoptive~~ placement with ~~the~~
23 ~~petitioner~~ A SPECIFIC ADOPTIVE PARENT.

24 (K) ~~(h)~~ "Court" means the probate court of this state, and
25 when the context requires, the court having jurisdiction over
26 adoption in another state or country.

1 (1) ~~-(i)-~~ "Department" means the state department of social
2 services.

3 (M) "DIRECT PLACEMENT" MEANS A PLACEMENT IN WHICH A PARENT
4 OR GUARDIAN, WITH ASSISTANCE FROM A CHILD PLACING AGENCY, SELECTS
5 AN ADOPTIVE PARENT FOR A CHILD AND TRANSFERS PHYSICAL CUSTODY OF
6 THE CHILD TO THE PROSPECTIVE ADOPTIVE PARENT.

7 (N) "FORMAL PLACEMENT" MEANS A PLACEMENT THAT IS APPROVED BY
8 THE COURT UNDER SECTION 51.

9 (O) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
10 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

11 (P) ~~-(j)-~~ "Petitioner" means the ~~person~~ INDIVIDUAL or
12 ~~persons~~ INDIVIDUALS who file an adoption petition with the
13 court.

14 (Q) "PLACEMENT" MEANS SELECTION OF AN ADOPTIVE PARENT FOR A
15 CHILD AND TRANSFER OF PHYSICAL CUSTODY OF THE CHILD TO A PROSPEC-
16 TIVE ADOPTIVE PARENT PURSUANT TO THIS CHAPTER.

17 (R) ~~-(k)-~~ "Release" means a ~~duly executed~~ document in
18 which all parental rights over a specific child are voluntarily
19 relinquished to the department or to a child placing agency.

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

25 ~~-(m) "Stepparent" means a person who adopts a child 1 of~~
26 ~~whose parents is the adopting person's spouse.~~

1 (T) "SUITABLE TO BE A PARENT OF AN ADOPTEE" MEANS A
2 CONCLUSION THAT THERE IS NO SPECIFIC CONCERN RAISED WITH RESPECT
3 TO AN INDIVIDUAL THAT WOULD SUGGEST THAT PLACEMENT OF ANY CHILD,
4 OR A PARTICULAR CHILD, IN THE HOME OF THE INDIVIDUAL WOULD POSE A
5 RISK OF HARM TO THE PHYSICAL OR PSYCHOLOGICAL WELL-BEING OF THE
6 CHILD.

7 (U) "TEMPORARY PLACEMENT" MEANS A PLACEMENT THAT OCCURS
8 BEFORE COURT APPROVAL UNDER SECTION 51 AND THAT MEETS THE
9 REQUIREMENTS OF SECTION 23D.

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

21 SEC. 23A. (1) A PARENT OR GUARDIAN HAVING LEGAL AND PHYSI-
22 CAL CUSTODY OF A CHILD MAY DIRECTLY PLACE A CHILD FOR ADOPTION BY
23 MAKING A TEMPORARY PLACEMENT UNDER SECTION 23D OR A FORMAL PLACE-
24 MENT UNDER SECTION 51. A TEMPORARY PLACEMENT BECOMES A FORMAL
25 PLACEMENT WHEN THE COURT ORDERS THE TERMINATION OF THE RIGHTS OF
26 PARENTS OR PERSONS IN LOCO PARENTIS AND APPROVES PLACEMENT

1 PURSUANT TO SECTION 51. A FORMAL PLACEMENT UNDER SECTION 51 DOES
2 NOT HAVE TO BE PRECEDED BY A TEMPORARY PLACEMENT.

3 (2) A PARENT OR GUARDIAN SHALL PERSONALLY SELECT A PROSPEC-
4 TIVE ADOPTIVE PARENT IN A DIRECT PLACEMENT. THE SELECTION SHALL
5 NOT BE DELEGATED, BUT A PARENT OR GUARDIAN MAY OBTAIN ASSISTANCE
6 FROM A CHILD PLACING AGENCY IN LOCATING OR EVALUATING A PROSPEC-
7 TIVE ADOPTIVE PARENT.

8 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), THE PROSPECTIVE
9 ADOPTIVE PARENT OR A CHILD PLACING AGENCY SHALL PROVIDE INFORMA-
10 TION ABOUT A PROSPECTIVE ADOPTIVE PARENT TO THE PARENT OR GUARD-
11 IAN BEFORE PLACEMENT. THIS INFORMATION SHALL INCLUDE THE SPE-
12 CIFIC INFORMATION CONTAINED IN A PREPLACEMENT ASSESSMENT AS
13 DESCRIBED IN SECTION 23F, AND MAY INCLUDE ADDITIONAL INFORMATION
14 REQUESTED BY THE PARENT OR GUARDIAN. THE INFORMATION DOES NOT
15 HAVE TO INCLUDE IDENTIFYING INFORMATION DESCRIBED IN SECTION
16 27(3). THE PARENT OR GUARDIAN AND THE PROSPECTIVE ADOPTIVE
17 PARENT SHALL DETERMINE WHETHER TO EXCHANGE IDENTIFYING INFORMA-
18 TION AND WHETHER 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 (4) FROM THE PARENT OR

1 GUARDIAN HAVING LEGAL CUSTODY OF A CHILD MAY MAKE A TEMPORARY
2 PLACEMENT OF THE CHILD UNDER SECTION 23D. A CHILD PLACING AGENCY
3 MAY ASSIST A PARENT OR GUARDIAN TO MAKE A DIRECT PLACEMENT UNDER
4 SECTION 23A.

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

8 (A) TYPES OF CHILDREN TO BE PLACED.

9 (B) ELIGIBILITY REQUIREMENTS FOR ADOPTIVE FAMILIES.

10 (C) SERVICES PROVIDED DURING THE ADOPTION PROCESS.

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

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

17 (F) POST-RELEASE AND POST-FINALIZATION SERVICES PROVIDED, IF
18 ANY.

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

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

26 (4) 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. THE COURT MAY INVOLVE THE PARENT
10 OR GUARDIAN OF THE CHILD IN THE SELECTION OF AN ADOPTIVE PARENT
11 AND MAY FACILITATE THE EXCHANGE OF IDENTIFYING INFORMATION OR
12 MEETINGS BETWEEN A BIOLOGICAL PARENT AND AN ADOPTIVE PARENT.

13 SEC. 23D. (1) IN A DIRECT PLACEMENT, A PARENT OR GUARDIAN
14 WITH LEGAL AND PHYSICAL CUSTODY OF A CHILD MAY MAKE A TEMPORARY
15 PLACEMENT OF THE CHILD AS PRESCRIBED BY THIS SECTION. IN AN
16 AGENCY PLACEMENT, A CHILD PLACING AGENCY WITH WRITTEN AUTHORIZA-
17 TION FROM THE PARENT OR GUARDIAN PURSUANT TO SECTION 23B(4) MAY
18 MAKE A TEMPORARY PLACEMENT OF THE CHILD AS PRESCRIBED BY THIS
19 SECTION. A TEMPORARY PLACEMENT SHALL MEET ALL OF THE FOLLOWING
20 REQUIREMENTS:

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

23 (B) IN A DIRECT PLACEMENT, THE PARENT OR GUARDIAN IS
24 ASSISTED BY A CHILD PLACING AGENCY.

25 (C) THE PARENT OR GUARDIAN OR, IN THE CASE OF AN AGENCY
26 PLACEMENT OR A PLACEMENT AUTHORIZED UNDER SECTION 23B(4), A
27 REPRESENTATIVE OF THE CHILD PLACING AGENCY, SIGNS, IN THE

1 PRESENCE OF A WITNESS, WHO ALSO SIGNS THE DOCUMENT, A STATEMENT
2 EVIDENCING THE TRANSFER OF PHYSICAL CUSTODY. IF THE PARENT
3 MAKING THE TEMPORARY PLACEMENT IS AN UNEMANCIPATED MINOR, THE
4 STATEMENT IS NOT VALID UNLESS IT IS ALSO SIGNED IN THE PRESENCE
5 OF THE WITNESS BY A PARENT OR GUARDIAN OF THAT MINOR PARENT. THE
6 STATEMENT SHALL CONTAIN ALL OF THE FOLLOWING:

7 (i) THE DATE OF THE TRANSFER.

8 (ii) LANGUAGE PROVIDING THAT THE TRANSFER IS FOR THE PURPOSE
9 OF ADOPTION BY THE PROSPECTIVE ADOPTIVE PARENT WHO IS A MICHIGAN
10 RESIDENT.

11 (iii) LANGUAGE PROVIDING THAT THE PERSON MAKING THE TRANSFER
12 HAS READ A PREPLACEMENT ASSESSMENT OF THE PROSPECTIVE ADOPTIVE
13 PARENT COMPLETED OR UPDATED WITHIN 6 MONTHS BEFORE THE DATE OF
14 THE TRANSFER WITH A FINDING THAT THE PROSPECTIVE ADOPTIVE PARENT
15 IS SUITABLE TO BE THE PARENT OF AN ADOPTEE.

16 (iv) EVEN IF ONLY 1 PARENT IS MAKING THE TEMPORARY PLACE-
17 MENT, THE NAME AND ADDRESS OF BOTH PARENTS OF THE CHILD, INCLUD-
18 ING IN THE CASE OF A CHILD BORN OUT OF WEDLOCK, THE NAME AND THE
19 ADDRESS OF EACH PUTATIVE FATHER OF THE CHILD, IF KNOWN.

20 (D) THE PROSPECTIVE ADOPTIVE PARENT SIGNS, IN THE PRESENCE
21 OF A WITNESS, WHO ALSO SIGNS THE DOCUMENT, A STATEMENT SETTING
22 FORTH THE DATE OF THE TRANSFER AND THE NAME AND ADDRESS OF THE
23 PROSPECTIVE ADOPTIVE PARENT AND ATTESTING TO BOTH OF THE
24 FOLLOWING:

25 (i) THAT THE PROSPECTIVE ADOPTIVE PARENT UNDERSTANDS THAT
26 THE TEMPORARY PLACEMENT WILL NOT BECOME A FORMAL PLACEMENT UNTIL
27 THE PARENTS CONSENT OR RELEASE THEIR PARENTAL RIGHTS AND THE

1 COURT ORDERS THE TERMINATION OF PARENTAL RIGHTS AND APPROVES THE
2 PLACEMENT.

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

6 (2) NOT LATER THAN 48 HOURS AFTER A TRANSFER PURSUANT TO
7 SUBSECTION (1) THE CHILD PLACING AGENCY SHALL SUBMIT TO THE COURT
8 IN THE COUNTY IN WHICH THE PROSPECTIVE ADOPTIVE PARENT RESIDES A
9 REPORT THAT CONTAINS ALL OF THE FOLLOWING:

10 (A) THE DATE OF THE TRANSFER.

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

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

15 (D) EVEN IF ONLY 1 PARENT IS MAKING THE TEMPORARY PLACEMENT,
16 THE NAME AND ADDRESS OF BOTH PARENTS OF THE CHILD, INCLUDING, IN
17 THE CASE OF A CHILD BORN OUT OF WEDLOCK, THE NAME OF EACH PUTA-
18 TIVE FATHER, IF KNOWN.

19 (E) THE DOCUMENTS REQUIRED UNDER SUBSECTION (1)(C) AND (D)
20 AND, IF APPLICABLE, THE AUTHORIZATION REQUIRED UNDER
21 SECTION 23B(4).

22 (3) THE CHILD PLACING AGENCY SHALL SUBMIT A REPORT TO THE
23 COURT DESCRIBED IN SUBSECTION (2) WITHIN 30 DAYS AFTER THE TRANS-
24 FER INDICATING WHETHER 1 OF THE FOLLOWING DISPOSITIONS HAS
25 OCCURRED:

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

1 (B) THE CHILD HAS BEEN RETURNED TO THE AGENCY OR TO A PARENT
2 OR OTHER PERSON HAVING LEGAL CUSTODY.

3 (4) IF THE COURT HAS NOT RECEIVED THE REPORT REQUIRED UNDER
4 SUBSECTION (3) WITHIN 45 DAYS AFTER THE TRANSFER OF A CHILD, THE
5 PROBATE REGISTER SHALL IMMEDIATELY INVESTIGATE AND DETERMINE
6 WHETHER AN ADOPTION PETITION HAS BEEN FILED OR THE CHILD HAS BEEN
7 RETURNED TO A PARENT OR OTHER PERSON HAVING LEGAL CUSTODY. IF
8 NEITHER DISPOSITION HAS OCCURRED, THE PROBATE REGISTER SHALL
9 IMMEDIATELY REPORT TO THE PROSECUTOR, WHO SHALL IMMEDIATELY FILE
10 A PETITION IN THE COURT DESCRIBED IN SUBSECTION (2) FOR DISPOSI-
11 TION OF THE CHILD PURSUANT TO SECTION 23E.

12 (5) IF A PROSPECTIVE ADOPTIVE PARENT WITH WHOM A CHILD HAS
13 BEEN TEMPORARILY PLACED REFUSES TO RETURN THE CHILD TO THE PARENT
14 OR GUARDIAN WHO PLACED THE CHILD UPON THAT PARENT'S OR GUARDIAN'S
15 REQUEST, THE PARENT OR GUARDIAN MAY FILE A PETITION IN THE COURT
16 DESCRIBED IN SUBSECTION (2) FOR RETURN OF THE CHILD TO THE
17 PARENT'S OR GUARDIAN'S CUSTODY PURSUANT TO SECTION 23E.

18 (6) IF A PROSPECTIVE ADOPTIVE PARENT WITH WHOM A CHILD HAS
19 BEEN TEMPORARILY PLACED IS EITHER UNWILLING OR UNABLE TO PROCEED
20 WITH THE ADOPTION, THE PROSPECTIVE ADOPTIVE PARENT MAY FILE A
21 PETITION IN THE COURT DESCRIBED IN SUBSECTION (2) FOR DISPOSITION
22 OF THE CHILD PURSUANT TO SECTION 23E.

23 (7) IF A CHILD PLACING AGENCY THAT TEMPORARILY PLACED A
24 CHILD IS UNABLE TO PROCEED WITH AN ADOPTION BECAUSE OF THE
25 UNAVAILABILITY OR UNWILLINGNESS OF A PARENT OR GUARDIAN TO EXE-
26 CUTE A RELEASE, OR IF A CHILD PLACING AGENCY WITH LEGAL CUSTODY
27 OF A CHILD DECIDES NOT TO PROCEED WITH THE ADOPTION BY A

1 PROSPECTIVE ADOPTIVE PARENT WITH WHOM THE CHILD HAS BEEN
2 TEMPORARILY PLACED AND THE PROSPECTIVE ADOPTIVE PARENT REFUSES
3 UPON THE AGENCY'S REQUEST TO RETURN THE CHILD TO THE AGENCY, THE
4 CHILD PLACING AGENCY MAY FILE A PETITION IN THE COURT DESCRIBED
5 IN SUBSECTION (2) FOR DISPOSITION OF THE CHILD PURSUANT TO SEC-
6 TION 23E.

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

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

15 SEC. 23E. (1) UPON THE FILING OF A PETITION BY THE PROSECU-
16 TOR PURSUANT TO SECTION 23D(4), BY A PARENT OR GUARDIAN PURSUANT
17 TO SECTION 23D(5), BY A PROSPECTIVE ADOPTIVE PARENT PURSUANT TO
18 SECTION 23D(6), OR BY A CHILD PLACING AGENCY PURSUANT TO SECTION
19 23D(7), THE COURT SHALL HOLD A HEARING TO DETERMINE THE CUSTODY
20 OF A CHILD FOR WHOM A TEMPORARY PLACEMENT HAS BEEN MADE.

21 (2) IF UPON HEARING THE MATTER THE COURT DETERMINES THAT THE
22 PARENT OR GUARDIAN WISHES THE RETURN OF THE CHILD AND THE
23 PARENT'S OR GUARDIAN'S RIGHTS TO THE CHILD HAVE NOT BEEN TERMI-
24 NATED, THE COURT SHALL ORDER THE CHILD TO BE RETURNED TO THE
25 PARENT OR GUARDIAN WITH LEGAL CUSTODY UNLESS THE COURT PROCEEDS
26 UNDER SUBSECTION (3).

1 (3) THE COURT MAY APPOINT AN ATTORNEY TO REPRESENT THE CHILD
2 OR REFER THE MATTER TO THE DEPARTMENT FOR THE FILING OF A
3 PETITION ON BEHALF OF THE CHILD REQUESTING THE COURT TO TAKE
4 JURISDICTION UNDER SECTION 2(B) OF CHAPTER XIIA. IF A PETITION
5 HAS NOT BEEN FILED WITHIN 14 DAYS AFTER THE HEARING UNDER THIS
6 SECTION, THE COURT SHALL ORDER THE RETURN OF THE CHILD TO THE
7 PARENT OR GUARDIAN WITH LEGAL CUSTODY. DURING THE PERIOD BEFORE
8 THE PETITION IS FILED AND A PRELIMINARY HEARING IS HELD OR THE
9 RETURN OF CUSTODY IS ORDERED, THE COURT MAY BY EX PARTE ORDER
10 MAKE A TEMPORARY DISPOSITION APPROPRIATE FOR THE WELFARE OF THE
11 CHILD AS AUTHORIZED BY SECTION 18 OF CHAPTER XIIA.

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

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

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

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

1 SEC. 23F. (1) AN INDIVIDUAL SEEKING TO ADOPT MAY REQUEST AT
2 ANY TIME THAT A PREPLACEMENT ASSESSMENT BE PREPARED BY A CHILD
3 PLACING AGENCY.

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

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

10 (4) IF AN INDIVIDUAL IS SEEKING TO ADOPT A CHILD FROM A PAR-
11 TICULAR CHILD PLACING AGENCY, THE AGENCY MAY REQUIRE THE INDIVID-
12 UAL TO BE ASSESSED BY ITS OWN EMPLOYEE, EVEN IF THE INDIVIDUAL
13 HAS ALREADY HAD A FAVORABLE PREPLACEMENT ASSESSMENT COMPLETED BY
14 ANOTHER CHILD PLACING AGENCY.

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

21 (A) AGE, NATIONALITY, RACE OR ETHNICITY, AND ANY RELIGIOUS
22 PREFERENCE.

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

25 (C) PHYSICAL AND MENTAL HEALTH, INCLUDING ANY HISTORY OF
26 SUBSTANCE ABUSE.

1 (D) EDUCATIONAL AND EMPLOYMENT HISTORY AND ANY SPECIAL
2 SKILLS AND INTERESTS.

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

6 (F) REASON FOR WANTING TO ADOPT.

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

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

14 (I) WHETHER THE INDIVIDUAL HAS EVER BEEN CONVICTED OF A
15 CRIME.

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

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

1 OF THE INDIVIDUAL WOULD POSE A RISK OF HARM TO THE PHYSICAL OR
2 PSYCHOLOGICAL WELL-BEING OF THE CHILD.

3 (6) A CHILD PLACING AGENCY SHALL REQUEST AN INDIVIDUAL SEEK-
4 ING A PREPLACEMENT ASSESSMENT TO PROVIDE A DOCUMENT FROM THE
5 MICHIGAN STATE POLICE AND THE FEDERAL BUREAU OF INVESTIGATION
6 DESCRIBING ALL OF THE INDIVIDUAL'S CRIMINAL CONVICTIONS AS SHOWN
7 BY THAT AGENCY'S RECORDS, OR STATING THAT THE AGENCY'S RECORDS
8 INDICATE THAT THE INDIVIDUAL HAS NOT BEEN CONVICTED OF A CRIME.
9 UPON REQUEST OF THE INDIVIDUAL AND RECEIPT OF A SIGNED AUTHORIZA-
10 TION, THE CHILD PLACING AGENCY SHALL OBTAIN THE CRIMINAL RECORD
11 FROM THE LAW ENFORCEMENT AGENCY ON THE INDIVIDUAL'S BEHALF.

12 (7) A PREPLACEMENT ASSESSMENT SHALL CONTAIN A LIST OF THE
13 SOURCES OF INFORMATION ON WHICH IT IS BASED. IF THE CHILD PLAC-
14 ING AGENCY CONCLUDES THAT AN INDIVIDUAL IS NOT SUITABLE TO BE AN
15 ADOPTIVE PARENT, THE CONCLUSION SHALL BE SUPPORTED BY A WRITTEN
16 ACCOUNT OF HOW 1 OR MORE SPECIFIC CONCERNS POSE A RISK TO THE
17 PHYSICAL OR PSYCHOLOGICAL WELL-BEING OF ANY CHILD OR A PARTICULAR
18 CHILD. IF THE CONCLUSION OF A PREPLACEMENT ASSESSMENT REGARDING
19 THE SUITABILITY OF THE INDIVIDUAL DIFFERS FROM THE CONCLUSION IN
20 A PRIOR ASSESSMENT, THE CHILD PLACING AGENCY SHALL EXPLAIN AND
21 JUSTIFY THE DIFFERENCE.

22 (8) AN INDIVIDUAL WHO RECEIVES A PREPLACEMENT ASSESSMENT
23 WITH A CONCLUSION OF UNSUITABILITY MAY SEEK A REVIEW OF THE
24 ASSESSMENT BY THE COURT AFTER FILING AN ADOPTION PETITION. THE
25 COURT MAY ORDER AN AGENT OR EMPLOYEE OF THE COURT TO MAKE AN
26 INVESTIGATION AND REPORT TO THE COURT BEFORE THE HEARING. IF, AT
27 THE HEARING, THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE

1 THAT THE CONCLUSION OF UNSUITABILITY IS NOT JUSTIFIED, THE PERSON
2 WITH LEGAL CUSTODY OF THE CHILD MAY PLACE THE CHILD WITH THAT
3 INDIVIDUAL. IF THE COURT DETERMINES THAT THE CONCLUSION OF
4 UNSUITABILITY IS JUSTIFIED, IT SHALL ORDER THAT THE CHILD SHALL
5 NOT BE PLACED WITH THE INDIVIDUAL.

6 Sec. 24. (1) If a person desires to adopt a child or an
7 adult and to bestow upon the adoptee his OR HER family name, or
8 to adopt a child or an adult without a change of name, with the
9 intent to make the adoptee his OR HER heir, that person, together
10 with his wife or her husband, if married, shall file a petition
11 with the probate court of the county in which the petitioner
12 resides or where the adoptee is found.

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

15 (a) The name, date and place of birth, and place of resi-
16 dence of each petitioner, including the maiden name of the adopt-
17 ing mother.

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

20 (c) The relationship, if any, of the adoptee to the
21 petitioner.

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

24 (e) The full description of the property, if any, of the
25 adoptee.

26 (f) ~~The~~ UNLESS THE RIGHTS OF THE PARENTS HAVE BEEN
27 TERMINATED BY A COURT OF COMPETENT JURISDICTION OR EXCEPT AS

1 OTHERWISE PROVIDED IN SUBSECTION (5), THE names of the parents of
2 the adoptee, and the ~~address~~ PLACE OF RESIDENCE of each living
3 parent if known. ~~, except that the names and addresses of the~~
4 ~~parents may be omitted if the rights of the parents have been~~
5 ~~terminated by a court of competent jurisdiction.~~

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

9 (3) THE PETITIONER SHALL ATTACH TO THE PETITION AN AFFIDAVIT
10 CERTIFYING THAT THE PETITIONER HAS BEEN INFORMED OF THE AVAIL-
11 ABILITY OF COUNSELING SERVICES AND WHETHER THE PETITIONER HAS
12 RECEIVED COUNSELING.

13 (4) IN A DIRECT PLACEMENT, THE PETITIONER SHALL ATTACH A
14 COPY OF A PREPLACEMENT ASSESSMENT OF THE PETITIONER COMPLETED OR
15 UPDATED WITHIN 1 YEAR BEFORE THE PETITION IS FILED WITH A FINDING
16 THAT THE PETITIONER IS SUITABLE TO BE A PARENT OF AN ADOPTEE,
17 COPIES OF ALL OTHER PREPLACEMENT ASSESSMENTS OF THE PETITIONER,
18 IF ANY OTHERS HAVE BEEN COMPLETED, AND AN AFFIDAVIT STATING THAT
19 NO PREPLACEMENT ASSESSMENTS OF THE PETITIONER HAVE BEEN COMPLETED
20 OTHER THAN THOSE ATTACHED TO THE PETITION.

21 (5) IN A DIRECT PLACEMENT IN WHICH THE PARTIES HAVE ELECTED
22 NOT TO EXCHANGE IDENTIFYING INFORMATION, THE INFORMATION REQUIRED
23 BY SUBSECTION (2)(F) AND (G) AND THE SURNAME AND PLACE OF RESI-
24 DENCE OF THE ADOPTEE REQUIRED UNDER SUBSECTION (2)(B) MAY BE
25 OMITTED. THE CHILD PLACING AGENCY ASSISTING IN THE ADOPTION
26 SHALL FILE AN AFFIDAVIT CONTAINING THE OMITTED INFORMATION.

1 Sec. 24a. (1) Interested parties in a petition for adoption
2 are all of the following:

3 (a) The petitioner.

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

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

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

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

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

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

14 (v) The parent has consented to the granting of the
15 petition.

16 (d) The department or a child placing agency to which the
17 adoptee has been, or for purposes of subsection (3) is proposed
18 to be, released or committed by an order of the juvenile division
19 of the probate court.

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

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

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

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

1 (i) The guardian or guardian ad litem of an interested
2 party.

3 (2) Interested parties in a petition for a hearing to iden-
4 tify the father of ~~a child~~ AN ADOPTEE and to determine or ter-
5 minate his rights are all of the following:

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

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

8 (3) Interested parties in a proceeding relating to the exe-
9 cution of a voluntary release are all of the following:

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

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

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

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

16 (a) The petitioners.

17 (b) The stepparent who adopted the adult adoptee.

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

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

21 (A) THE PARENT OR GUARDIAN WHO MADE OR AUTHORIZED THE TEMPO-
22 RARY PLACEMENT.

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

25 (C) A CHILD PLACING AGENCY THAT MADE OR WAS AUTHORIZED UNDER
26 SECTION 23B(4) TO MAKE THE TEMPORARY PLACEMENT.

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

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

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

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

10 (6) ~~-(5)-~~ In the interest of justice, the court may require
11 additional parties to be served.

12 (7) ~~-(6)-~~ The court shall not appoint a guardian of the
13 adoptee or of a parent solely for the purpose of defeating that
14 parent's status as an interested party under this section.

15 Sec. 27. (1) ~~Nonidentifying information shall be main-~~
16 ~~tained by a child placing agency, the department, or a court that~~
17 ~~places an adoptee under this chapter. The following nonidenti-~~
18 ~~fying information shall be maintained, if obtainable:~~ BEFORE
19 PLACEMENT OF A CHILD FOR ADOPTION, A PARENT OR GUARDIAN, A CHILD
20 PLACING AGENCY, THE DEPARTMENT, OR THE COURT THAT PLACES THE
21 CHILD SHALL COMPILE AND PROVIDE TO THE PROSPECTIVE ADOPTIVE
22 PARENT A WRITTEN DOCUMENT CONTAINING ALL OF THE FOLLOWING NONI-
23 DENTIFYING INFORMATION THAT IS REASONABLY OBTAINABLE FROM THE
24 PARENTS, RELATIVES, OR GUARDIAN OF THE CHILD; ANY PERSON WHO HAS
25 HAD PHYSICAL CUSTODY OF THE CHILD FOR 30 DAYS OR MORE; OR ANY
26 PERSON WHO HAS PROVIDED HEALTH, PSYCHOLOGICAL, EDUCATIONAL, OR
27 OTHER SERVICES TO THE CHILD:

1 (a) Date, time, and place of birth of the ~~adoptee~~ CHILD
2 including the hospital, city, county, and state.

3 ~~(b) Medical history of the adoptee and biological parents.~~

4 ~~(c) Ethnicity of the biological parents.~~

5 ~~(d) Status of termination voluntary or court ordered.~~

6 ~~(e) Religious background of biological parents.~~

7 ~~(f) Age and sex of siblings of the adoptee known at the time~~
8 ~~of the adoption.~~

9 ~~(g) Educational level of biological parents.~~

10 (B) AN ACCOUNT OF THE HEALTH AND GENETIC HISTORY OF THE
11 CHILD, INCLUDING AN ACCOUNT OF THE CHILD'S PRENATAL CARE; MEDICAL
12 CONDITION AT BIRTH; ANY DRUG OR MEDICATION TAKEN BY THE CHILD'S
13 MOTHER DURING PREGNANCY; ANY SUBSEQUENT MEDICAL, PSYCHOLOGICAL,
14 PSYCHIATRIC, OR DENTAL EXAMINATION AND DIAGNOSIS; ANY PSYCHOLOGI-
15 CAL EVALUATIONS DONE WHEN THE CHILD WAS UNDER THE JURISDICTION OF
16 THE COURT; ANY PHYSICAL, SEXUAL, OR EMOTIONAL ABUSE SUFFERED BY
17 THE CHILD; ANY REPORTS CONCERNING THE CHILD PREPARED BY PROTEC-
18 TIVE SERVICE WORKERS, FOSTER CARE WORKERS, OR ADOPTION WORKERS
19 BEFORE THE PLACEMENT; AND A RECORD OF ANY IMMUNIZATIONS AND
20 HEALTH CARE THE CHILD RECEIVED WHILE IN FOSTER OR OTHER CARE.
21 THIS SUBDIVISION DOES NOT REQUIRE THE DISCLOSURE OF MATERIAL MADE
22 CONFIDENTIAL BY STATE OR FEDERAL LAW.

23 (C) AN ACCOUNT OF THE HEALTH AND GENETIC HISTORY OF THE
24 CHILD'S BIOLOGICAL PARENTS AND OTHER MEMBERS OF THE CHILD'S
25 FAMILY, INCLUDING ANY KNOWN HEREDITARY CONDITION OR DISEASE; THE
26 HEALTH OF EACH PARENT AT THE CHILD'S BIRTH; A SUMMARY OF THE
27 FINDINGS OF ANY MEDICAL, PSYCHOLOGICAL, OR PSYCHIATRIC EVALUATION

1 OF EACH PARENT AT THE TIME OF PLACEMENT; AND IF A PARENT IS
2 DECEASED, THE CAUSE OF AND THE AGE AT DEATH.

3 (D) A DESCRIPTION OF THE CHILD AND THE CHILD'S FAMILY OF
4 ORIGIN, INCLUDING ALL OF THE FOLLOWING:

5 (i) GIVEN FIRST NAME OF THE CHILD AT BIRTH.

6 (ii) THE AGE AND SEX OF SIBLINGS OF THE CHILD.

7 (iii) THE CHILD'S ENROLLMENT AND PERFORMANCE IN SCHOOL,
8 RESULTS OF EDUCATIONAL TESTING, AND ANY SPECIAL EDUCATIONAL
9 NEEDS.

10 (iv) THE CHILD'S RACIAL, ETHNIC, AND RELIGIOUS BACKGROUND,
11 AND A GENERAL DESCRIPTION OF THE CHILD'S PARENTS, INCLUDING THE
12 AGE OF THE CHILD'S PARENTS AT THE TIME OF TERMINATION OF PARENTAL
13 RIGHTS, AND THE LENGTH OF TIME THE PARENTS HAD BEEN MARRIED AT
14 THE TIME OF PLACEMENT.

15 (v) INFORMATION CONCERNING THE CHILD'S RELEVANT PAST AND
16 EXISTING RELATIONSHIP WITH ANY INDIVIDUAL OR FACILITY WITH WHOM
17 THE CHILD HAS LIVED OR VISITED ON A REGULAR BASIS.

18 (vi) THE LEVELS OF EDUCATIONAL, OCCUPATIONAL, PROFESSIONAL,
19 ATHLETIC, OR ARTISTIC ACHIEVEMENT OF THE CHILD'S FAMILY.

20 (vii) HOBBIES, SPECIAL INTERESTS, AND SCHOOL ACTIVITIES OF
21 THE CHILD'S FAMILY.

22 (viii) THE CIRCUMSTANCES OF ANY JUDICIAL ORDER TERMINATING
23 THE PARENTAL RIGHTS OF A PARENT FOR ABUSE, NEGLECT, ABANDONMENT,
24 OR OTHER MISTREATMENT OF THE CHILD.

25 (ix) LENGTH OF TIME BETWEEN THE TERMINATION OF PARENTAL
26 RIGHTS AND ADOPTIVE PLACEMENT AND WHETHER THE TERMINATION WAS
27 VOLUNTARY OR COURT-ORDERED.

1 (x) ANY INFORMATION NECESSARY TO DETERMINE THE CHILD'S
2 ELIGIBILITY FOR STATE OR FEDERAL BENEFITS, INCLUDING FINANCIAL,
3 MEDICAL, OR OTHER ASSISTANCE.

4 (2) INFORMATION REQUIRED BY SUBSECTION (1) THAT IS UNOBTAIN-
5 ABLE BEFORE TEMPORARY PLACEMENT SHALL BE SUBMITTED BY THE TIME OF
6 FORMAL PLACEMENT IF REASONABLY OBTAINABLE. The information
7 required by subsection (1) shall be supplemented by other noni-
8 dentifying background information that the PARENT OR GUARDIAN,
9 child placing agency, department, or court considers
10 appropriate.

11 (3) ~~The~~ A PARENT OR GUARDIAN, THE department, a child
12 placing agency, or a court that places an adoptee under this
13 chapter shall ~~maintain~~ COMPILE all of the following identifying
14 information if REASONABLY obtainable:

15 (a) Name of the child before placement in adoption.

16 (b) ~~Names~~ NAME of EACH biological ~~parents~~ PARENT at the
17 time of termination of parental rights.

18 (c) The most recent ~~names~~ NAME and ~~addresses~~ ADDRESS of
19 ~~the~~ EACH biological ~~parents~~ PARENT.

20 (d) Names of the biological siblings at the time of
21 termination.

22 ~~(4) The court shall inform each biological parent at the~~
23 ~~time of termination of parental rights pursuant to this chapter~~
24 ~~or chapter 12A, that the biological parent may file a denial of~~
25 ~~release of the identifying information specified in subsection~~
26 ~~(3) with the department at any time and that the denial may be~~
27 ~~revoked at any time. The department shall develop a form for~~

~~1 biological parents to deny or revoke a denial of release of
2 identifying information and shall make the form available to the
3 court. The court shall inform both biological parents, if known,
4 of the provisions described in sections 68 and 68a.~~

~~5 (5) The department shall keep on file each statement con-
6 cerning a child believed to be adopted that is submitted by a
7 biological parent or adult biological sibling consenting to or
8 denying release of identifying information, and shall transmit
9 that statement to the proper child placing agency, department, or
10 court upon request of the child placing agency, department, or
11 court. The statement may be rescinded at any time by the biolog-
12 ical parent or adult biological sibling. A statement made by a
13 biological parent or adult biological sibling consenting to the
14 release of identifying information shall include the current name
15 and address of the biological parent or adult biological
16 sibling. Once a request for information from the file has been
17 received by the department, a subsequent statement submitted by a
18 biological parent or adult biological sibling consenting to the
19 release of identifying information or revoking a previous denial
20 to release of identifying information, shall be transmitted to
21 the requesting child placing agency, department, or court upon
22 receipt.~~

~~23 (4) THE INFORMATION REQUIRED BY SUBSECTIONS (1) TO (3) SHALL
24 BE MAINTAINED BY THE CHILD PLACING AGENCY, DEPARTMENT, OR COURT
25 THAT PLACES THE CHILD OR, IN THE CASE OF A DIRECT PLACEMENT BY A
26 PARENT OR GUARDIAN, BY THE COURT THAT APPROVES THE PLACEMENT. IN
27 A DIRECT PLACEMENT, THE PARENT OR GUARDIAN SHALL TRANSMIT THE~~

1 INFORMATION REQUIRED UNDER SUBSECTIONS (1) TO (3) TO THE COURT
2 BEFORE THE TERMINATION OF PARENTAL RIGHTS. AN EMPLOYEE OR AGENT
3 OF A CHILD PLACING AGENCY, THE COURT, OR THE DEPARTMENT WHO
4 INTENTIONALLY DESTROYS INFORMATION REQUIRED TO BE MAINTAINED
5 UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR.

6 (5) ~~-(6)-~~ If a child placing agency ceases to operate, the
7 agency's adoption records shall be forwarded to the department.
8 A branch or associate agency of a child placing agency ~~which~~
9 THAT ceases to operate shall forward its records to the central
10 agency of the branch or associate agency.

11 (6) ~~-(7)-~~ This section ~~also applies~~ DOES NOT APPLY to a
12 stepparent adoption ~~and~~ OR to the adoption of a child related
13 to the petitioner within the fifth degree by marriage, blood, or
14 adoption.

15 (7) ~~-(8)- The information required by subsections (1) through~~
16 ~~(3) shall be maintained by the child placing agency, department,~~
17 ~~or court. An employee or agent of a child placing agency, the~~
18 ~~court, or the department, who intentionally destroys information~~
19 ~~required to be maintained under this section, is guilty of a~~
20 ~~misdemeanor.~~ THIS SECTION DOES NOT PREVENT A PARENT OR GUARDIAN
21 AND PROSPECTIVE ADOPTIVE PARENT FROM EXCHANGING IDENTIFYING
22 INFORMATION OR MEETING PURSUANT TO SECTIONS 23A, 23B, AND 23C.

23 SEC. 27A. (1) A FORMER PARENT MAY FILE WITH THE CENTRAL
24 ADOPTION REGISTRY A STATEMENT CONSENTING TO OR DENYING THE
25 RELEASE OF THE IDENTIFYING INFORMATION ABOUT THAT PARENT SPECI-
26 FIED IN SECTION 27(3)(B) AND (C). THE CONSENT OR DENIAL MAY BE
27 FILED, UPDATED, OR REVOKED AT ANY TIME.

1 (2) AN ADULT FORMER SIBLING MAY FILE A STATEMENT WITH THE
2 CENTRAL ADOPTION REGISTRY PROVIDING NOTICE THAT A FORMER PARENT
3 IS DECEASED. A COPY OF THE FORMER PARENT'S DEATH CERTIFICATE OR
4 OTHER EVIDENCE OF THE FORMER PARENT'S DEATH SHALL BE ATTACHED TO
5 THE STATEMENT.

6 (3) AN ADULT FORMER SIBLING WHO KNOWS THE BIRTH NAME OF AN
7 ADOPTEE MAY FILE WITH THE CENTRAL ADOPTION REGISTRY A STATEMENT
8 CONSENTING TO THE RELEASE OF THE ADULT FORMER SIBLING'S NAME AND
9 ADDRESS TO THE ADULT ADOPTEE. THE STATEMENT MAY BE FILED, UPDAT-
10 ED, OR REVOKED AT ANY TIME.

11 (4) AT THE TIME OF TERMINATION OF PARENTAL RIGHTS PURSUANT
12 TO THIS CHAPTER OR CHAPTER XIIA, THE COURT SHALL INFORM EACH
13 PARENT OF THE PROVISIONS DESCRIBED IN THIS SECTION AND SECTIONS
14 27B, 68, AND 68A. THE COURT SHALL INFORM EACH PARENT THAT THE
15 PARENT'S CONSENT TO THE RELEASE OF IDENTIFYING INFORMATION ABOUT
16 THAT PARENT SPECIFIED IN SECTION 27(3)(B) AND (C) SHALL BE PRE-
17 SUMED UNLESS THE PARENT FILES A STATEMENT WITH THE CENTRAL ADOP-
18 TION REGISTRY DENYING THE RELEASE OF THE INFORMATION ABOUT THAT
19 PARENT. THE COURT SHALL EXPLAIN THE PARENT'S RIGHT TO FILE,
20 UPDATE, OR REVOKE THE DENIAL AT ANY TIME, AND SHALL PROVIDE EACH
21 PARENT WITH THE FORMS PRESCRIBED UNDER SECTION 27B.

22 SEC. 27B. (1) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A
23 CENTRAL ADOPTION REGISTRY TO CONTROL THE RELEASE OF IDENTIFYING
24 INFORMATION DESCRIBED IN SECTION 27(3).

25 (2) THE CENTRAL ADOPTION REGISTRY SHALL KEEP ON FILE THE
26 STATEMENTS OF FORMER PARENTS CONSENTING TO OR DENYING THE RELEASE

1 OF IDENTIFYING INFORMATION AND THE STATEMENTS OF ADULT FORMER
2 SIBLINGS DESCRIBED IN SECTION 27A(2) AND (3).

3 (3) THE DEPARTMENT SHALL DEVELOP FORMS FOR FORMER PARENTS TO
4 USE TO CONSENT TO, DENY, OR REVOKE A CONSENT TO OR DENIAL OF, THE
5 RELEASE OF IDENTIFYING INFORMATION AND FORMS FOR ADULT FORMER
6 SIBLINGS TO USE TO PROVIDE NOTICE OF THE DEATH OF A FORMER PARENT
7 AND TO CONSENT TO THE RELEASE OF THE ADULT FORMER SIBLING'S NAME
8 AND ADDRESS TO AN ADULT ADOPTEE. THE DEPARTMENT SHALL MAKE THE
9 FORMS AVAILABLE TO CHILD PLACING AGENCIES AND THE COURT. THE
10 FORMS SHALL INCLUDE THE CURRENT NAME AND ADDRESS OF THE FORMER
11 PARENT OR ADULT FORMER SIBLING. THE DENIAL FORM SHALL CONTAIN A
12 SPACE FOR THE FORMER PARENT TO INDICATE, IF HE OR SHE WISHES, THE
13 REASON WHY HE OR SHE DOES NOT WISH TO BE IDENTIFIED OR
14 CONTACTED. THE DEPARTMENT SHALL ALSO DEVELOP AND DISTRIBUTE
15 CLEARANCE REQUEST AND REPLY FORMS TO BE USED BY CHILD PLACING
16 AGENCIES, THE DEPARTMENT, AND THE COURT TO REQUEST AND RECEIVE
17 INFORMATION FROM THE CENTRAL ADOPTION REGISTRY PURSUANT TO SEC-
18 TION 68(5) AND (8).

19 (4) UPON RECEIPT OF A CLEARANCE REQUEST FORM FROM A CHILD
20 PLACING AGENCY OR THE DEPARTMENT OR COURT PURSUANT TO
21 SECTION 68(5), THE CENTRAL ADOPTION REGISTRY SHALL TRANSMIT TO
22 THE REQUESTER A CLEARANCE REPLY FORM INDICATING WHETHER A PARTIC-
23 ULAR FORMER PARENT HAS FILED WITH THE REGISTRY A STATEMENT EITHER
24 DENYING OR CONSENTING TO THE RELEASE OF IDENTIFYING INFORMATION
25 OR WHETHER A FORMER PARENT IS DECEASED. THE CENTRAL ADOPTION
26 REGISTRY SHALL INCLUDE A COPY OF THE STATEMENT CONSENTING TO OR
27 DENYING THE RELEASE OF IDENTIFYING INFORMATION. ONCE A REQUEST

1 FOR INFORMATION HAS BEEN RECEIVED BY THE CENTRAL ADOPTION
2 REGISTRY, A SUBSEQUENT STATEMENT SUBMITTED BY A FORMER PARENT
3 CONSENTING TO THE RELEASE OF IDENTIFYING INFORMATION OR REVOKING
4 A PREVIOUS DENIAL OF RELEASE OF IDENTIFYING INFORMATION SHALL BE
5 TRANSMITTED TO THE PERSON WHO REQUESTED THE INFORMATION.

6 (5) UPON RECEIPT OF A CLEARANCE REQUEST FORM FROM A CHILD
7 PLACING AGENCY OR THE DEPARTMENT OR COURT PURSUANT TO
8 SECTION 68(8), THE CENTRAL ADOPTION REGISTRY SHALL TRANSMIT TO
9 THE REQUESTER A STATEMENT FROM AN ADULT FORMER SIBLING CONSENTING
10 TO THE RELEASE OF THE ADULT FORMER SIBLING'S NAME AND ADDRESS TO
11 AN ADULT ADOPTEE. ONCE A REQUEST FOR INFORMATION HAS BEEN
12 RECEIVED BY THE CENTRAL ADOPTION REGISTRY, A SUBSEQUENT STATEMENT
13 SUBMITTED BY AN ADULT FORMER SIBLING CONSENTING TO THE RELEASE OF
14 THE ADULT FORMER SIBLING'S NAME AND ADDRESS SHALL BE TRANSMITTED
15 TO THE PERSON WHO REQUESTED THE INFORMATION.

16 Sec. 28. (1) Subject to this section and section 29, a
17 release IN AN AGENCY PLACEMENT shall be executed:

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

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

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

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

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

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

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

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

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

10 (2) ~~(3)~~ If the parent of the child to be adopted is an
11 unemancipated minor, that parent's release is not valid unless a
12 parent, guardian, or guardian ad litem of that minor parent has
13 also executed the release.

14 (3) ~~(4)~~ The guardian of the child to be adopted may not
15 execute a release of the child pursuant to subsection (1) unless
16 the guardian has first obtained authority to execute the release
17 from the court which appointed the guardian.

18 (4) ~~(5)~~ The guardian of a parent may not execute a release
19 of the parent's child pursuant to subsection (1) unless the
20 guardian has first obtained authority to execute the release from
21 the court which appointed the guardian. Such a release shall
22 have the same effect as if the release were executed by the
23 parent.

24 (5) ~~(6)~~ A release shall be given only to a child placing
25 agency or to the department.

26 (6) ~~(7)~~ Before the department arranges a release from a
27 parent or guardian, a representative of the department shall

1 advise the parent or guardian about child placing agencies
2 serving the county and, upon the parent's or guardian's request,
3 shall refer the parent or guardian to a child placing agency.
4 After the release of a child by a parent or guardian to the
5 department, the department shall advise the child placing agen-
6 cies serving the county that the child is available for
7 adoption.

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

12 (8) ~~-(9)-~~ Upon release of a child to the department pursuant
13 to this section, the child ~~shall become~~ BECOMES a state ward.

14 (9) ~~-(10)-~~ Where applicable under this section, proof of the
15 termination of parental rights, release of parental rights,
16 appointment, authorization, or commitment shall accompany the
17 release.

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

25 (2) If the person from whom a release is required is in the
26 armed services or is in prison, the release may be executed and

1 acknowledged before ~~a person~~ AN INDIVIDUAL authorized by law to
2 administer oaths.

3 (3) If the release is to be given by ~~a duly~~ AN authorized
4 representative of a child placing agency which has jurisdiction
5 of the child to be adopted, the release may be executed and
6 acknowledged before ~~a person~~ AN INDIVIDUAL authorized by law to
7 administer oaths.

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

14 (5) A RELEASE BY A PARENT OR GUARDIAN SHALL BE ACCOMPANIED
15 BY A STATEMENT SIGNED BY THE PARENT OR GUARDIAN THAT CONTAINS ALL
16 OF THE FOLLOWING:

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

20 (B) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT HE OR SHE
21 MAY RECEIVE PSYCHOLOGICAL COUNSELING AND WHETHER THE PARENT OR
22 GUARDIAN HAS RECEIVED SUCH COUNSELING.

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

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

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

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

15 (6) ~~-(5)-~~ A release by a parent or a guardian of the child
16 shall not be executed until after such investigation as the court
17 deems proper and until after the judge, referee, or other
18 ~~person~~ INDIVIDUAL authorized in subsection (2) has fully
19 explained to the parent or guardian the legal rights of the
20 parent or guardian and the fact that the parent or guardian by
21 virtue of the release voluntarily relinquishes permanently his or
22 her rights to the child; and, if the child is over 5 years of
23 age, the court has determined that the child is best served by
24 the release.

25 (7) ~~-(6)-~~ Upon the release of a child by a parent or guardi-
26 an, the court immediately shall issue an order terminating the
27 rights of that parent or guardian to that child. If the rights

1 of both parents, the surviving parent, or the guardian have been
2 terminated, the court shall issue an order committing the child
3 to the child placing agency or department to which the release
4 was given.

5 (8) ~~-(7)-~~ The court shall authorize foster care funding
6 pending expiration of the period of appeal or rehearing as pro-
7 vided in sections 64 and 65 of this chapter, and pending disposi-
8 tion of any appeal or rehearing, for all persons committed to a
9 child placing agency. Foster care funding authorized under this
10 subsection shall exclude the administrative costs of the child
11 placing agency. The costs of foster care shall be paid through
12 the use of the child care fund as provided by section 117c of Act
13 No. 280 of the Public Acts of 1939, as amended, being section
14 400.117c of the Michigan Compiled Laws, or by any successor
15 statute. When foster care funding is authorized pursuant to this
16 subsection, the court shall send a copy of the order to the
17 department. Upon receiving a copy of this order, the department
18 shall reimburse the court child care fund of the county where the
19 court order for foster care funding was made in the total amount
20 of the court ordered payment. The reimbursement shall be made
21 monthly.

22 (9) ~~-(8)-~~ Entry of an order terminating the rights of both
23 parents pursuant to subsection ~~-(6)-shall terminate~~ (7)
24 TERMINATES the jurisdiction of the circuit court over the child
25 in any divorce or separate maintenance action.

26 (10) ~~-(9)-~~ Upon petition of the same person or persons who
27 executed the release and of the department or child placing

1 agency to which the child was released, the court with which the
2 release was filed may grant a hearing to consider whether the
3 release should be revoked. A release may not be revoked if the
4 child has been placed for adoption unless the child is placed
5 pursuant to section 41(2) of this chapter and a petition for
6 rehearing or claim of appeal is filed within the time required.
7 A verbatim record of testimony related to a petition to revoke a
8 release shall be made.

9 Sec. 31. (1) If a child is born out of wedlock and the
10 release or consent of the ~~natural~~ BIOLOGICAL father cannot be
11 obtained, the child shall not be placed for adoption until the
12 parental rights of the father are terminated by the court as pro-
13 vided in section 37 or 39 of this chapter, by the court pursuant
14 to chapter ~~12a~~ XIIIA, or by a court of competent jurisdiction in
15 another state or country.

16 (2) Pending the termination or other disposition of the
17 rights of the father of a child born out of wedlock, the mother
18 may execute a release terminating her rights to the child. If
19 the mother releases the child, the child placing agency or
20 department to which the child is released may file a petition of
21 dependency or neglect pursuant to chapter ~~12a~~ XIIIA. Pending
22 disposition of the dependency or neglect petition, the court may
23 enter an order authorizing temporary care of the child.

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

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

11 (2) If an order terminating parental rights is entered pur-
12 suant to this chapter or chapter XIIIA, the child may be placed in
13 a home for the purpose of adoption during the period specified
14 for a rehearing or an appeal as of right and the period during
15 which a rehearing or appeal as of right is pending. When a child
16 placing agency, the court, or the department FORMALLY places a
17 child OR THE COURT APPROVES PLACEMENT OF A CHILD pursuant to this
18 subsection, ~~—it—~~ THE CHILD PLACING AGENCY, THE COURT, OR THE
19 DEPARTMENT shall inform the person or persons in whose home the
20 child is placed that an adoption will not be ordered until 1 of
21 the following occurs:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) By the ~~duly~~ authorized representative of the
2 department or of a child placing agency to whom the child has
3 been permanently committed by an order of the juvenile division
4 of the probate court.

5 (c) By the juvenile division of the probate court OR BY A
6 TRIBAL COURT having permanent custody of the child.

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

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

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

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

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

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

24 (4) If the parent of the child to be adopted is an unemanci-
25 pated minor, that parent's consent is not valid unless a parent,
26 guardian, or guardian ad litem of that minor parent has also
27 executed the consent.

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

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

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

14 (7) ~~(8)~~ If the petitioner for adoption is married to the
15 parent having legal custody of the child and that parent has
16 joined the petitioner in filing the petition for adoption, that
17 parent shall not execute a consent to the adoption. The consent
18 of the parent who does not have legal custody of the child and
19 whose parental rights have not been terminated shall be executed
20 before the court may enter an order of adoption under section 56
21 of this chapter.

22 Sec. 44. (1) Except as otherwise provided in this section,
23 the consent required by section 43 of this chapter shall be by a
24 separate instrument executed before the judge of probate having
25 jurisdiction or, at the court's direction, before another judge
26 of probate in this state. A consent may be executed before a
27 referee of the probate court. THE CONSENT HEARING SHALL BE HELD

1 WITHIN 7 DAYS AFTER IT IS REQUESTED. If the consent of a parent
2 or guardian is executed before a judge or referee as provided in
3 this subsection, a verbatim record of testimony related to execu-
4 tion of the consent shall be made.

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

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

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

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

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

1 (B) THAT THE PARENT OR GUARDIAN UNDERSTANDS THAT HE OR SHE
2 MAY RECEIVE PSYCHOLOGICAL COUNSELING AND WHETHER THE PARENT OR
3 GUARDIAN HAS RECEIVED SUCH COUNSELING.

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

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

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

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

21 (6) ~~-(5)-~~ If a parent's consent to adoption is required
22 under section 43 of this chapter or if a guardian's consent is
23 required pursuant to section 43(1)(e) of this chapter, the con-
24 sent shall not be executed until after such investigation as the
25 court ~~-deems-~~ CONSIDERS proper and until after the judge, refer-
26 ee, or other ~~-person-~~ INDIVIDUAL authorized in subsection (2) has
27 fully explained to the parent or guardian the legal rights of the

1 parent or guardian and the fact that the parent or guardian by
2 virtue of the consent voluntarily relinquishes permanently his or
3 her rights to the child.

4 (7) ~~-(6)-~~ If the adoptee's consent to adoption is required
5 under section 43, ~~-of this chapter,~~ the consent shall not be
6 executed until after such investigation as the court ~~-deems-~~
7 CONSIDERS proper and until after the judge or referee has fully
8 explained to the adoptee the fact that he or she is consenting to
9 acquire permanently the adopting parent or parents as his or her
10 legal parent or parents as though the adoptee had been born to
11 the adopting parent or parents.

12 Sec. 46. (1) ~~In an adoption proceeding~~ UPON THE FILING OF
13 AN ADOPTION PETITION, the court shall direct a full investigation
14 by an employee or agent of the court, a child placing agency, or
15 the department. THE COURT MAY USE THE PREPLACEMENT ASSESSMENT
16 DESCRIBED IN SECTION 23F AND MAY ORDER AN ADDITIONAL
17 INVESTIGATION. IN A DIRECT PLACEMENT, THE COURT SHALL ORDER A
18 FULL INVESTIGATION BY A CHILD PLACING AGENCY. The following shall
19 be considered in the investigation:

20 (a) The best interests of the adoptee.

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

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

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

1 (3) IF THE ADOPTEE HAS BEEN PLACED FOR FOSTER CARE WITH THE
2 PETITIONER FOR 18 MONTHS OR LONGER, THE COURT, UPON MOTION BY THE
3 PETITIONER, MAY WAIVE THE FULL INVESTIGATION REQUIRED BY THIS
4 SECTION. THE FOSTER CARE HOME STUDY, WITH INFORMATION ADDED AS
5 NECESSARY TO UPDATE OR SUPPLEMENT THE ORIGINAL STUDY, MAY BE SUB-
6 STITUTED FOR THE WRITTEN REPORT REQUIRED UNDER SUBSECTION (2).

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

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

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

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

24 (3) Upon entry of an order terminating rights of parents or
25 persons in loco parentis, a child ~~shall be~~ IS a ward of the
26 court and a consent to adoption executed pursuant to section 43
27 of this chapter shall not ~~thereafter~~ be withdrawn AFTER THE

1 ORDER IS ENTERED. Entry of the order shall terminate the
2 jurisdiction of the circuit court over the child in a divorce or
3 separate maintenance action. If the petitioner for adoption is
4 married to the parent having legal custody of the child, the
5 child shall not be made a ward of the court after termination of
6 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 placement of the child in that
13 instance, the sending agency shall tender evidence as the court
14 requires to demonstrate that the agency possesses the necessary
15 authority to consent to the adoption at the time of entry of the
16 final order of adoption. After the sending agency has given evi-
17 dence of its ability to consent, the agency shall not do anything
18 to jeopardize its ability to grant the required consent before
19 entry of the final order of adoption. After the sending agency
20 gives its consent for the adoption, that consent shall not be
21 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 placed pursuant to a court
18 order APPROVING PLACEMENT under this section may consent to all
19 medical, surgical, psychological, educational, and related serv-
20 ices for the child.

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

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

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

4 (c) A release.

5 (d) A consent.

6 (e) A petition.

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

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

21 (A) THE SERVICES OF A CHILD PLACING AGENCY IN CONNECTION
22 WITH AN ADOPTION.

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

26 (C) COUNSELING SERVICES FOR A PARENT, GUARDIAN, OR THE
27 ADOPTEE.

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

3 (E) EXPENSES INCURRED IN ASCERTAINING THE INFORMATION
4 REQUIRED UNDER THIS CHAPTER ABOUT AN ADOPTEE AND THE ADOPTEE'S
5 BIOLOGICAL FAMILY.

6 (F) LEGAL FEES CHARGED FOR CONSULTATION AND LEGAL ADVICE,
7 PREPARATION OF PAPERS AND REPRESENTATION AND OTHER LEGAL SERVICES
8 RENDERED IN CONNECTION WITH AN ADOPTION PROCEEDING, INCLUDING
9 LEGAL SERVICES PERFORMED FOR A BIOLOGICAL PARENT OR A GUARDIAN,
10 AND NECESSARY COSTS FOR OR IN AN ADOPTION PROCEEDING.

11 (G) TRAVELING EXPENSES OR OTHER EXPENSES NECESSITATED BY THE
12 ADOPTION.

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

15 (I) ANY OTHER SERVICE APPROVED BY THE COURT UNDER THIS
16 SECTION.

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

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

26 (A) AN ACCOUNTING SIGNED BY THE PETITIONER ITEMIZING ALL
27 PAYMENTS OR DISBURSEMENTS OF MONEY OR ANYTHING OF VALUE MADE OR

1 AGREED TO BE MADE BY OR ON BEHALF OF THE PETITIONER IN CONNECTION
2 WITH THE ADOPTION. THE ACCOUNTING SHALL INCLUDE THE DATE AND
3 AMOUNT OF EACH PAYMENT OR DISBURSEMENT MADE, THE NAME AND ADDRESS
4 OF EACH RECIPIENT, AND THE PURPOSE OF EACH PAYMENT OR
5 DISBURSEMENT. RECEIPTS SHALL BE ATTACHED TO THE ACCOUNTING.

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

10 (C) AN AFFIDAVIT OF THE ATTORNEY FOR EACH PARENT OF THE
11 ADOPTEE ITEMIZING THE SERVICES AND ANY FEE, COMPENSATION, OR
12 OTHER THING OF VALUE RECEIVED BY, OR AGREED TO BE PAID TO, THE
13 ATTORNEY FOR, OR INCIDENTAL TO, THE PLACEMENT AND ADOPTION OF THE
14 CHILD.

15 (D) AN AFFIDAVIT OF THE CHILD PLACING AGENCY ITEMIZING THE
16 SERVICES AND ANY FEE, COMPENSATION, OR OTHER THING OF VALUE
17 RECEIVED BY, OR AGREED TO BE PAID TO, THE AGENCY FOR, OR INCIDEN-
18 TAL TO, THE PLACEMENT AND ADOPTION OF THE CHILD.

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

22 (6) ~~-(3)-~~ To assure compliance with limitations imposed by
23 this section ~~—~~ AND SECTION 55 AND by section 14 of Act No. 116
24 of the Public Acts of 1973, being section 722.124 of the Michigan
25 Compiled Laws, ~~and by section 4 of Act No. 263 of the Public~~
26 ~~Acts of 1913, as amended, being section 331.404 of the Michigan~~
27 ~~Compiled Laws,~~ the court may require sworn testimony from

1 persons who were involved in any way in informing, notifying,
2 exchanging information, identifying, locating, assisting, or in
3 any other way participating in the contracts or arrangements
4 which, directly or indirectly, led to placement of the ~~person~~
5 INDIVIDUAL for adoption.

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

9 (8) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
10 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A
11 FINE OF NOT MORE THAN \$100.00, OR BOTH, FOR THE FIRST VIOLATION,
12 AND OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4
13 YEARS OR A FINE OF NOT MORE THAN \$2,000.00 FOR EACH SUBSEQUENT
14 VIOLATION. THE COURT MAY ENJOIN FROM FURTHER VIOLATIONS ANY
15 PERSON WHO VIOLATES THIS SECTION.

16 SEC. 55. (1) ONLY A PERSON SPECIFIED IN SECTIONS 23A(1),
17 23B(1), AND 23C SHALL PLACE A CHILD FOR ADOPTION. ONLY A PRO-
18 SPECTIVE ADOPTIVE PARENT OR THE COURT, DEPARTMENT, PARENT, GUARD-
19 IAN, OR CHILD PLACING AGENCY WITH AUTHORITY TO PLACE THE CHILD
20 SHALL SOLICIT BIOLOGICAL PARENTS OR GUARDIANS OF POTENTIAL ADOPT-
21 EES OR POTENTIAL ADOPTIVE PARENTS FOR THE PURPOSES OF ADOPTION.
22 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
23 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
24 NOT MORE THAN \$100.00, OR BOTH, FOR THE FIRST VIOLATION, AND OF A
25 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
26 FINE OF NOT MORE THAN \$2,000.00 FOR EACH SUBSEQUENT VIOLATION.

1 THE COURT MAY ENJOIN FROM FURTHER VIOLATIONS ANY PERSON WHO
2 VIOLATES THIS SECTION.

3 (2) A CHILD PLACING AGENCY MAY ASSIST A PARENT OR GUARDIAN
4 IN LOCATING OR EVALUATING A POTENTIAL ADOPTIVE PARENT AND IN
5 TRANSFERRING LEGAL AND PHYSICAL CUSTODY OF AN ADOPTEE TO THE
6 ADOPTIVE PARENT. A CHILD PLACING AGENCY MAY ASSIST A POTENTIAL
7 ADOPTIVE PARENT IN LOCATING OR EVALUATING A PARENT OR GUARDIAN
8 AND AN ADOPTEE AND IN TRANSFERRING LEGAL AND PHYSICAL CUSTODY OF
9 AN ADOPTEE TO THE ADOPTIVE PARENT.

10 SEC. 55A. AN ATTORNEY OR LAW FIRM SHALL NOT SERVE AS THE
11 ATTORNEY FOR, OR PROVIDE LEGAL SERVICES TO, BOTH A PARENT OR
12 GUARDIAN AND A PROSPECTIVE ADOPTIVE PARENT. AN ATTORNEY SHALL
13 NOT PROVIDE SERVICES OTHER THAN LEGAL SERVICES WITH RESPECT TO AN
14 ADOPTION UNLESS THE ATTORNEY IS LICENSED AS A CHILD PLACING
15 AGENCY.

16 Sec. 68a. (1) The department, IN COOPERATION WITH ADOPTION
17 SUPPORT GROUPS, shall develop and publish an information pamphlet
18 explaining the release of information from adoption records pur-
19 suant to this act.

20 (2) If the department, a child placing agency, or the court
21 is contacted by an adoptee, adult ~~biological~~ FORMER sibling,
22 ~~biological~~ FORMER parent, or adoptive parent, within 14 days
23 after the date of the contact, it shall provide the adoptee,
24 adult ~~biological~~ FORMER sibling, ~~biological~~ FORMER parent, or
25 adoptive parent with all of the following:

26 (a) A copy of the information pamphlet described in
27 subsection (1).

1 (b) A list of adoption support groups.

2 (c) Information about the provisions described in this sec-
3 tion and ~~section~~ SECTIONS 27A, 27B, 68, AND 68B.

4 (3) If a child placing agency ~~—~~ OR court ~~—~~ or the
5 department receives a written request from an adoptee, adult
6 ~~biological~~ FORMER sibling, ~~biological~~ FORMER parent, adoptive
7 parent, or any other person biologically related to an adoptee
8 that the requester's current address be placed in its adoption
9 files, the child placing agency ~~—~~ OR court ~~—~~ or the depart-
10 ment shall place the information in its adoption files.