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SFA**BILL ANALYSIS**

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Senate Bill 415 (as introduced 4-16-97)
Sponsor: Senator Michael J. Bouchard
Committee: Families, Mental Health and Human Services

Date Completed: 5-28-97

CONTENT

The bill would amend the Michigan Adoption Code to revise the conditions under which a court may terminate the parental rights of a putative father without additional proceedings under the Adoption Code or the juvenile code.

Under the Adoption Code, if a child is claimed to be born out of wedlock and the mother executes or proposes to execute a release or consent relinquishing her rights to the child or joins in a petition for adoption filed by her husband, and the release or consent of the natural father cannot be obtained, the judge must hold a hearing to determine whether the child was born out of wedlock, and to determine or terminate the rights of the father. Notice of the hearing must be served on a putative father. If the putative father appears at the hearing and requests custody of the child, the court must determine whether granting custody to him will serve the child's best interests. The court must terminate the putative father's parental rights if it determines that granting custody to him would not be in the child's best interests. If, however, the putative father has established a custodial relationship with the child or has provided support or care for the mother during pregnancy or for the mother or the child after the child's birth during the 90 days before notice of the hearing was served on the putative father, his parental rights cannot be terminated except by proceedings under a section of the Adoption Code providing for a termination hearing, or a section of the juvenile code providing for the jurisdiction of the juvenile court (or, effective January 1, 1998, the family court).

The bill would retain these provisions but would require proceedings under the Adoption Code or the juvenile code if the putative father had provided "substantial and regular" support or care for the mother or child, as described above.

In addition, the Adoption Code specifies that if the mother's parental rights are terminated and if the court awards custody of a child born out of wedlock to the putative father, the court must enter an order granting custody and legitimating the child. The judge must record the legitimation in accordance with a section of the Revised Probate Code. The bill, instead, would require the judge to record the legitimation in the same manner as an order of filiation is entered under the Paternity Act.

MCL 710.39

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: M. Ortiz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.