



Senate Fiscal Agency
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Senate Bill 702 (as passed by the Senate)
Sponsor: Senator Bev Hammerstrom
Committee: Families and Human Services

Date Completed: 12-10-03

RATIONALE

Under the Michigan Adoption Code, a parent or guardian with legal and physical custody of a child, or a child placing agency, may make a temporary placement of the child with his or her prospective adoptive parents, rather than placing the child in foster care, before the adoption is finalized. This procedure is used commonly with infants and enables the prospective adoptive parents to take the baby home within the first few weeks after birth. A direct temporary placement, however, may be made only if the prospective adoptive parent lives in the State of Michigan. Some people believe that the residency requirement places an unnecessary burden on birth parents, adoption attorneys, and child-placing agencies trying to place children with suitable families with minimal disruption to the children.

CONTENT

The bill would amend the Michigan Adoption Code to eliminate a requirement that an adoptive parent be a Michigan resident.

In addition to meeting other requirements, a prospective adoptive parent with whom a child is temporarily placed must be a Michigan resident. The bill would delete the residency requirement. The bill would require that the prospective adoptive parent have had a preplacement assessment completed within one year before the date of the transfer with a finding that the prospective adoptive parent was suitable to be a parent of an adoptee.

Under the Code, the prospective adoptive parent must sign a document setting forth the date of the transfer and his or her name and address, and stating that the prospective adoptive parent agrees to reside with the child

in Michigan until a formal placement occurs and the court approves a change of residence. Under the bill, that statement would have to be made by an adoptive parent who was a Michigan resident. The document (signed by all prospective adoptive parents) also would have to state that the prospective adoptive parent agreed to obtain approval in compliance with the Interstate Compact on the Placement of Children before the child could be sent, brought, or caused to be sent or brought into a receiving state; and state that the prospective adoptive parent submitted to this State's jurisdiction.

The Code requires the adoption attorney or child placing agency assisting with the temporary placement or the child placing agency that makes the temporary placement to submit a report to the court in the county in which the prospective adoptive parent resides, within two days after a transfer of physical custody. Under the bill, the report would have to be submitted to the court in the county where the prospective adoptive parent resided, the county in which the child's parent or guardian resided, or the county in which the child was found.

MCL 710.23d

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Birth mothers who wish to give their children up for adoption often have strong feelings about the kinds of families with which their children are placed. They might want

adoptive families to meet certain criteria related to size, religion, education, and values. A biological mother may even have a specific family in mind, one that she already knows well and trusts to raise her child. It is often the case, particularly in towns near the State border, that the ideal family for a specific child does not live in Michigan. In that situation, the birth parent has few options for the placement of her children until the adoption is finalized. The child may be placed in foster or other interim care and the adoptive parents may visit. A child does not benefit, however, from being transferred several times between the birth parent, foster care, and the adoptive parents, especially because the first few weeks after birth are a critical time for bonding between a child and his or her new family. The Code should be changed to reflect the fact that it is in the child's best interest to be placed with the adoptive family as quickly as possible, regardless of residency.

Supporting Argument

The State would benefit if the residency requirement were eliminated and adoptees could be placed with their families more quickly. Many children in foster care are enrolled in the Medicaid program. If they could be placed with their adoptive families instead of in the foster care system, they would be covered under their families' insurance policies.

Legislative Analyst: Julie Koval

FISCAL IMPACT

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

Fiscal Analyst: Constance Cole

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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.