

SENATE BILL No. 639

July 16, 2003, Introduced by Senators SWITALSKI, BRATER and CHERRY and referred to the Committee on Families and Human Services.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 23f and 24 of chapter X (MCL 710.23f and 710.24), section 23f as amended by 1994 PA 373 and section 24 as amended by 1996 PA 409.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER X

Sec. 23f. (1) In a direct placement, an individual seeking to adopt may request at any time that a preplacement assessment be prepared by a child placing agency.

(2) An individual requesting a preplacement assessment need not have located a prospective adoptee when the request is made or when the assessment is completed.

(3) An individual may have more than 1 preplacement assessment or may request that an assessment, once initiated, not

1 be completed.

2 (4) If an individual is seeking to adopt a child from a
3 particular child placing agency, the agency may require the
4 individual to be assessed by its own employee, even if the
5 individual has already had a favorable preplacement assessment
6 completed by another child placing agency.

7 (5) A preplacement assessment shall be based upon personal
8 interviews and visits at the residence of the individual being
9 assessed, interviews of others who know the individual, and
10 reports received under this subsection. The assessment shall
11 contain all of the following information about the individual
12 being assessed:

13 (a) ~~Age, nationality~~ **Nationality**, race or ethnicity, and
14 any religious preference.

15 (b) Marital and family status and history, including the
16 presence of other children or adults in the household and the
17 relationship of those individuals to the adoptive parent.

18 (c) Physical and mental health, including any history of
19 substance abuse.

20 (d) Educational and employment history and ~~any~~ special
21 skills and interests.

22 (e) Property and income, including outstanding financial
23 obligations as indicated in a current financial report provided
24 by the individual.

25 (f) Reason for wanting to adopt.

26 (g) Any previous request for an assessment or involvement in
27 an adoptive placement and the outcome of the assessment or

1 placement.

2 (h) Whether the individual has ever been the respondent in a
3 domestic violence proceeding or a proceeding concerning a child
4 who was allegedly abused, dependent, deprived, neglected,
5 abandoned, or delinquent, and the outcome of the proceeding.

6 (i) Whether the individual has ever been convicted of a
7 crime.

8 (j) Whether the individual has located a parent interested in
9 placing a child with the individual for adoption and a brief
10 description of the parent and the child.

11 (k) Any fact or circumstance that raises a specific concern
12 about the suitability of the individual as an adoptive parent,
13 including the quality of the environment in the home, the
14 functioning of other children in the household, and any aspect of
15 the individual's familial, social, psychological, or financial
16 circumstances that may be relevant to a determination that the
17 individual is not suitable. A specific concern is one that
18 suggests that placement of ~~any~~ a child, or a particular child,
19 in the home of the individual would pose a risk of harm to the
20 **child's** physical or psychological well-being. ~~of the child.~~

21 **(6) In making a determination of whether an individual is**
22 **suitable to be a parent of an adoptee, a child placing agency**
23 **shall not take into consideration the individual's age.**
24 **Interviews and records, written or otherwise, gathered for**
25 **purposes of a preplacement assessment shall not include inquiries**
26 **or information regarding the age of the individual being**
27 **assessed.**

1 (7) ~~-(6)-~~ A child placing agency shall request an individual
2 seeking a preplacement assessment to provide a document from the
3 Michigan state police and the federal bureau of investigation
4 describing all of the individual's criminal convictions as shown
5 by that agency's records, or stating that the agency's records
6 indicate that the individual has not been convicted of a crime.
7 Upon request of the individual and receipt of a signed
8 authorization, the child placing agency shall obtain the criminal
9 record from the law enforcement agency on the individual's
10 behalf.

11 (8) ~~-(7)-~~ A preplacement assessment shall contain a list of
12 the sources of information on which it is based. If the child
13 placing agency determines that the information assessed does not
14 raise a specific concern, the child placing agency shall find
15 that the individual is suited to be an adoptive parent. If the
16 child placing agency determines that the information assessed
17 does raise a specific concern, the child placing agency shall
18 find that the individual is not suitable to be an adoptive
19 parent. The conclusion shall be supported by a written account
20 of how 1 or more specific concerns pose a risk to the physical or
21 psychological well-being of ~~any~~ a child or a particular child.
22 If the conclusion of a preplacement assessment regarding the
23 suitability of the individual differs from the conclusion in a
24 prior assessment, the child placing agency shall explain and
25 justify the difference.

26 (9) ~~-(8)-~~ An individual who receives a preplacement
27 assessment with a conclusion of unsuitability may seek a review

1 of the assessment by the court after filing an adoption
2 petition. The court may order an agent or employee of the court
3 to make an investigation and report to the court before the
4 hearing. If, at the hearing, the court finds by clear and
5 convincing evidence that the conclusion of unsuitability is not
6 justified, the person with legal custody of the child may place
7 the child with that individual. If the court determines that the
8 conclusion of unsuitability is justified, it shall order that the
9 child shall not be placed with the individual.

10 Sec. 24. (1) If a person desires to adopt a child or an
11 adult and to bestow upon the adoptee his or her family name, or
12 to adopt a child or an adult without a change of name, with the
13 intent to make the adoptee his or her heir, that person, together
14 with his wife or her husband, if married, shall file a petition
15 with the court of the county in which the petitioner resides or
16 where the adoptee is found. If there has been a temporary
17 placement of the child, the petition for adoption shall be filed
18 with the court that received the report described in section
19 23d(2) of this chapter.

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

22 (a) The name, date and place of birth, and place of residence
23 of each petitioner, including the maiden name of the adopting
24 mother.

25 (b) Except as otherwise provided in subsection (5), the name,
26 date and place of birth, and place of residence if known of the
27 adoptee.

1 (c) The relationship, if any, of the adoptee to the
2 petitioner.

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

5 (e) The full description of the property, if any, of the
6 adoptee.

7 (f) Unless the rights of the parents have been terminated by
8 a court of competent jurisdiction or except as otherwise provided
9 in subsection (5), the names of the parents of the adoptee and
10 the place of residence of each living parent if known.

11 (g) Except as otherwise provided in subsection (5), the name
12 and place of residence of the guardian of the person or estate of
13 the adoptee, if any has been appointed.

14 (3) In a direct placement, the petitioner shall attach to the
15 petition a verified statement certifying that the petitioner has
16 been informed of the availability of counseling services and
17 whether the petitioner has received counseling.

18 (4) Except as otherwise provided in this subsection, in a
19 direct placement, the petitioner shall attach a copy of a
20 preplacement assessment of the petitioner completed or updated
21 within 1 year before the petition is filed with a finding that
22 the petitioner is suitable to be a parent of an adoptee, copies
23 of all other preplacement assessments of the petitioner, if any
24 others have been completed, and a verified statement stating that
25 no preplacement assessments of the petitioner have been completed
26 other than those attached to the petition and explaining any
27 preplacement assessments of the petitioner that have been

1 initiated but not completed. If the petitioner is seeking review
2 of a preplacement assessment under section ~~23f(8)~~ **23f(9)** of
3 this chapter, the petitioner may comply with this subsection by
4 attaching a copy of that preplacement assessment and a copy of
5 the application for review, together with copies of all other
6 preplacement assessments and the verified statement required by
7 this section.

8 (5) In a direct placement in which the parties have elected
9 not to exchange identifying information, the information required
10 by subsection (2)(f) and (g) and the surname and place of
11 residence of the adoptee required under subsection (2)(b) may be
12 omitted. The attorney or child placing agency assisting in the
13 adoption shall file a verified statement containing the omitted
14 information.