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House Bill 4648 (Substitute S-1 as reported)
Sponsor: Representative Kenneth Kurtz
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors and Human Services

CONTENT

The bill would amend the Michigan Adoption Code to require a court to take specific actions if a putative father's parental rights were not terminated at a hearing under Section 36. (That section requires a court to hold a hearing if a child is claimed to be born out of wedlock and the mother executes 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 court must determine whether the child was born out of wedlock, determine the identity of the father, and determine or terminate the rights of the father.)

Under the bill, if a putative father appeared at the hearing and the court determined that his parental rights would not be terminated, the court would have to do all of the following: 1) terminate temporary placement under Section 23d, 2) return child custody to the mother or guardian, and 3) deny the order of adoption and dismiss the pending adoption proceeding. (Section 23d provides for temporary placement of a child with a prospective adoptive parent by a parent or guardian with legal custody of the child, or by a placing agency with written authorization of a parent or guardian.)

In addition, after the court completed the required actions, the fact that the mother or guardian executed or proposed to execute a release or consent relinquishing the mother's parental rights or the guardian's rights to the child and sought termination of the putative father's parental rights, could not be used against the mother or guardian in a proceeding under the Child Custody Act.

The bill would take effect 180 days after the date it was enacted.

MCL 710.39

Legislative Analyst: Jeff Mann

FISCAL IMPACT

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

Date Completed: 2-28-14

Fiscal Analyst: John Maxwell