



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 458 (Substitute S-1 as reported)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

CONTENT

The bill would amend the Michigan Adoption Code to do the following:

- Authorize a court to terminate a person's parental rights a child if the parent having custody of the child according to a court order married and his or her spouse petitioned to adopt the child, and the Code's other requirements were met.
- Specify that, for the purposes of termination of parental rights, a child support order stating that support was \$0.00 or was reserved would have to be treated as if no support order had been entered.

Currently, if the parents of a child are divorced, or are unmarried but the father has acknowledged paternity or is a putative father, and if the parent having legal custody of the child subsequently marries and that parent's spouse petitions to adopt the child, the court upon notice and hearing may issue an order terminating the rights of the other parent under certain circumstances, as described below. Under the bill, this would apply if a parent had custody of the child according to a court order, rather than if a parent has legal custody.

If a parent's spouse petitions to adopt the child, the court, upon notice and hearing, may issue an order terminating the rights of the other parent if he or she: a) having the ability to support the child, has failed or neglected to provide regular and substantial support for the child, or has failed to comply with a support order, for a period of at least two years, and b) having the ability to visit, contact, or communicate with the child, has regularly failed or neglected to do so for two years or more. The bill specifies that a support order stating that support was \$0.00 or that support was reserved would have to be treated in the same manner as if no support order had been entered.

The bill would take effect 90 days after its enactment.

MCL 710.51

Legislative Analyst: Jeff Mann

FISCAL IMPACT

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

Date Completed: 9-24-15

Fiscal Analyst: John Maxwell