

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

710.34 Ex parte petition evidencing intent to release or consent; notice of intent to release or consent; form.

Sec. 34. (1) In order to provide due notice at the earliest possible time to a putative father who may have an interest in the custody of an expected child or in the mother's intended release of an expected child for adoption or consent to adoption of the expected child, and in order to facilitate early placement of a child for adoption, a woman pregnant out of wedlock may file with the court an ex parte petition which evidences her intent to release her expected child for adoption or to consent to the child's adoption, which indicates the approximate date and location of conception and the expected date of her confinement, which alleges that a particular person is the putative father of her expected child, and which requests the court to notify the putative father about his rights to file a notice of intent to claim paternity pursuant to section 33. The petition may allege more than 1 putative father where circumstances warrant. The petition shall be verified. Upon the filing of the petition, the court shall issue a notice of intent to release or consent, which notice shall be served upon the putative father by any officer or person authorized to serve process of the court. Proof of service shall be filed with the court.

(2) A notice of intent to release or consent shall:

(a) Indicate the approximate date and location of conception of the child and the expected date of confinement of the mother.

(b) Inform the putative father of his right under section 33(1) to file a notice of intent to claim paternity before the birth of the child.

(c) Inform the putative father of the rights to which his filing of a notice of intent to claim paternity will entitle him under section 33(3).

(d) Inform the putative father that his failure to file a notice of intent to claim paternity before the expected date of confinement or before the birth of the child, whichever is later, shall constitute a waiver of his right to receive the notice to which he would otherwise be entitled under section 33(3) and shall constitute a denial of his interest in custody of the child, which denial shall result in the court's termination of his rights to the child.

(3) The form of the notice of intent to release or consent shall be approved by the supreme court administrator and shall be consistent with this section.

History: Add. 1974, Act 296, Eff. Jan. 1, 1975;—Am. 1996, Act 409, Eff. Jan. 1, 1998.

Popular name: Probate Code