

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

710.41 Conditions to placing child in home for purpose of adoption; adoption by foster parent or by petitioner married to parent having legal custody.

Sec. 41. (1) Except as provided in section 23d of this chapter, a child shall not be placed in a home for the purpose of adoption until an order terminating parental rights has been entered pursuant to this chapter or chapter XIIA and the court has formally approved placement under section 51 of this chapter. After an order terminating parental rights has been entered, the court shall enter any appropriate orders pursuant to sections 45, 46, and 51 of this chapter. Such orders shall not be withheld because the period specified for a rehearing or an appeal as of right has not expired, or because of the pendency of any rehearing or appeal as of right.

(2) If an order terminating parental rights is entered pursuant to this chapter or chapter XIIA, the child may be placed in a home for the purpose of adoption during the period specified for a rehearing or an appeal as of right and the period during which a rehearing or appeal as of right is pending. When a child placing agency, the court, or the department formally places a child or the court approves placement of a child pursuant to this subsection, the child placing agency, court, or department shall inform the person or persons in whose home the child is placed that an adoption will not be ordered until 1 of the following occurs:

(a) The petition for rehearing is granted, at the rehearing the order terminating parental rights is not modified or set aside, and subsequently the period for appeal as of right to the court of appeals has expired without an appeal being filed.

(b) The petition for rehearing is denied and the period for appeal as of right to the court of appeals has expired without an appeal being filed.

(c) There is a decision of the court of appeals affirming the order terminating parental rights.

(3) This section shall not be construed to prevent a child residing in a licensed foster home from being adopted by the foster parent or parents.

(4) This section does not apply if the petitioner for adoption is married to a parent having legal custody of the child.

History: Add. 1974, Act 296, Eff. Jan. 1, 1975;—Am. 1980, Act 116, Eff. Sept. 12, 1980;—Am. 1982, Act 72, Imd. Eff. Apr. 14, 1982;—Am. 1994, Act 222, Eff. Jan. 1, 1995.

Popular name: Probate Code