

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

710.56 Order of adoption; time; waiver; extension of time; hearing; effect of filing petition for rehearing or appeal from order terminating parental rights; conditions; adoption of adult.

Sec. 56. (1) Except as otherwise provided in this subsection, 6 months after formal placement under section 51 of this chapter, unless the court determines that circumstances have arisen that make adoption undesirable, the court may enter an order of adoption. Upon the motion of the petitioner, the court may waive the 6-month period, or any portion of that period, if the waiver is in the adoptee's best interests. If, after a hearing, the court finds that the adoptee's best interests will be served, it may extend the 6-month period for an additional period of time not exceeding 18 months from the time of formal placement for adoption. In an adoption proceeding for which an adoption order is not entered within 18 months after formal placement, the court shall hold a hearing and determine whether an order of adoption shall be entered or the petition denied. If a child is formally placed according to section 41(2) of this chapter, the court may extend the 6-month period for an additional period, that may exceed 18 months from the time of formal placement, until an order for adoption may be entered under subsection (2). For an adoptee who is less than 1 year old at the time of filing, 3 months after formal placement under section 51 of this chapter, unless the court determines that circumstances have arisen that make adoption undesirable, the court may enter an order of adoption. Upon the motion of the petitioner, the court may waive the 3-month period, or any portion of that period, if the waiver is in the adoptee's best interests.

(2) Except as provided in subsection (3), if a petition for rehearing or an appeal as of right from an order terminating parental rights has been filed, the court shall not order an adoption until 1 of the following occurs:

(a) The petition for rehearing is granted, and 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) The court of appeals affirms the order terminating parental rights.

(3) If an application for leave to appeal has been filed with the supreme court, the court shall not order an adoption until 1 or more of the following occurs:

(a) The application for leave to appeal is denied.

(b) The supreme court affirms the order terminating parental rights.

(4) If a motion brought under section 45 of this chapter has been filed, the court shall not order an adoption until 1 of the following occurs:

(a) The motion is decided and subsequently the period for appeal as of right to the court of appeals has expired without an appeal being filed.

(b) The motion is decided, an appeal as of right to the court of appeals has been filed, the court of appeals issues an opinion, and subsequently the period for filing an application for leave to the supreme court has expired without an application being filed.

(c) The supreme court denies an application for leave or, if an application is granted, the supreme court issues an opinion.

(5) If the person to be adopted is an adult, the court may enter an order of adoption after all of the following occur:

(a) The person to be adopted consents to the adoption according to section 43(3) of this chapter.

(b) The written report of investigation required by section 46(2) of this chapter is filed.

(c) Notice has been served upon interested parties described in section 24a of this chapter.

History: Add. 1974, Act 296, Eff. Jan. 1, 1975;—Am. 1980, Act 288, Eff. Oct. 17, 1980;—Am. 1982, Act 72, Imd. Eff. Apr. 14, 1982;—Am. 1992, Act 247, Imd. Eff. Nov. 19, 1992;—Am. 1994, Act 240, Eff. July 5, 1994;—Am. 2004, Act 487, Imd. Eff. Dec. 28, 2004;—Am. 2014, Act 118, Eff. Oct. 12, 2014;—Am. 2016, Act 325, Eff. Feb. 20, 2017.

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