SENATE BILL 1132
REMARKS & DOCUMENTS FROM H. PERRY DRIGGS, JR.

HOUSE COMMITTEE ON FAMILIES, CHILDREN, AND SENIORS
DECEMBER 4, 2012

AND
SENATE COMMITTEE ON FAMILIES, SENIORS AND HUMAN SERVICES
SEPTEMBER 27, 2012

Adoption – Senate Bill 1132

Remarks by H. Perry Driggs, Jr. before House Committee – December 4, 2012

& Senate Committee – September 27, 2012

I know that the Michigan Legislature has several important issues to review so I personally want to thank you and appreciate the fact that your committee is now considering passage of Senate Bill 1132.

Passage of this Bill by the Legislature and signed by the Governor will enable Michigan courts to consider and allow adoptions to occur where all interested parties approve. It corrects an issue that has tied the hands of Michigan probate courts and Michigan families from proceeding with adoptions that are important to them and it still protects all individuals who are involved.

Before I say why this is important to me and my family I want to briefly tell you about a case that hampered another Michigan father from adopting his natural adult daughter although all interested parties agreed that he should be allowed to do it.

On September 19, 1991 a decision was made by the Court of Appeals of Michigan. The appeal occurred because the "Natural parents of adult child petitioned to adopt the child. The probate court denied the petition and the parents appealed. The Court of Appeals held that natural parents who were married, but not to each other, were precluded from adopting their natural adult daughter even though all interested parties agreed, including the parents' spouses, had joined in the petition and consented to the proposed adoption (*see below for further clarification).

The Michigan Court of Appeals judges stated, "The statute involved requires the adopting parties to be married to each other." However, in their ruling the judges observed that the Court's ruling was "particularly harsh" and one judge stated "I urge the Legislature to consider amending the statute to provide the probate court the discretion to grant petitions where, as in this case, all interested parties consent." (Cite as: 189 Mich.App. 540, 473 N.W.2nd 712)

When I learned that I too was blocked by the existing Michigan adoption laws even though all parties agreed to my adopting my twin sons, I said to my lawyers that this is too important to me and I want to find a way to make this available for me and my sons and for any other Michigan family currently denied this privilege. To do that it would take a correction to the obstacle in Michigan's current adoption law.

Briefly when we were married my first wife had twin sons by a previous marriage. The boys were two years old then and I have been their real father ever since. I have raised them, taken

care of them, supported them, helped pay for their education and continue to be their Dad now. During our 16 year marriage I didn't adopt the boys. My sons are now 44 and everyone involved wants me to be able to be their father in the eyes of the law.

I talked to my sons, my current wife and my former wife about adopting the boys and we all agreed. I thought I would be able to do it but the law firm I engaged said there was a problem with the Michigan adoption statutes and they would need to be corrected for me to proceed.

When I learned of the roadblock in the Michigan adoption law I started the process to change it and 7 years ago I met with Senator Shirley Johnson and she agreed a change was needed. We worked on legislation but her term ended before it could be completed. Fortunately, my current Senator John Pappageorge also agreed, has continued this effort and that brings us here to today.

If Senate Bill 1132 is passed by the Senate and the House and signed by the Governor there are still safeguards in the adoption process that will have to be met:

1. All interested parties must agree to the adoption
2. The court must review the petition and must approve the adoption

From my personal point of view this is very important to me and my family

1. It reinforces the fact that I am Mark and Forest's father legally
2. It takes away any issues regarding inheritance
3. My religion teaches that there is life after death and that family ties can continue. With an adoption I will be able to have a ceremony performed that will enable this to be a possibility. Of course that possibility is based on a faith and a hope that it is true, but I won't be able to do this without being their adoptive father.

In addition, when this legislation is finally enacted I will try to get in touch with Mr. James Jennings (who is the father in the above cited case) and, if he is still alive, I will let him know that he too can now adopt his adult natural daughter.

Finally, I have copies of letters from both Mark and Forest that I would like to include that expresses their feelings today on why they also want this to happen. Recently I found in my files a card that one of my sons made for a school project several years ago that expresses his feelings then. After you read my son's current letters you will note that those sentiments haven't changed. When I reread his card and as I thought about it, in reality, we've all been working to make this happen for 42 years when I first became Mark & Forest's father. I ask your consideration in passing Senate Bill 1132 and making a needed change in the Michigan Adoption law. Thank you.

*In his situation, a girl's the natural parents divorced, the mother remarried and the girl's natural father allowed the new step-father to adopt his daughter. Later the natural mother and the step-father divorced when the daughter was an adult. At that time the natural father had remarried and wanted to be recognized legally as the father of his natural daughter. All parties involved agreed to his adoption: the natural parents and their spouses, the step-father and the adult daughter, but the court said that the adoption couldn't occur because the Michigan adoption law wouldn't allow it because the natural parents were not married to each other at that time.

FOREST TOWNSEND DRIGGS
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September 7, 2012

Michigan Senate Adoption Bill #1132

To Whom it May Concern:

I write this letter in support of Senate Adoption Bill #1132 with the hope that the bill will be passed and therefore allow people and families to have the opportunity to solidify and formally recognize and acknowledge the relationships that may have existed within their family unit for years or maybe only days in some cases.

This bill is important to me and my family as it will allow the man who I have always known as my Father to formally adopt me. In my case, this man is not my biological Father but he raised me as his son and I have been blessed with his love, generosity, example and guidance since I was about two years old. This relationship started 42 years ago when my Father married my Mother and took me and my twin brother under his protective care. I am currently forty-four years old and my Father continues to be one of the most important and influential people in my life today. Now he is also the caring and loving Grandfather to my three children. While I have been blessed to have a Father in my life, the relationship has never been formalized in the eyes of the State and the Law but this bill will allow for that now.

My Father started this process about 8 years ago now and he has worked with Senators, State Representatives and the Governor's Office to help get it to you today so that our family can be formally recognized for the unit that we have been for years and so that I can be legally adopted by my Dad. It is my sincere hope that you will recognize the benefit to families and individuals in passing this bill. Please pass Michigan Senate Adoption Bill #1132!

Sincerely,

Forest T. Driggs

Mark T. Driggs
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RE: Michigan Senate Adoption Bill #1132

To Whom it May Concern:

Please allow this letter to serve as my full and unconditional support of Adult Adoption as part of the Michigan Senate Adoption Bill #1132. This is a cause and initiative that is very important to me, my brother, father and family.

My father, H. Perry Driggs Jr., (a prominent Michigan resident for more than five decades) has worked diligently for many years filing adoption petitions and collaborating with attorneys and State Senators to change the Michigan Adoption Statutes. He has pursued this cause so that he may, after 42 years, finally proceed with legally adopting me and my twin brother, Forest, whom he has raised, provided for and loved as his own since we were two years old. He is the only father we have and will ever know and we have taken his name since we were two years old and he married our mother.

Passage of this bill would enable us to formalize legally what we know and feel in our hearts – that Perry Driggs is our father and we are his sons. I strongly urge you to support and proceed to adopt this bill that will amend the state statutes and mean a great deal to our family and many others, I am certain.

Thank you for your consideration of this important issue. It's time we updated the laws for good and valid reasons. It's the right thing to do.

Sincerely,

Mark T. Driggs

Mark T. Driggs