

SENATE BILL NO. 552

April 29, 1999, Introduced by Senator DINGELL and referred to
the Committee on Families, Mental Health and Human Services.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 64 (MCL 710.64), as amended by 1996 PA 409.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 64. (1) ~~Upon~~ SUBJECT TO SUBSECTION (3), UPON the
2 filing of a petition in court within 21 days after entry of ~~any~~
3 AN order under this chapter ~~,~~ and after due notice to all
4 interested parties, the judge may grant a rehearing and may
5 modify or set aside the order.
- 6 (2) The court shall enter an order with respect to the orig-
7 inal hearing or rehearing of contested matters within 21 days
8 after the termination of the hearing or rehearing.
- 9 (3) THE COURT SHALL DISMISS A PETITION TO MODIFY OR SET
10 ASIDE AN ORDER OF ADOPTION OR OTHER ORDER ISSUED UNDER THIS

1 CHAPTER IF THE INDIVIDUAL WHO FILES THE PETITION IS EITHER OF THE
2 FOLLOWING:

3 (A) AN INDIVIDUAL WHOSE PARENTAL RIGHTS IN REGARD TO AN
4 ADOPTEE WERE TERMINATED UNDER THIS CHAPTER OR CHAPTER XIIA,
5 UNLESS THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE
6 CHALLENGED ORDER IS NO LONGER IN THE BEST INTERESTS OF THE
7 ADOPTEE.

8 (B) AN INDIVIDUAL WHO WAIVED NOTICE OR WHO WAS PROPERLY
9 SERVED WITH NOTICE AS PRESCRIBED BY THIS CHAPTER OR SUPREME COURT
10 RULE, AND WHO FAILED TO RESPOND TO THE NOTICE OR FAILED TO APPEAR
11 WITHIN THE TIME ALLOWED UNDER THIS CHAPTER OR SUPREME COURT
12 RULE.

13 (4) THE COURT SHALL DISMISS A CHALLENGE TO AN ORDER OF ADOP-
14 TION OR OTHER ORDER ISSUED UNDER THIS CHAPTER THAT IS BROUGHT
15 MORE THAN 6 MONTHS AFTER THE ORDER WAS ISSUED, REGARDLESS OF THE
16 PERSON BRINGING THE CHALLENGE OR THE BASIS OF THE CHALLENGE.