

HOUSE BILL No. 5743

September 9, 2014, Introduced by Reps. Rendon and Kurtz and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 24 of chapter X (MCL 710.24), as amended by 2012 PA 614.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER X

Sec. 24. (1) Except as otherwise provided in this section, if a person desires to adopt a child or an adult and to bestow upon the adoptee his or her family name, or to adopt a child or an adult without a name change, with the intent to make the adoptee his or her heir, that person, together with his wife or her husband, if married, shall file a petition with the court of the county in

1 which the petitioner resides, ~~or~~ where the adoptee is found or, ~~if~~
2 ~~the petitioner and adoptee reside out of state,~~ where the parent's
3 parental rights were terminated or are pending termination. If both
4 parents' parental rights were terminated at different times and in
5 different courts, a petition filed under this section shall be
6 filed in the court of the county where parental rights were first
7 terminated. If there has been a temporary placement of the child,
8 the petition for adoption shall be filed with the court that
9 received the report described in section 23d(2) of this chapter.

10 (2) Notwithstanding any other provision in this section, the
11 court may allow either of the following to occur:

12 (a) A married individual to adopt an adult without his or her
13 spouse joining in the petition if all of the interested parties
14 consent.

15 (b) A married individual to adopt without his or her spouse
16 joining in the petition if the failure of the other spouse to join
17 in the petition or to consent to the adoption is excused by the
18 court for good cause shown or in the best interest of the child.

19 (3) In an adoption proceeding in which there is more than 1
20 applicant, the petition for adoption shall be filed with the court
21 of the county where the parent's parental rights were terminated or
22 are pending termination. If both parents' parental rights were
23 terminated at different times and in different courts, a petition
24 filed under this section shall be filed in the court of the county
25 where parental rights were first terminated.

26 ~~——(4) If a petition to adopt is filed in a county other than~~
27 ~~that in which the petitioner resides or the prospective adoptee is~~

1 ~~found, the chief judge of the court may, upon motion, enter an~~
2 ~~order transferring jurisdiction of the matter to the court of the~~
3 ~~county in which the petitioner resides or the prospective adoptee~~
4 ~~is found.~~

5 (4) ~~(5)~~—The petition for adoption shall be verified by each
6 petitioner and shall contain the following information:

7 (a) The name, date and place of birth, and place of residence
8 of each petitioner, including the maiden name of the adopting
9 mother.

10 (b) Except as otherwise provided in subsection ~~(8)~~, ~~(7)~~, the
11 name, date and place of birth, and place of residence if known of
12 the adoptee.

13 (c) The relationship, if any, of the adoptee to the
14 petitioner.

15 (d) The full name by which the adoptee shall be known after
16 adoption.

17 (e) The full description of the property, if any, of the
18 adoptee.

19 (f) Unless the rights of the parents have been terminated by a
20 court of competent jurisdiction or except as otherwise provided in
21 subsection ~~(8)~~, ~~(7)~~, the names of the parents of the adoptee and
22 the place of residence of each living parent if known.

23 (g) Except as otherwise provided in subsection ~~(8)~~, ~~(7)~~, the
24 name and place of residence of the guardian of the person or estate
25 of the adoptee, if any has been appointed.

26 (5) ~~(6)~~—In a direct placement, the petitioner shall attach to
27 the petition a verified statement certifying that the petitioner

1 has been informed of the availability of counseling services and
2 whether the petitioner has received counseling.

3 (6) ~~(7)~~—Except as otherwise provided in this subsection, in a
4 direct placement, the petitioner shall attach a copy of a
5 preplacement assessment of the petitioner completed or updated
6 within 1 year before the petition is filed with a finding that the
7 petitioner is suitable to be a parent of an adoptee, copies of all
8 other preplacement assessments of the petitioner, if any others
9 have been completed, and a verified statement stating that no
10 preplacement assessments of the petitioner have been completed
11 other than those attached to the petition and explaining any
12 preplacement assessments of the petitioner that have been initiated
13 but not completed. If the petitioner is seeking review of a
14 preplacement assessment under section 23f(8) of this chapter, the
15 petitioner may comply with this subsection by attaching a copy of
16 that preplacement assessment and a copy of the application for
17 review, together with copies of all other preplacement assessments
18 and the verified statement required by this section.

19 (7) ~~(8)~~—In a direct placement in which the parties have
20 elected not to exchange identifying information, the information
21 required by subsection ~~(5)(f)~~—(4) (F) and (g) and the surname and
22 place of residence of the adoptee required under subsection ~~(5)(b)~~
23 (4) (B) may be omitted. The attorney or child placing agency
24 assisting in the adoption shall file a verified statement
25 containing the omitted information.