

HOUSE BILL No. 4253

February 21, 1989, Introduced by Reps. Hunter, DeMars, Brown, Berman, Murphy, Ciaramitaro, Joe Young, Jr., Gire, Scott, Honigman, Jondahl, Wallace, Webb, Kilpatrick, Bankes, Stabenow, Saunders, Martin, Leland, Barns and Hollister and referred to the Committee on Social Services and Youth.

A bill to amend sections 22, 23, 24a, 26, 27, 28, 29, 31, 41, 43, 44, 46, 52, 58, 68, and 68a of chapter X and sections 8, 9, 16, 18, and 28 of chapter XIIA of Act No. 288 of the Public Acts of 1939, entitled as amended

"An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,"

sections 22, 26, 28, 29, 41, 43, 44, and 46 of chapter X as amended and section 24a of chapter X as added by Act No. 72 of the Public Acts of 1982, section 23 of chapter X as added by Act No. 288 of the Public Acts of 1980, sections 27 and 68 of chapter X as amended and section 68a of chapter X as added by Act No. 505 of the Public Acts of 1988, sections 16 and 18 of chapter XIIA as amended by Act No. 224 of the Public Acts of 1988, and section 28 of chapter XIIA as amended by Act No. 91 of the Public Acts of 1988, being sections 710.22, 710.23, 710.24a, 710.26, 710.27, 710.28, 710.29, 710.31, 710.41, 710.43, 710.44, 710.46, 710.52, 710.58, 710.68, 710.68a, 712A.8, 712A.9, 712A.16, 712A.18, and 712A.28 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 22, 23, 24a, 26, 27, 28, 29, 31, 41,
2 43, 44, 46, 52, 58, 68, and 68a of chapter X and sections 8, 9,
3 16, 18, and 28 of chapter XIIA of Act No. 288 of the Public Acts
4 of 1939, sections 22, 26, 28, 29, 41, 43, 44, and 46 of chapter X
5 as amended and section 24a of chapter X as added by Act No. 72 of
6 the Public Acts of 1982, section 23 of chapter X as added by Act
7 No. 288 of the Public Acts of 1980, sections 27 and 68 of chapter
8 X as amended and section 68a of chapter X as added by Act No. 505
9 of the Public Acts of 1988, sections 16 and 18 of chapter XIIA as
10 amended by Act No. 224 of the Public Acts of 1988, and section 28
11 of chapter XIIA as amended by Act No. 91 of the Public Acts of
12 1988, being sections 710.22, 710.23, 710.24a, 710.26, 710.27,
13 710.28, 710.29, 710.31, 710.41, 710.43, 710.44, 710.46, 710.52,
14 710.58, 710.68, 710.68a, 712A.8, 712A.9, 712A.16, 712A.18, and

1 712A.28 of the Michigan Compiled Laws, are amended to read as
2 follows:

3 CHAPTER X

4 Sec. 22. As used in this chapter:

5 (a) "Adoptee" means the person who is to be adopted, regard-
6 less of whether the person is a child or an adult.

7 (B) "AGENCY" MEANS THE CHILDREN AND FAMILY SERVICES AGENCY
8 OR A DISTRICT CHILDREN AND FAMILY SERVICES AGENCY CREATED IN THE
9 CHILDREN AND FAMILY SERVICES AGENCY ACT.

10 (C) ~~(b)~~ "Best interests of the adoptee" or "best interests
11 of the child" means the sum total of the following factors to be
12 considered, evaluated, and determined by the court to be applied
13 to give the adoptee permanence at the earliest possible date:

14 (i) The love, affection, and other emotional ties existing
15 between the adopting person or persons or the putative father,
16 and the adoptee.

17 (ii) The capacity and disposition of the adopting person or
18 persons or the putative father to give the adoptee love, affec-
19 tion, and guidance, and to educate and create a milieu that fos-
20 ters the religion, racial identity, and culture of the adoptee.

21 (iii) The capacity and disposition of the adopting person or
22 persons or the putative father to provide the adoptee with food,
23 clothing, education, permanence, medical care or other remedial
24 care recognized and permitted under the laws of this state in
25 place of medical care, and other material needs.

1 (iv) The length of time the adoptee has lived in a stable,
2 satisfactory environment, and the desirability of maintaining
3 continuity.

4 (v) The permanence as a family unit of the proposed adoptive
5 home, or the home of the putative father.

6 (vi) The moral fitness of the adopting person or persons or
7 of the putative father.

8 (vii) The mental and physical health of the adopting person
9 or persons or of the putative father, and of the adoptee.

10 (viii) The home, school, and community record of the
11 adoptee.

12 (ix) The reasonable preference of the adoptee, if the
13 adoptee is 14 years of age or less and if the court ~~deems~~
14 CONSIDERS the adoptee to be of sufficient age to express a
15 preference.

16 (x) The ability and willingness of the adopting person or
17 persons to adopt the adoptee's siblings.

18 (xi) Any other factor considered by the court to be relevant
19 to a particular adoption proceeding, or to a putative father's
20 request for child custody.

21 (D) ~~(c)~~ "Biological parent" means a person whose rights
22 were terminated pursuant to this chapter or chapter XIIA.

23 (E) ~~(d)~~ "Born out of wedlock" means a child begotten and
24 born to a woman who was not married from the conception to the
25 date of birth of the child, or a child which the court has deter-
26 mined to be a child born during a marriage but not the issue of
27 that marriage.

1 (F) ~~(e)~~ "Child" means a person less than 18 years of age.

2 (G) ~~(f)~~ "Child placing agency" means a private organi-
3 zation licensed to place children for adoption.

4 (H) ~~(g)~~ "Consent" means a duly executed document in which
5 all parental rights over a specific child are voluntarily relin-
6 quished to the court for adoptive placement with the petitioner.

7 (I) ~~(h)~~ "Court" means the probate court of this state, and
8 when the context requires, the court having jurisdiction over
9 adoption in another state or country.

10 ~~(i) "Department" means the state department of social~~
11 ~~services.~~

12 (j) "Petitioner" means the person or persons who file an
13 adoption petition with the court.

14 (k) "Release" means a duly executed document in which all
15 parental rights over a specific child are voluntarily relin-
16 quished to the ~~department~~ AGENCY or to a child placing agency.

17 (l) "Stepparent" means a person who adopts a child 1 of
18 whose parents is the adopting person's spouse.

19 Sec. 23. The court shall have jurisdiction to hear an
20 appeal brought under section ~~115f of Act No. 280 of the Public~~
21 ~~Acts of 1939, being section 400.115f of the Michigan Compiled~~
22 ~~Laws~~ 42907 OF THE CHILDREN AND FAMILY SERVICES AGENCY ACT. The
23 court may set aside, affirm, reverse, or modify a final determi-
24 nation of the ~~office of children and youth services~~ AGENCY as
25 provided in sections 101 to 106 of THE ADMINISTRATIVE PROCEDURES
26 ACT OF 1969, Act No. 306 of the Public Acts of 1969, as amended,
27 being sections 24.301 to 24.306 of the Michigan Compiled Laws.

1 Sec. 24a. (1) Interested parties in a petition for adoption
2 include, but ~~shall~~ ARE not ~~be~~ limited to:

3 (a) The petitioner.

4 (b) The adoptee, if over 14 years of age.

5 (c) A minor parent, adult parent, or surviving parent of a
6 minor adoptee, unless:

7 (i) The rights of the parent have been terminated by a court
8 of competent jurisdiction.

9 (ii) A guardian of the adoptee, with specific authority to
10 consent to adoption, has been appointed.

11 (iii) A guardian of the parent, with specific authority to
12 consent to adoption, has been appointed.

13 (iv) The rights of the parent have been released.

14 (v) The parent has consented to the granting of the
15 petition.

16 (d) The ~~department~~ AGENCY or a child placing agency to
17 which the adoptee has been, or for purposes of subsection (2) is
18 proposed to be, released or committed by an order of the juvenile
19 division of the probate court.

20 (e) A parent, guardian, or guardian ad litem of an unemanci-
21 pated minor parent of the adoptee.

22 (f) The juvenile division of the probate court with per-
23 manent custody of the adoptee.

24 (g) A court with continuing jurisdiction over the adoptee.

25 (h) A child placing agency of another state or country which
26 has authority to consent to adoption.

1 (i) The guardian or guardian ad litem of an interested
2 party.

3 (2) Interested parties in a petition for a hearing to iden-
4 tify the father of a child and to determine or terminate his
5 rights include, but shall not be limited to:

6 (a) The persons set forth in subsection (1).

7 (b) A putative father of the child.

8 (3) Interested parties in a proceeding relating to the exe-
9 cution of a voluntary release include, but shall not be limited
10 to:

11 (a) The adoptee, if over 5 years of age.

12 (b) The ~~department~~ AGENCY or a child placing agency to
13 which the adoptee is proposed to be released.

14 (c) The person executing the release of parental rights.

15 (4) The court shall not appoint a guardian of the adoptee or
16 of a parent solely for the purpose of defeating that parent's
17 status as an interested party under this section.

18 Sec. 26. Subsequent to or concurrent with the filing of the
19 adoption petition but before the hearing on the petition by the
20 court, the petitioner, the ~~department~~ AGENCY, an employee or
21 agent of the court, or a child placing agency, as appropriate,
22 shall file the following documentation:

23 (a) Except in instances of parental consent to adoption, a
24 copy of each release or order terminating parental rights over
25 the child which has a bearing upon the authority of a person to
26 execute the consent to adoption.

1 (b) A copy of the order of commitment, if a commitment was
2 made to a child placing agency or to the ~~department~~ AGENCY.

3 (c) Proof of a guardian's appointment and authorization to
4 execute the release or consent to the child's adoption.

5 (d) A copy of the consent to adoption as required in this
6 chapter.

7 (e) A copy of the adoptee's birth certificate, verification
8 of birth, hospital birth registration, or other satisfactory
9 proof of date and place of birth, if obtainable, unless this
10 filing is waived by written order of the judge of probate.

11 (f) The report of the investigation prepared pursuant to
12 section 46 of this chapter.

13 (g) If the petition alleges nonsupport and noncommunication
14 by a parent, as described in section 51(6), an affidavit verify-
15 ing that fact.

16 (h) Any additional facts considered necessary by the court.

17 Sec. 27. (1) Nonidentifying information shall be maintained
18 by a child placing agency, the ~~department~~ AGENCY, or a court
19 that places an adoptee under this chapter. The following noni-
20 dentifying information shall be maintained, if obtainable:

21 (a) Date, time, and place of birth of the adoptee including
22 the hospital, city, county, and state.

23 (b) Medical history of the adoptee and biological parents.

24 (c) Ethnicity of the biological parents.

25 (d) Status of termination--voluntary or court ordered.

26 (e) Religious background of biological parents.

1 (f) Age and sex of siblings of the adoptee known at the time
2 of the adoption.

3 (g) Educational level of biological parents.

4 (2) The information required by subsection (1) shall be sup-
5 plemented by other nonidentifying background information that the
6 child placing agency, ~~department~~ AGENCY, or court considers
7 appropriate.

8 (3) The ~~department~~ AGENCY, a child placing agency, or a
9 court that places an adoptee under this chapter shall maintain
10 all of the following identifying information if obtainable:

11 (a) Name of the child before placement in adoption.

12 (b) Names of biological parents at the time of termination
13 of parental rights.

14 (c) The most recent names and addresses of the biological
15 parents.

16 (d) Names of the biological siblings at the time of
17 termination.

18 (4) The court shall inform each biological parent at the
19 time of termination of parental rights pursuant to this chapter
20 or chapter 12A, that the biological parent may file a denial of
21 release of the identifying information specified in subsection
22 (3) with the ~~department~~ AGENCY at any time and that the denial
23 may be revoked at any time. The ~~department~~ AGENCY shall
24 develop a form for biological parents to deny or revoke a denial
25 of release of identifying information and shall make the form
26 available to the court. The court shall inform a biological
27 parent of the parent's right to keep current his or her name and

1 address by filing a statement with the ~~department~~ AGENCY on a
2 form provided by the ~~department~~ AGENCY.

3 (5) The ~~department~~ AGENCY shall keep on file each state-
4 ment concerning a child believed to be adopted that is submitted
5 by a biological parent or adult biological sibling consenting to
6 or denying release of identifying information, and shall transmit
7 that statement to the proper child placing agency, ~~department~~
8 THE AGENCY, or A court upon request of the child placing agency,
9 ~~department~~ AGENCY, or court. The statement may be rescinded at
10 any time by the biological parent or adult biological sibling. A
11 statement made by a biological parent or adult biological sibling
12 consenting to the release of identifying information shall
13 include the current name and address of the biological parent or
14 adult biological sibling. Once a request for information from
15 the file has been received by the ~~department~~ AGENCY, a subse-
16 quent statement submitted by a biological parent or adult biolog-
17 ical sibling consenting to the release of identifying information
18 or revoking a previous denial to release of identifying informa-
19 tion, shall be transmitted to the requesting child placing
20 agency, ~~department~~ AGENCY, or court upon receipt.

21 (6) If a child placing agency ceases to operate, the CHILD
22 PLACING agency's adoption records shall be forwarded to the
23 ~~department~~ AGENCY. A branch or associate agency of a child
24 placing agency which ceases to operate shall forward its records
25 to the central ~~agency of the branch or associate~~ CHILD PLACING
26 agency.

1 (7) This section also applies to a stepparent adoption and
2 to the adoption of a child related to the petitioner within the
3 fourth degree of affinity or consanguinity.

4 (8) The information required by subsections (1) through (3)
5 shall be maintained by the child placing agency, ~~department~~
6 AGENCY, or court. An employee or agent of a child placing
7 agency, the court, or the ~~department~~ AGENCY who intentionally
8 destroys information required to be maintained under this section
9 ~~—~~ is guilty of a misdemeanor.

10 Sec. 28. (1) Subject to this section and section 29, a
11 release shall be executed:

12 (a) By each parent of a child to be adopted or the surviving
13 parent, except under the following circumstances:

14 (i) The rights of the parent have been terminated by a court
15 of competent jurisdiction.

16 (ii) A guardian of the child has been appointed.

17 (iii) A guardian of a parent has been appointed.

18 (b) By the duly authorized representative of a child placing
19 agency to whom the child has been committed by an order of the
20 juvenile division of the probate court.

21 (c) By the duly authorized representative of the child plac-
22 ing agency to whom the child has been released.

23 (d) By the guardian of the child, if a guardian has been
24 appointed.

25 (e) By the guardian of a parent.

26 (2) If the parent of the child to be adopted is an
27 unemancipated minor, that parent's release is not valid unless a

1 parent, guardian, or guardian ad litem of that minor parent has
2 also executed the release.

3 (3) The guardian of the child to be adopted may not execute
4 a release of the child pursuant to subsection (1) unless the
5 guardian has first obtained authority to execute the release from
6 the court which appointed the guardian.

7 (4) The guardian of a parent may not execute a release of
8 the parent's child pursuant to subsection (1) unless the guardian
9 has first obtained authority to execute the release from the
10 court which appointed the guardian. Such a release shall have
11 the same effect as if the release were executed by the parent.

12 (5) A release shall be given only to a child placing agency
13 or to the ~~department~~ AGENCY.

14 (6) Before the ~~department~~ AGENCY arranges a release from a
15 parent or guardian, a representative of the ~~department~~ AGENCY
16 shall advise the parent or guardian about child placing agencies
17 serving the county and, upon the parent's or guardian's request,
18 shall refer the parent or guardian to a child placing agency.
19 After the release of a child by a parent or guardian to the
20 ~~department~~ AGENCY, the ~~department~~ AGENCY shall advise the
21 child placing agencies serving the county that the child is
22 available for adoption.

23 (7) ~~Where~~ IF a child ~~was~~ IS released for adoption or
24 committed to a child placing agency, that CHILD PLACING agency
25 may release that child to the ~~department~~ AGENCY and the
26 ~~department~~ AGENCY shall accept the release.

1 (8) Upon release of a child to the ~~department~~ AGENCY
2 pursuant to this section, the child shall become a state ward.

3 (9) Where applicable under this section, proof of the termi-
4 nation of parental rights, release of parental rights, appoint-
5 ment, authorization, or commitment shall accompany the release.

6 Sec. 29. (1) Except as otherwise provided in this section,
7 a release shall be by a separate instrument executed before a
8 judge of probate or before a referee of the court. If a parent's
9 or guardian's release is executed before a judge or referee as
10 provided in this subsection, a verbatim record of testimony
11 related to execution of the release shall be made.

12 (2) If the person from whom a release is required is in the
13 armed services or is in prison, the release may be executed and
14 acknowledged before a person authorized by law to administer
15 oaths.

16 (3) If the release is to be given by a duly authorized rep-
17 resentative of a child placing agency which has jurisdiction of
18 the child to be adopted, the release may be executed and acknowl-
19 edged before a person authorized by law to administer oaths.

20 (4) If the release is executed in another state or country,
21 the court having jurisdiction over the adoption proceeding in
22 this state shall determine whether the release was executed in
23 accordance with the laws of that state or country and shall not
24 proceed unless it finds that the release was so executed.

25 (5) A release by a parent or a guardian of the child shall
26 not be executed until after such investigation as the court
27 ~~deems~~ CONSIDERS proper and until after the judge, referee, or

1 other person authorized in subsection (2) has fully explained to
2 the parent or guardian the legal rights of the parent or guardian
3 and the fact that the parent or guardian by virtue of the release
4 voluntarily relinquishes permanently his or her rights to the
5 child; and, if the child is over 5 years of age, the court has
6 determined that the child is best served by the release.

7 (6) Upon the release of a child by a parent or guardian, the
8 court immediately shall issue an order terminating the rights of
9 that parent or guardian to that child. If the rights of both
10 parents, the surviving parent, or the guardian have been termi-
11 nated, the court shall issue an order committing the child to the
12 child placing agency or ~~department~~ AGENCY to which the release
13 was given.

14 (7) The court shall authorize foster care funding pending
15 expiration of the period of appeal or rehearing as provided in
16 sections 64 and 65 of this chapter, and pending disposition of
17 any appeal or rehearing, for all persons committed to a child
18 placing agency. Foster care funding authorized under this sub-
19 section shall exclude the administrative costs of the child plac-
20 ing agency. The costs of foster care shall be paid through the
21 use of the child care fund as provided by section ~~117c of Act~~
22 ~~No. 280 of the Public Acts of 1939, as amended, being section~~
23 ~~400.117c of the Michigan Compiled Laws,~~ 31309 OF THE CHILDREN
24 AND FAMILY SERVICES AGENCY ACT or by any successor statute.
25 ~~When~~ IF foster care funding is authorized pursuant to this sub-
26 section, the court shall send a copy of the order to the
27 ~~department~~ AGENCY. Upon receiving a copy of this order, the

1 ~~department~~ AGENCY shall reimburse the court child care fund of
2 the county where the court order for foster care funding was made
3 in the total amount of the court ordered payment. The reimburse-
4 ment shall be made monthly.

5 (8) Entry of an order terminating the rights of both parents
6 pursuant to subsection (6) shall terminate the jurisdiction of
7 the circuit court over the child in any divorce or separate main-
8 tenance action.

9 (9) Upon petition of the same person or persons who executed
10 the release and of the ~~department~~ AGENCY or child placing
11 agency to which the child was released, the court with which the
12 release was filed may grant a hearing to consider whether the
13 release should be revoked. A release may not be revoked if the
14 child has been placed for adoption unless the child is placed
15 pursuant to section 41(2) of this chapter and a petition for
16 rehearing or claim of appeal is filed within the time required.
17 A verbatim record of testimony related to a petition to revoke a
18 release shall be made.

19 Sec. 31. (1) If a child is born out of wedlock and the
20 release or consent of the natural father cannot be obtained, the
21 child shall not be placed for adoption until the parental rights
22 of the father are terminated by the court as provided in section
23 37 or 39 of this chapter, by the court pursuant to chapter ~~+2a-~~
24 XIIIA, or by a court of competent jurisdiction in another state or
25 country.

26 (2) Pending the termination or other disposition of the
27 rights of the father of a child born out of wedlock, the mother

1 may execute a release terminating her rights to the child. If
2 the mother releases the child, the child placing agency or
3 ~~department~~ AGENCY to which the child is released may file a
4 petition of dependency or neglect pursuant to chapter ~~12a~~
5 XIIIA. Pending disposition of the dependency or neglect petition,
6 the court may enter an order authorizing temporary care of the
7 child.

8 (3) At the request of the mother, her formal execution of a
9 release or consent shall be delayed until after court determina-
10 tion of the status of the putative father's request for custody
11 of the child.

12 Sec. 41. (1) A child shall not be placed in a home for the
13 purpose of adoption until an order terminating parental rights
14 has been entered pursuant to this chapter or chapter XIIIA. After
15 an order terminating parental rights has been entered, the court
16 shall enter any appropriate orders pursuant to sections 45, 46,
17 and 51 of this chapter. Such orders shall not be withheld
18 because the period specified for a rehearing or an appeal as of
19 right has not expired, or because of the pendency of any rehear-
20 ing or appeal as of right.

21 (2) If an order terminating parental rights is entered pur-
22 suant to this chapter or chapter XIIIA, the child may be placed in
23 a home for the purpose of adoption during the period specified
24 for a rehearing or an appeal as of right and the period during
25 which a rehearing or appeal as of right is pending. When a child
26 placing agency, the court, or the ~~department~~ AGENCY places a
27 child pursuant to this subsection, it shall inform the person or

1 persons in whose home the child is placed that an adoption will
2 not be ordered until 1 of the following occurs:

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

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

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

12 (3) This section ~~shall~~ DOES not ~~be construed to~~ prevent
13 a child placed in a licensed foster home from being adopted by
14 the foster parent or parents.

15 (4) This section shall not apply if the petitioner for adop-
16 tion is married to a parent having legal custody of the child.

17 Sec. 43. (1) Subject to this section and sections 44 and 51
18 of this chapter, consent to adoption of a child shall be executed
19 BY ALL OF THE FOLLOWING:

20 (a) ~~By each~~ EACH parent of a child to be adopted or the
21 surviving parent, except under the following circumstances:

22 (i) The rights of the parent have been terminated by a court
23 of competent jurisdiction.

24 (ii) The child has been released for the purpose of adoption
25 to a child placing agency or to the ~~department~~ AGENCY.

26 (iii) A guardian of the child has been appointed.

1 (iv) A guardian of a parent has been appointed.

2 (v) The child is not related to the petitioner within the
3 fourth degree of affinity or consanguinity.

4 (vi) A parent having legal custody of the child is married
5 to the petitioner.

6 (b) ~~By the~~ THE duly authorized representative of the
7 ~~department~~ AGENCY or of a child placing agency to whom the
8 child has been permanently committed by an order of the juvenile
9 division of the probate court.

10 (c) ~~By the~~ THE juvenile division of the probate court
11 having permanent custody of the child.

12 (d) ~~By the~~ THE duly authorized representative of the
13 ~~department~~ AGENCY or of a child placing agency to whom the
14 child has been released.

15 (e) ~~By the~~ THE guardian of the child, if a guardian has
16 been appointed.

17 (f) ~~By the~~ THE guardian of a parent.

18 (g) ~~By the~~ THE authorized representative of a child plac-
19 ing agency of another state or country which has authority to
20 consent to adoption.

21 (2) If the child to be adopted is over 14 years of age, that
22 child's consent shall be necessary before the court may enter an
23 order of adoption.

24 (3) If the person to be adopted is an adult, that person's
25 consent shall be necessary before the court may enter an order of
26 adoption, but consent by any other person is not required.

1 (4) If the parent of the child to be adopted is an
2 unemancipated minor, that parent's consent is not valid unless a
3 parent, guardian, or guardian ad litem of that minor parent has
4 also executed the consent.

5 (5) The guardian of the child to be adopted shall not exe-
6 cute a consent to that child's adoption pursuant to subsection
7 (1) unless the guardian has first obtained authority to execute
8 the consent from the court which appointed the guardian.

9 (6) The guardian of a parent shall not execute a consent to
10 the adoption of the parent's child pursuant to subsection (1)
11 unless the guardian has first obtained authority to execute the
12 consent from the court which appointed the guardian. The consent
13 shall have the same effect as if the consent were executed by the
14 parent.

15 (7) The parent of a child shall not execute a consent unless
16 the petitioner is related to the child within the fourth degree
17 of affinity or consanguinity.

18 (8) If the petitioner for adoption is married to the parent
19 having legal custody of the child and that parent has joined the
20 petitioner in filing the petition for adoption, that parent shall
21 not execute a consent to the adoption. The consent of the parent
22 who does not have legal custody of the child and whose parental
23 rights have not been terminated shall be executed before the
24 court may enter an order of adoption under section 56 of this
25 chapter.

26 Sec. 44. (1) Except as otherwise provided in this section,
27 the consent required by section 43 of this chapter shall be by a

1 separate instrument executed before the judge of probate having
2 jurisdiction or, at the court's direction, before another judge
3 of probate in this state. A consent may be executed before a
4 referee of the probate court. If the consent of a parent or
5 guardian is executed before a judge or referee as provided in
6 this subsection, a verbatim record of testimony related to execu-
7 tion of the consent shall be made.

8 (2) If the person whose consent is required is in any of the
9 armed services or is in prison, the consent may be executed and
10 acknowledged before any person authorized by law to administer
11 oaths.

12 (3) If the child to be adopted is legally a ward of the
13 ~~department~~ AGENCY or of a child placing agency, the consent
14 required to be made under section 43 of this chapter by the duly
15 authorized representative of the ~~department~~ AGENCY or CHILD
16 PLACING agency may be executed and acknowledged before a person
17 authorized by law to administer oaths.

18 (4) If the consent is executed in another state or country,
19 the court having jurisdiction over the adoption proceeding in
20 this state shall determine whether the consent was executed in
21 accordance with the laws of that state or country and shall not
22 proceed unless it finds that the consent was so executed.

23 (5) If a parent's consent to adoption is required under sec-
24 tion 43 of this chapter or if a guardian's consent is required
25 pursuant to section 43(1)(e) of this chapter, the consent shall
26 not be executed until after such investigation as the court
27 ~~deems~~ CONSIDERS proper and until after the judge, referee, or

1 other person authorized in subsection (2) has fully explained to
2 the parent or guardian the legal rights of the parent or guardian
3 and the fact that the parent or guardian by virtue of the consent
4 voluntarily relinquishes permanently his or her rights to the
5 child.

6 (6) If the adoptee's consent to adoption is required under
7 section 43 of this chapter, the consent shall not be executed
8 until after such investigation as the court ~~deems~~ CONSIDERS
9 proper and until after the judge or referee has fully explained
10 to the adoptee the fact that he or she is consenting to acquire
11 permanently the adopting parent or parents as his or her legal
12 parent or parents as though the adoptee had been born to the
13 adopting parent or parents.

14 Sec. 46. (1) In an adoption proceeding, the court shall
15 ~~direct~~ ORDER a full investigation by an employee or agent of
16 the court, a child placing agency, or the ~~department~~ AGENCY.
17 The following shall be considered in the investigation:

18 (a) The best interests of the adoptee.

19 (b) The adoptee's family background, including names and
20 identifying data regarding the parent or parents, if obtainable.

21 (c) The reasons for the adoptee's placement away from his or
22 her parent or parents.

23 (2) A written report of the investigation shall be filed
24 within 3 months of the order for investigation.

25 Sec. 52. During the period before entry of the order of
26 adoption, the child shall be supervised at the direction of the
27 court by an employee or agent of the court, a child placing

1 agency, or the ~~department~~ AGENCY, who shall make such reports
2 regarding the adjustment of the child in the home as the court
3 shall order. The investigations shall be made under reasonable
4 circumstances and at reasonable intervals.

5 Sec. 58. ~~When~~ IF the court enters an order of adoption,
6 certified copies shall be given to the adopting parent or
7 parents. If the consent to the adoption was given by a duly
8 authorized representative of the ~~department~~ AGENCY, of a child
9 placing agency, or of a public or licensed private agency of
10 another state or country, a certified copy of the order of adop-
11 tion shall be furnished by the court to the ~~department~~ AGENCY
12 or THE PLACING OR LICENSED PRIVATE agency.

13 Sec. 68. (1) All of the nonidentifying information required
14 by section 27(1) and (2) of this chapter shall be made available
15 in writing to the adoptive parents at the time of placement and
16 thereafter within 63 days after receipt of a request for informa-
17 tion, and shall be made available in writing to an adult adoptee
18 within 63 days after receipt of a request for information.

19 (2) Within 63 days after a request for information is
20 received, a child placing agency, court, or the ~~department~~
21 AGENCY shall provide in writing to the biological parent or adult
22 biological sibling requesting the information all of the noniden-
23 tifying information described in section 27(1) and (2) of this
24 chapter.

25 (3) Within 63 days after a request for identifying informa-
26 tion is received, a child placing agency, court, or the
27 ~~department~~ AGENCY shall provide in writing to the biological

1 parent or adult biological sibling requesting the information the
2 adult adoptee's most recent name and address and the identifying
3 information described in section 27(3) of this chapter if the
4 adult adoptee has given written consent to release of the infor-
5 mation pursuant to this chapter.

6 (4) If the ~~department~~ AGENCY or a child placing agency
7 receives a request for adoption record information in their pos-
8 session from an adult adoptee, biological parent, or adult bio-
9 logical sibling, the ~~department~~ AGENCY or child placing agency
10 shall provide the person requesting the information with the
11 identity of the court that confirmed the adoption within 28 days
12 after receipt of the request. If a court receives such a
13 request, the court shall provide the person requesting the infor-
14 mation with the identity of the child placing agency that handled
15 the adoption.

16 (5) For adoptions in which the biological parents' rights
17 were terminated before September 12, 1980, a child placing
18 agency, a court, or the ~~department~~ AGENCY having the records of
19 an adoptee and having received a written request from that
20 adoptee as an adult for information identifying the adoptee's
21 biological parents, shall release the identifying information
22 described in section 27(3) of this chapter and other identifying
23 information on file with the department as specified in section
24 27(5) of this chapter, in the following manner:

25 (a) All information on both biological parents shall be
26 released to the adult adoptee, if both biological parents have on

1 file with the ~~department~~ AGENCY a statement consenting to
2 release of identifying information.

3 (b) Information pertaining to 1 of the biological parents
4 shall be released to the adult adoptee if that biological parent
5 has on file with the ~~department~~ AGENCY a statement consenting
6 to release of identifying information.

7 (c) Information pertaining to 1 of the biological parents
8 shall be released to the adult adoptee if that parent is
9 deceased, or if a child of that parent who is now an adult and
10 who is a sibling of the adoptee has on file with the ~~department~~
11 AGENCY a consent to the release of identifying information of
12 that deceased parent.

13 (d) All information on both biological parents shall be
14 released to the adult adoptee, if both biological parents are
15 deceased.

16 (6) For all adoptions in which the biological parents'
17 rights were terminated after September 12, 1980, an adoptee not
18 less than 18 years of age shall have the right to obtain the
19 identifying information described in section 27(3) of this chap-
20 ter and any additional information on file with the ~~department~~
21 AGENCY as specified in section 27(5) of this chapter, except that
22 if a biological parent has filed a statement currently in effect
23 with the ~~department~~ AGENCY denying consent to have identifying
24 information released, identifying information shall not be
25 released about that parent. The information shall be provided
26 within 63 days after the date of the request.

1 (7) Upon receipt of a written request for identifying
2 information from an adult adoptee, a child placing agency, court,
3 or the ~~department~~ AGENCY, if it maintains that adoption file,
4 shall request information from the ~~department~~ AGENCY file as
5 specified in section 27(5) of this chapter, pursuant to the
6 requirements of this section. Upon receipt of a response from
7 the ~~department~~ AGENCY file, a child placing agency, court, or
8 the ~~department~~ AGENCY shall notify the adoptee in writing,
9 within 28 days after the receipt of the response, of the identi-
10 fying information to which the adoptee is entitled, or, if the
11 identifying information cannot be released pursuant to this sec-
12 tion, the reason why the information cannot be released. The
13 child placing agency, court, or the ~~department~~ AGENCY shall
14 retain a copy of the notice sent to the adult adoptee. Once the
15 identifying information is released to the adult adoptee, and
16 upon the request of the adult adoptee, biological parent, adult
17 biological sibling, or adoptive parent, the child placing agency,
18 court, or the ~~department~~ AGENCY shall provide for counseling to
19 that person.

20 (8) If a child placing agency, court, or the ~~department~~
21 AGENCY provides an adoptee with the name of either of the
22 adoptee's biological parents, that child placing agency, court,
23 or ~~department~~ AGENCY shall notify the department of public
24 health of that fact. Upon receipt of notification by the child
25 placing agency, court, or ~~department~~ AGENCY, the department of
26 public health shall insure that the original birth certificate on
27 file for the adoptee has been sealed and that a new birth

1 certificate has been prepared in conformance with section 67 of
2 this chapter.

3 (9) An employee or agent of a child placing agency, the
4 court, or the ~~department~~ AGENCY, who intentionally releases
5 identifying information in violation of this section, is guilty
6 of a misdemeanor.

7 (10) This section also applies to a stepparent adoption and
8 to the adoption of a child related to the petitioner within the
9 fourth degree of affinity or consanguinity.

10 (11) As used in this section, "adult adoptee" means a person
11 who was adopted as a child who is now 18 years of age or older or
12 a person who was 18 years of age or older at the time of
13 adoption.

14 (12) A child placing agency, a court, and the ~~department~~
15 AGENCY may require a fee of \$60.00 or the actual cost of supply-
16 ing the information, whichever is less, for supplying information
17 under this section. The child placing agency, the court, and the
18 ~~department~~ AGENCY may waive a part or all of the fee in case of
19 indigency or hardship.

20 Sec. 68a. (1) The ~~department~~ AGENCY shall develop and
21 publish an information pamphlet explaining the release of infor-
22 mation from adoption records pursuant to this act.

23 (2) If the ~~department~~ AGENCY, a child placing agency, or
24 the court is contacted by an adoptee, birth parent, or adoptive
25 parent, it shall provide the adoptee, birth parent, or adoptive
26 parent with a copy of the information pamphlet described in
27 subsection (1) within 14 days after the date of the contact or at

1 the time other information requested by the adoptee, birth
2 parent, or adoptive parent is provided.

3 CHAPTER XIIIA

4 Sec. 8. The office of county agent is hereby created. The
5 county agent shall be an officer of the juvenile division of the
6 probate court, ~~and~~ under the general supervision of the judges
7 ~~thereof~~ OF THE JUVENILE DIVISION OF THE PROBATE COURT, and
8 shall serve ~~during~~ AT their pleasure. The county agent shall
9 organize, direct, and develop the child welfare work of the court
10 ~~when~~ IF so authorized by the judge. ~~He shall, when~~ IF
11 requested by the superintendent or director, THE COUNTY AGENT
12 SHALL supervise children when released from public institutions
13 or agencies and may perform ~~such~~ other child welfare work ~~as~~
14 ~~requested~~ UPON REQUEST and with the approval of the judge,
15 including services to school-age children of the various school
16 districts within the county, after consultation and agreement
17 with the ~~county school commissioner and the superintendents of~~
18 ~~schools in a county~~ INTERMEDIATE SCHOOL DISTRICT
19 SUPERINTENDENT. The county agent or assistants shall, with the
20 approval of the judge of probate, make such investigations and
21 reports on children or families within the county as may be
22 requested by the ~~state department of social welfare~~ CHILDREN
23 AND FAMILY SERVICES AGENCY or by the superintendent of any state
24 institution relative to the welfare of any child. ~~The state~~
25 ~~department of social welfare shall assist in the work of the~~
26 ~~county agents and assistants as provided in subdivision (c) of~~
27 ~~section 14 of Act No. 280 of the Public Acts of 1939.~~ Assistant

1 county agents shall perform ~~such~~ THE duties as may be assigned
2 to them by the county agent.

3 Sec. 9. (1) The judge of probate in each county may appoint
4 1 or more suitable persons of good character and qualified train-
5 ing or experience, other than the county agent or assistants, to
6 act as probation officer. ~~, who~~ THE PROBATION OFFICER shall
7 receive ~~such~~ compensation ~~as~~ APPROPRIATED BY the COUNTY board
8 of ~~supervisors may appropriate~~ COMMISSIONERS for that purpose.
9 ~~, and who~~ THE PROBATION OFFICER, at the discretion of the
10 judge, may be authorized and empowered to perform county agent
11 duties.

12 (2) The judge of probate may ~~also~~ appoint ~~other~~ proba-
13 tion officers ~~who~~ IN ADDITION TO THE PROBATION OFFICERS
14 APPOINTED IN SUBSECTION (1). PROBATION OFFICERS APPOINTED UNDER
15 THIS SUBSECTION shall NOT receive ~~no~~ compensation from the
16 county treasury for ~~the~~ duties performed. ~~under such~~
17 ~~appointment.~~

18 (3) ~~It shall be the duty of the~~ THE judge of probate ~~to~~
19 SHALL notify the ~~state department of social welfare~~ CHILDREN
20 AND FAMILY SERVICES AGENCY of the appointment of all paid proba-
21 tion officers made ~~by him~~ under the provisions of this
22 chapter. All probation officers shall hold office during the
23 pleasure of the court and shall report to the ~~said~~ court ~~upon~~
24 ~~all~~ ON cases under their care.

25 Sec. 16. (1) If a child under the age of 17 years is taken
26 into custody or detained, the child shall not be confined in any
27 police station, prison, jail, lock-up, or reformatory, or be

1 transported with, or compelled or permitted to associate or
2 mingle with, criminal or dissolute persons. However, except as
3 otherwise provided in section 15(3), (4), and (5) of this chap-
4 ter, a child 15 years of age or older whose habits or conduct are
5 considered a menace to other children, or who may not otherwise
6 be safely detained, may, on order of the court, be placed in a
7 jail or other place of detention for adults, but in a room or
8 ward separate from adults, and for a period not to exceed 30
9 days, unless longer detention is necessary for the service of
10 process.

11 (2) Provision may be made by the county board of commission-
12 ers in each county or of counties contracting together for the
13 diagnosis, treatment, care, training, and detention of children
14 in a child care home to be conducted as an agency of the court or
15 county if the home or facility meets licensing standards estab-
16 lished by the ~~state department of social services~~ CHILDREN AND
17 FAMILY SERVICES AGENCY. The court or a court approved agency may
18 arrange for the boarding of children by any of the following:

19 (a) If a child is within the court's jurisdiction under sec-
20 tion 2(a) of this chapter, in a suitable foster care home subject
21 to the court's supervision. Except as otherwise provided in sub-
22 sections (5) and (6), if a child is within the court's jurisdic-
23 tion under section 2(b) of this chapter, the court shall not
24 place a child in a foster care home subject to the court's
25 supervision.

26 (b) In a child care institution or child placing agency
27 licensed by the ~~state department of social~~ CHILDREN AND FAMILY

1 services AGENCY to receive for care children within the
2 jurisdiction of the court.

3 (c) If in a room or ward, separate and apart from adult
4 criminals, in the county jail in cases of children over 17 years
5 of age within the jurisdiction of the court.

6 (3) If a detention home is established as an agency of the
7 court, the judge may appoint a superintendent or matron and other
8 necessary employees for the home who shall receive compensation
9 as shall be provided by the county board of commissioners. ~~of~~
10 ~~the county.~~ This section does not alter or diminish the legal
11 responsibility of the ~~state department of social~~ CHILDREN AND
12 FAMILY services AGENCY to receive juveniles committed by the pro-
13 bate courts.

14 (4) If the court under subsection (2) arranges for the board
15 of children temporarily detained in private homes or in a child
16 care institution or child placing agency, a reasonable sum, to be
17 fixed by the court, for the board of the children shall be paid
18 by the county treasurer out of the general fund of the county.

19 (5) Except as otherwise provided in subsection (6), if a
20 court is providing at the time of the enactment of this subsec-
21 tion foster care home services subject to the court's supervision
22 to children within section 2(b) of this chapter, the court may
23 continue to provide those services through December 31, 1989.
24 Beginning January 1, 1990, the court shall discontinue providing
25 those services.

26 (6) If a court located in a county with a population in
27 excess of 650,000 is providing at the time of the enactment of

1 this subsection foster care home services subject to the court's
2 supervision to children within section 2(b) of this chapter, the
3 court may continue to provide those services through
4 December 31, 1991. Beginning January 1, 1992, the court shall
5 discontinue those services.

6 Sec. 18. (1) If the court finds that a child concerning
7 whom a petition has been filed is not within this chapter, the
8 court shall enter an order dismissing the petition. Except as
9 otherwise provided in subsection (15), if the court finds that a
10 child is within this chapter, the court may enter any of the fol-
11 lowing orders of disposition which is appropriate for the welfare
12 of the child and society in view of the facts proven and
13 ascertained:

14 (a) Warn the child or the child's parents, guardian, or cus-
15 todian and dismiss the petition.

16 (b) Place the child on probation, or under supervision in
17 the child's own home or in the home of an adult who is related to
18 the child. As used in this subdivision "related" means any of
19 the following relationships, by marriage, blood, or adoption:
20 parent, grandparent, brother, sister, stepparent, stepsister,
21 stepbrother, uncle, or aunt. The probation or supervision shall
22 be upon such terms and conditions, including reasonable rules for
23 the conduct of the parents, guardian, or custodian, if any,
24 designed for the physical, mental, or moral well-being and behav-
25 ior of the child, as the court determines.

26 (c) If a child is within the court's jurisdiction under
27 section 2(a) of this chapter, place the child in a suitable

1 foster care home subject to the court's supervision. Except as
2 otherwise provided in subsections (17) and (18), if a child is
3 within the court's jurisdiction under section 2(b) of this chap-
4 ter, the court shall not place a child in a foster care home
5 subject to the court's supervision.

6 (d) Place the child in or commit the child to a private
7 institution or agency approved or licensed by the ~~state depart-~~
8 ~~ment of social services~~ AGENCY for the care of children of simi-
9 lar age, sex, and characteristics.

10 (e) Commit the child to a public institution, county facili-
11 ty, institution operated as an agency of the court or county, or
12 agency authorized by law to receive children of similar age, sex,
13 and characteristics. In a placement under subdivision (d) or a
14 commitment under this subdivision, except to a state institution,
15 the religious affiliation of the child shall be protected by
16 placement or commitment to a private child-placing or
17 child-caring agency or institution, if available. The court, in
18 every order of commitment under this subdivision to a state
19 institution or agency described in the youth rehabilitation serv-
20 ices act, Act No. 150 of the Public Acts of 1974, as amended,
21 being sections 803.301 to 803.309 of the Michigan Compiled Laws
22 or in Act No. 220 of the Public Acts of 1935, as amended, being
23 sections 400.201 to 400.214 of the Michigan Compiled Laws, shall
24 name the superintendent of the institution to which the child is
25 committed as a special guardian to receive benefits due the child
26 from the government of the United States, and the benefits shall
27 be used to the extent necessary to pay for the portions of the

1 cost of care in the institution which the parent or parents are
2 found unable to pay.

3 (f) Provide the child with medical, dental, surgical, or
4 other health care, in a local hospital if available, or else-
5 where, maintaining as much as possible a local physician-patient
6 relationship, and with clothing and other incidental items as the
7 court considers necessary.

8 (g) Order the parents, guardian, custodian, or any other
9 person to refrain from continuing conduct which, in the opinion
10 of the court, has caused or tended to cause the child to come
11 within or to remain under this chapter, or which obstructs place-
12 ment or commitment of the child pursuant to an order under this
13 section.

14 (2) An order of disposition placing a child in or committing
15 a child to care outside of the child's own home and under state
16 or court supervision shall contain a provision for the reimburse-
17 ment by the child, parent, guardian, or custodian to the court
18 for the cost of care or service. The order shall be reasonable,
19 taking into account both the income and resources of the child,
20 parent, guardian, or custodian. The amount may be based upon the
21 guidelines and model schedule created under subsection (6). The
22 reimbursement provision shall apply during the entire period the
23 child remains in care outside of the child's own home and under
24 state or court supervision, unless the child is in the permanent
25 custody of the court. The court shall provide for the collection
26 of all amounts ordered to be reimbursed, and the money collected
27 shall be accounted for and reported to the county board of

1 commissioners. Collections to cover delinquent accounts or to
2 pay the balance due on reimbursement orders may be made after a
3 child is released or discharged from care outside the child's own
4 home and under state or court supervision. Twenty-five percent
5 of all amounts collected pursuant to an order entered under this
6 subsection shall be credited to the appropriate fund of the
7 county to offset the administrative cost of collections. The
8 balance of all amounts collected pursuant to an order entered
9 under this subsection shall be divided in the same ratio in which
10 the county, state, and federal government participate in the cost
11 of care outside the child's own home and under state or court
12 supervision. The court may also collect benefits paid for the
13 cost of care of a court ward from the government of the United
14 States. Money collected for children placed with or committed to
15 the ~~state department of social~~ CHILDREN AND FAMILY services
16 AGENCY shall be accounted for and reported on an individual child
17 basis.

18 (3) An order of disposition placing a child in the child's
19 own home under subsection (1)(b) may contain a provision for the
20 reimbursement by the child, parent, guardian, or custodian to the
21 court for the cost of service. If an order is entered under this
22 subsection, amounts due shall be determined and treated in the
23 same manner provided for an order entered under subsection (2).

24 (4) An order directed to a parent or a person other than the
25 child shall not be effectual and binding on the parent or other
26 person unless opportunity for hearing has been given pursuant to
27 issuance of summons or notice as provided in sections 12 and 13

1 of this chapter, and until a copy of the order, bearing the seal
2 of the court, is served on the parent or other person, personally
3 or by first class mail, to the parent's or other person's last
4 known address, as provided in section 13 of this chapter.

5 (5) If the court appoints an attorney to represent a child,
6 parent, guardian, or custodian, an order entered under this sec-
7 tion may require the child, parent, guardian, or custodian to
8 reimburse the court for attorney fees.

9 (6) The office of the state court administrator, under the
10 supervision and direction of the supreme court and in consulta-
11 tion with the ~~state department of social~~ CHILDREN AND FAMILY
12 services AGENCY and the Michigan probate and juvenile court
13 judges association, shall create guidelines and a model schedule
14 which may be used by the court in determining the ability of the
15 child, parent, guardian, or custodian to pay for care and any
16 costs of service ordered under subsection (2) or (3). The guide-
17 lines and model schedule shall take into account both the income
18 and resources of the child, parent, guardian, or custodian.

19 (7) If the court finds that a child has violated any munici-
20 pal ordinance or state or federal law, and the court has placed
21 the child on probation, the court may, as a condition of proba-
22 tion, require the child to do either of the following:

23 (a) Both of the following:

24 (i) Pay restitution to the victim.

25 (ii) Engage in community service or with the victim's con-
26 sent perform services for the victim.

1 (b) Seek and maintain paid part-time or full-time employment
2 and pay restitution to the victim from the earnings of that paid
3 part-time or full-time employment.

4 (8) If the court imposes restitution as part of a sentence
5 of probation, the following shall apply:

6 (a) The court shall not require a child to pay restitution
7 unless the child is or will be able to pay all or part of the
8 restitution during the term of his or her probation. In deter-
9 mining the amount and method of payment of restitution, the court
10 shall take into account the financial resources of the child and
11 the burden that the payment of restitution will impose, with due
12 regard to any other moral or legal financial obligations that the
13 child may have.

14 (b) The amount of restitution a court orders a child to pay
15 under subsection (7)(b) shall not exceed 30% of the net income
16 per pay period from the child's paid part-time or full-time
17 employment.

18 (c) A child who is required to pay restitution and who is
19 not in intentional default of the payment of restitution may
20 petition the court, or an adult acting on the child's behalf may
21 petition the court, for a modification of the amount of restitu-
22 tion owed or for a cancellation of any unpaid portion of the
23 restitution.

24 (d) The court shall cancel all or part of the amount of res-
25 titution due if it appears to the satisfaction of the court that
26 payment of the amount due will impose a manifest hardship on the
27 child.

1 (e) If the court cancels all or a part of the amount of
2 restitution, the court may modify the terms and conditions of
3 probation to require the child to engage in community service.

4 (9) If a child is required to pay restitution as part of the
5 sentence of probation, the court shall provide for payment to be
6 made in specified installments and within a specified period of
7 time.

8 (10) If the court finds that the child is in intentional
9 default of the payment of restitution, a court may revoke or
10 alter the terms and conditions of probation for nonpayment of
11 restitution.

12 (11) If a child who is ordered to engage in community serv-
13 ice intentionally refuses to perform the required community serv-
14 ice, the court may revoke or alter the terms and conditions of
15 probation.

16 (12) If the child is unable to pay all of the restitution
17 ordered, after notice to the child's custodial parent and an
18 opportunity for the parent to be heard, the court may order the
19 custodial parent to pay all or part of the unpaid portion of the
20 restitution ordered. The amount of restitution the parent is
21 ordered to pay under this subsection shall not exceed \$2,500.00.

22 (13) If the court orders the custodial parent to pay resti-
23 tution under subsection (12), the court shall take into account
24 the financial resources of the parent and the burden that the
25 payment of restitution will impose, with due regard to any other
26 moral or legal financial obligations that the parent may have.
27 If a parent is required to pay restitution under subsection (12),

1 the court shall provide for payment to be made in specified
2 installments and within a specified period of time.

3 (14) A parent who has been ordered to pay restitution under
4 subsection (12) may petition the court for a modification of the
5 amount of restitution owed or for a cancellation of any unpaid
6 portion of the restitution. The court shall cancel all or part
7 of the amount of restitution due, if it appears to the satisfac-
8 tion of the court that payment of the amount due will impose a
9 manifest hardship on the parent.

10 (15) The court shall not enter an order of disposition for a
11 juvenile offense as defined in section 1a of Act No. 289 of the
12 Public Acts of 1925, being section 28.241a of the Michigan
13 Compiled Laws, until the court has examined the court file and
14 has determined that the child's fingerprints have been taken as
15 required by section 3 of Act No. 289 of the Public Acts of 1925,
16 being section 28.243 of the Michigan Compiled Laws. If a child
17 has not had his or her fingerprints taken, the court shall do
18 either of the following:

19 (a) Order the child to submit himself or herself to the
20 police agency that arrested or obtained the warrant for the
21 arrest of the child so the child's fingerprints can be taken.

22 (b) Order the child committed to the custody of the sheriff
23 for the taking of the child's fingerprints.

24 (16) Upon disposition or dismissal of a juvenile offense,
25 the clerk of the court entering the disposition or dismissal
26 shall immediately advise the department of state police of the
27 disposition or dismissal on forms approved by the state court

1 administrator. The report to the department of state police
2 shall include information as to the finding of the judge or jury
3 and a summary of the disposition imposed.

4 (17) Except as otherwise provided in subsection (18), if a
5 court is providing at the time of the enactment of this subsec-
6 tion foster care home services subject to the court's supervision
7 to children within section 2(b) of this chapter, the court may
8 continue to provide those services through December 31, 1989.
9 Beginning January 1, 1990, the court shall discontinue providing
10 those services.

11 (18) If a court located in a county with a population in
12 excess of 650,000 is providing at the time of the enactment of
13 this subsection foster care home services subject to the court's
14 supervision to children within section 2(b) of this chapter, the
15 court may continue to provide those services through
16 December 31, 1991. Beginning January 1, 1992, the court shall
17 discontinue those services.

18 Sec. 28. (1) Before June 1, 1988, the court shall maintain
19 records of all cases brought before it and as provided in the
20 juvenile diversion act, Act No. 13 of the Public Acts of 1988,
21 being sections 722.821 to 722.831 of the Michigan Compiled Laws.
22 The records shall be open only by order of the court to persons
23 having a legitimate interest except that diversion records shall
24 be open only as provided in ~~the juvenile diversion act,~~ Act
25 No. 13 of the Public Acts of 1988.

26 (2) Beginning June 1, 1988, the court shall maintain records
27 of all cases brought before it and as provided in ~~the juvenile~~

1 ~~diversion act,~~ Act No. 13 of the Public Acts of 1988. Except as
2 otherwise provided in this subsection, records of a case brought
3 before the court shall be open to the general public. Diversion
4 records shall be open only as provided in ~~the juvenile diversion~~
5 ~~act~~ ACT NO. 13 OF THE PUBLIC ACTS OF 1988. Except as otherwise
6 provided in section ~~48~~ 49 of the crime victim's rights act, Act
7 No. 87 of the Public Acts of 1985, being section 780.798 of the
8 Michigan Compiled Laws, if the hearing of a case brought before
9 the court is closed pursuant to section 17 of this chapter, the
10 records of that hearing shall be open only by order of the court
11 to persons having a legitimate interest.

12 (3) Whenever the court issues an order in respect to pay-
13 ments by a parent under section 18(2) of this chapter, a copy
14 shall be mailed to the department of treasury. Action taken
15 against parents or adults shall not be released for publicity
16 unless the parents or adults are adjudged guilty of contempt of
17 court. The court shall furnish the ~~department of social~~
18 ~~services~~ CHILDREN AND FAMILY SERVICES AGENCY with reports of the
19 administration of the juvenile division in a form ~~as shall be~~
20 recommended by the Michigan association of probate and juvenile
21 court judges. Copies of these reports shall, upon request, be
22 made available to other state departments by the ~~department of~~
23 ~~social services~~ CHILDREN AND FAMILY SERVICES AGENCY.

24 (4) As used in subsections (1) and (2), "persons having a
25 legitimate interest" includes a member of a local foster care
26 review board established under Act No. 422 of the Public Acts of

1 1984, being sections 722.131 to 722.140 of the Michigan Compiled
2 Laws. This subsection shall apply until October 1, ~~1989~~ 1990.

3 Section 2. This amendatory act shall take effect October 1,
4 1990.

5 Section 3. This amendatory act shall not take effect unless
6 all of the following bills of the 85th Legislature are enacted
7 into law:

8 (a) Senate Bill No. ____ or House Bill No. 4251 (request
9 no. 00593'89^{*}).

10 (b) Senate Bill No. ____ or House Bill No. 4252 (request
11 no. 00593'89 a).

12 (c) Senate Bill No. ____ or House Bill No. 4254 (request
13 no. 00593'89 c).

14 (d) Senate Bill No. ____ or House Bill No. 4255 (request
15 no. 00593'89 d).

16 (e) Senate Bill No. ____ or House Bill No. 4256 (request
17 no. 00593'89 e).

18 (f) Senate Bill No. ____ or House Bill No. 4257 (request
19 no. 00593'89 f).

20 (g) Senate Bill No. ____ or House Bill No. 4258 (request
21 no. 00593'89 g).

22 (h) Senate Bill No. ____ or House Bill No. 4259 (request
23 no. 00593'89 h).

24 (i) Senate Bill No. ____ or House Bill No. 4260 (request
25 no. 00593'89 i).

26 (j) Senate Bill No. ____ or House Bill No. 4261 (request
27 no. 00593'89 j).

- 1 (k) Senate Bill No. _____ or House Bill No. 4262 (request
2 no. 00593'89 k).
- 3 (l) Senate Bill No. _____ or House Bill No. 4263 (request
4 no. 00593'89 l).
- 5 (m) Senate Bill No. _____ or House Bill No. 4264 (request
6 no. 00593'89 m).
- 7 (n) Senate Bill No. _____ or House Bill No. 4265 (request
8 no. 00593'89 n).
- 9 (o) Senate Bill No. _____ or House Bill No. 4266 (request
10 no. 00593'89 o).
- 11 (p) Senate Bill No. _____ or House Bill No. 4267 (request
12 no. 00593'89 p).
- 13 (q) Senate Bill No. _____ or House Bill No. 4268 (request
14 no. 00593'89 q).
- 15 (r) Senate Bill No. _____ or House Bill No. 4269 (request
16 no. 00593'89 r).
- 17 (s) Senate Bill No. _____ or House Bill No. 4270 (request
18 no. 00593'89 s).