

HOUSE BILL No. 4420

March 9, 1989, Introduced by Reps. Jonker, Perry Bullard, Scott, Clack, Hart, DeMars, Niederstadt and Honigman and referred to the Committee on Judiciary.

A bill to amend chapter X 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,"

as amended, being sections 710.21 to 710.70 of the Michigan

Compiled Laws, by adding sections 72 and 74.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Chapter X of Act No. 288 of the Public Acts of
2 1939, as amended, being sections 710.21 to 710.70 of the Michigan
3 Compiled Laws, is amended by adding sections 72 and 74 to read as
4 follows:

5 CHAPTER X

6 SEC. 72. (1) THE CHILD PLACING AGENCY, COURT, OR DEPARTMENT
7 SHALL GIVE THE BIOLOGICAL PARENT OF AN ADOPTEE THE OPTION OF
8 BEING NOTIFIED IF THE ADOPTEE'S ADOPTION IS DISRUPTED FOR ANY
9 REASON, INCLUDING DEATH OF THE ADOPTEE OR DEATH OF THE ADOPTIVE
10 PARENTS, IF THIS INFORMATION IS KNOWN TO THE AGENCY, COURT, OR
11 DEPARTMENT. IF AN ADOPTEE'S BIOLOGICAL PARENT WISHES TO BE NOTI-
12 FIED, THIS OPTION SHALL BE IN WRITING AND PLACED IN THE ADOPTION
13 FILE. AN ADOPTEE'S BIOLOGICAL PARENT IS RESPONSIBLE FOR KEEPING
14 HIS OR HER ADDRESS UPDATED IN THE ADOPTION FILE. AT THE TIME OF
15 CHILD PLACEMENT, THE ADOPTIVE PARENTS SHALL BE REQUESTED TO
16 NOTIFY THE CHILD PLACING AGENCY, COURT, OR DEPARTMENT IF THE
17 CHILD DIES.

18 (2) IF A DISRUPTED ADOPTION BECOMES KNOWN TO THE CHILD PLAC-
19 ING AGENCY, COURT, OR DEPARTMENT AND THE ADOPTEE'S BIOLOGICAL
20 PARENT HAS SIGNED AN OPTION TO BE NOTIFIED, THE CHILD PLACING
21 AGENCY, COURT, OR DEPARTMENT SHALL NOTIFY THE BIOLOGICAL PARENT
22 OF THE DISRUPTION. THE ADOPTEE'S BIOLOGICAL PARENT MAY PETITION
23 THE COURT FOR RETURN OF CUSTODY, AND THE COURT SHALL GRANT THE
24 PETITION UNLESS EVIDENCE IS SHOWN BY QUALIFIED EXPERT WITNESSES
25 THAT RETURN OF CUSTODY IS LIKELY TO RESULT IN SERIOUS EMOTIONAL
26 DAMAGE OR PHYSICAL HARM TO THE ADOPTEE.

1 SEC. 74. IF MULTIPLE BIOLOGICAL OR LEGALLY RELATED CHILDREN
2 ARE RELINQUISHED FOR ADOPTION, WHETHER CONCURRENTLY OR CONSECU-
3 TIVELY, THE CHILD PLACING AGENCY, COURT, OR DEPARTMENT SHALL MAKE
4 AN EXTRAORDINARY EFFORT TO MAINTAIN A COMMON FOSTER CARE HOME AND
5 TO ESTABLISH A COMMON ADOPTIVE HOME. IF A COMMON HOME IS NOT
6 POSSIBLE DUE TO EXTREME CIRCUMSTANCE, PROVISION SHALL BE MADE FOR
7 CONTINUED PERSONAL CONTACT BETWEEN THE SEPARATED PARTIES. THIS
8 REQUIREMENT SHALL BE MAINTAINED UNTIL THE YOUNGEST PARTY REACHES
9 18 YEARS OF AGE.