

HOUSE BILL No. 6169

November 8, 1990, Introduced by Rep. Pitoniak and referred to the Committee on Judiciary.

A bill to amend section 24a of 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 added by Act No. 72 of the Public Acts of 1982, being section 710.24a of the Michigan Compiled Laws; and to add section 23a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 24a of chapter X of Act No. 288 of the
2 Public Acts of 1939, as added by Act No. 72 of the Public Acts of
3 1982, being section 710.24a of the Michigan Compiled Laws, is
4 amended and section 23a is added to read as follows:

5 CHAPTER X

6 SEC. 23A. (1) A PERSON WHO HAS ADOPTED A CHILD UNDER THE
7 LAWS OF A FOREIGN COUNTRY MAY PETITION THE PROBATE COURT FOR A
8 CERTIFICATION OF THE FOREIGN ADOPTION OF THE CHILD. A PETITION
9 FOR CERTIFICATION OF A FOREIGN ADOPTION SHALL BE FILED WITH THE
10 PROBATE COURT OF THE COUNTY IN WHICH A PERSON FILING THE PETITION
11 RESIDES.

12 (2) A PETITION FOR CERTIFICATION OF A FOREIGN ADOPTION OF A
13 CHILD SHALL MEET BOTH OF THE FOLLOWING REQUIREMENTS:

14 (A) BE VERIFIED BY EACH PERSON OR THE SURVIVING PERSON WHO
15 ADOPTED THE CHILD UNDER THE LAWS OF THE FOREIGN COUNTRY.

16 (B) CONTAIN THE FOLLOWING INFORMATION:

17 (i) THE NAME, DATE, AND PLACE OF BIRTH OF EACH PERSON WHO
18 ADOPTED THE CHILD UNDER THE LAWS OF THE FOREIGN COUNTRY, INCLUD-
19 ING THE MAIDEN NAME OF THE ADOPTIVE MOTHER.

20 (ii) THE NAME, DATE AND PLACE OF BIRTH, AND PLACE OF RESI-
21 DENCE IF KNOWN OF THE CHILD.

22 (iii) THE RELATIONSHIP, IF ANY, OF THE CHILD TO EACH PERSON
23 WHO ADOPTED THE CHILD UNDER THE LAWS OF THE FOREIGN COUNTRY.

24 (iv) THE FULL NAME BY WHICH THE CHILD IS KNOWN AFTER BEING
25 ADOPTED UNDER THE LAWS OF THE FOREIGN COUNTRY.

1 (v) THE FULL DESCRIPTION OF THE PROPERTY, IF ANY, OF THE
2 CHILD.

3 (iv) THE NAMES OF THE PARENTS OF THE CHILD, AND THE ADDRESS
4 OF EACH LIVING PARENT IF KNOWN, EXCEPT THAT THE NAMES AND
5 ADDRESSES OF THE PARENTS MAY BE OMITTED IF THE RIGHTS OF THE PAR-
6 ENTS HAVE BEEN TERMINATED BY A COURT OF COMPETENT JURISDICTION.

7 (vii) THE NAME AND ADDRESS OF THE GUARDIAN OF THE PERSON OR
8 CONSERVATOR OF THE ESTATE OF THE CHILD, IF ANY HAS BEEN
9 APPOINTED.

10 (3) SUBSEQUENT TO OR CONCURRENT WITH THE FILING OF THE PETI-
11 TION FOR CERTIFICATION OF A FOREIGN ADOPTION OF A CHILD BUT
12 BEFORE THE HEARING ON THE PETITION BY THE COURT, THE PERSON
13 FILING THE PETITION, THE DEPARTMENT, AN EMPLOYEE OR AGENT OF THE
14 COURT, OR A CHILD PLACING AGENCY, AS APPROPRIATE, SHALL FILE THE
15 FOLLOWING DOCUMENTATION:

16 (A) A COPY OF THE CHILD'S ORIGINAL BIRTH CERTIFICATE, VERI-
17 FICATION OF BIRTH, HOSPITAL BIRTH REGISTRATION, OR OTHER SATIS-
18 FACTORY PROOF OF DATE AND PLACE OF BIRTH, IF OBTAINABLE, UNLESS
19 THIS FILING IS WAIVED BY WRITTEN ORDER OF THE COURT.

20 (B) A COPY OF THE FINAL ORDER OF ADOPTION ISSUED BY A COURT
21 OR AN AGENCY OF THE FOREIGN COUNTRY IN WHICH THE CHILD WAS
22 ADOPTED.

23 (C) ANY ADDITIONAL DOCUMENTS AS THE COURT REQUIRES.

24 (4) IF A DOCUMENT FILED UNDER SUBSECTION (3) IS IN A FOREIGN
25 LANGUAGE, THE COURT MAY REQUIRE A CERTIFIED TRANSLATION OF THE
26 DOCUMENT INTO THE ENGLISH LANGUAGE.

1 (5) NOTICE OF THE TIME AND PLACE OF HEARING OF A PETITION
2 FOR CERTIFICATION OF A FOREIGN ADOPTION OF A CHILD SHALL BE GIVEN
3 TO ALL INTERESTED PARTIES BY THE PERSON WHO FILED THE PETITION.

4 (6) IF, AFTER A HEARING ON THE PETITION FOR CERTIFICATION OF
5 A FOREIGN ADOPTION OF A CHILD, THE COURT DETERMINES THAT THE
6 CHILD WAS LEGALLY ADOPTED UNDER THE LAWS OF A FOREIGN COUNTRY, IT
7 MAY ENTER AN ORDER OF CERTIFICATION OF THE FOREIGN ADOPTION OF
8 THE CHILD. THE COURT SHALL CONSIDER 1 OR BOTH OF THE FOLLOWING
9 WHEN DETERMINING IF THE CHILD WAS LEGALLY ADOPTED UNDER THE LAWS
10 OF THE FOREIGN COUNTRY:

11 (A) A VERIFIED WRITTEN CERTIFICATION BY THE CONSULAR OFFI-
12 CIAL OF THE FOREIGN COUNTRY INDICATING THAT THE ADOPTION WAS COM-
13 PLETED IN COMPLIANCE WITH THE LAWS OF THAT FOREIGN COUNTRY.

14 (B) OTHER CREDIBLE EVIDENCE INDICATING THAT THE ADOPTION WAS
15 COMPLETED IN COMPLIANCE WITH THE LAWS OF THAT FOREIGN COUNTRY.

16 (7) IF AN ORDER OF CERTIFICATION OF A FOREIGN ADOPTION OF A
17 CHILD IS ENTERED UNDER THIS SECTION, THE ADOPTION OF THE CHILD
18 THAT WAS COMPLETED UNDER THE LAWS OF THE FOREIGN COUNTRY SHALL
19 HAVE THE SAME FORCE AND EFFECT AS IF THE ADOPTION HAD BEEN COM-
20 PLETED UNDER THIS CHAPTER AND SHALL ENTITLE THE CHILD TO THE SAME
21 RIGHTS AS IF THE ADOPTION HAD BEEN COMPLETED UNDER THIS CHAPTER.

22 Sec. 24a. (1) Interested parties in a petition for adop-
23 tion include, but ~~shall~~ ARE not ~~be~~ limited to:

24 (a) The petitioner.

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

26 (c) A minor parent, adult parent, or surviving parent of a
27 minor adoptee, unless:

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

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

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

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

8 (v) The parent has consented to the granting of the
9 petition.

10 (d) The department or a child placing agency to which the
11 adoptee has been, or for purposes of subsection (2) is proposed
12 to be, released or committed by an order of the juvenile division
13 of the probate court.

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

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

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

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

21 (i) The guardian or guardian ad litem of an interested
22 party.

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

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

1 (b) A putative father of the child.

2 (3) Interested parties in a proceeding relating to the
3 execution of a voluntary release include, but ~~shall~~ ARE not
4 ~~be~~ limited to:

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

6 (b) The department or a child placing agency to which the
7 adoptee is proposed to be released.

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

9 (4) INTERESTED PARTIES IN A PETITION FOR CERTIFICATION OF A
10 FOREIGN ADOPTION OF A CHILD INCLUDE, BUT ARE NOT LIMITED TO:

11 (A) THE CHILD, IF OVER 14 YEARS OF AGE.

12 (B) THE PERSON OR PERSONS WHO FILED THE PETITION.

13 (C) THE CONSULAR OFFICIAL OF THE FOREIGN COUNTRY IN WHICH
14 THE CHILD WAS ADOPTED.

15 (5) ~~(4)~~ The court shall not appoint a guardian of the
16 adoptee or of a parent solely for the purpose of defeating that
17 parent's status as an interested party under this section.