

HOUSE BILL No. 4622

April 19, 2001, Introduced by Reps. Switalski, Gosselin, Pestka, Callahan, Lipsey, Minore, Kolb, Toy, Bogardus, Spade, Rivet and Murphy and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 23f and 24 of chapter X (MCL 710.23f and
710.24), section 23f of chapter X as amended by 1994 PA 373 and
section 24 of chapter X as amended by 1996 PA 409.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER X

2 Sec. 23f. (1) In a direct placement, an individual seeking
3 to adopt may request at any time that a preplacement assessment
4 be prepared by a child placing agency.

5 (2) An individual requesting a preplacement assessment need
6 not have located a prospective adoptee when the request is made
7 or when the assessment is completed.

1 (3) An individual may have more than 1 preplacement
2 assessment or may request that an assessment, once initiated, not
3 be completed.

4 (4) If an individual is seeking to adopt a child from a par-
5 ticular child placing agency, the agency may require the individ-
6 ual to be assessed by its own employee, even if the individual
7 has already had a favorable preplacement assessment completed by
8 another child placing agency.

9 (5) A preplacement assessment shall be based upon personal
10 interviews and visits at the residence of the individual being
11 assessed, interviews of others who know the individual, and
12 reports received under this subsection. The assessment shall
13 contain all of the following information about the individual
14 being assessed:

15 (a) ~~Age, nationality~~ NATIONALITY, race or ethnicity, and
16 any religious preference.

17 (b) Marital and family status and history, including the
18 presence of other children or adults in the household and the
19 relationship of those individuals to the adoptive parent.

20 (c) Physical and mental health, including any history of
21 substance abuse.

22 (d) Educational and employment history and ~~any~~ special
23 skills and interests.

24 (e) Property and income, including outstanding financial
25 obligations as indicated in a current financial report provided
26 by the individual.

1 (f) Reason for wanting to adopt.

2 (g) Any previous request for an assessment or involvement in
3 an adoptive placement and the outcome of the assessment or
4 placement.

5 (h) Whether the individual has ever been the respondent in a
6 domestic violence proceeding or a proceeding concerning a child
7 who was allegedly abused, dependent, deprived, neglected, aban-
8 doned, or delinquent, and the outcome of the proceeding.

9 (i) Whether the individual has ever been convicted of a
10 crime.

11 (j) Whether the individual has located a parent interested
12 in placing a child with the individual for adoption and a brief
13 description of the parent and the child.

14 (k) Any fact or circumstance that raises a specific concern
15 about the suitability of the individual as an adoptive parent,
16 including the quality of the environment in the home, the func-
17 tioning of other children in the household, and any aspect of the
18 individual's familial, social, psychological, or financial cir-
19 cumstances that may be relevant to a determination that the indi-
20 vidual is not suitable. A specific concern is one that suggests
21 that placement of ~~any~~ A child, or a particular child, in the
22 home of the individual would pose a risk of harm to the CHILD'S
23 physical or psychological well-being. ~~of the child.~~

24 (6) IN MAKING A DETERMINATION OF WHETHER AN INDIVIDUAL IS
25 SUITABLE TO BE A PARENT OF AN ADOPTEE, A CHILD PLACING AGENCY
26 SHALL NOT TAKE INTO CONSIDERATION THE INDIVIDUAL'S AGE.
27 INTERVIEWS AND RECORDS, WRITTEN OR OTHERWISE, GATHERED FOR

1 PURPOSES OF A PREPLACEMENT ASSESSMENT SHALL NOT INCLUDE INQUIRIES
2 OR INFORMATION REGARDING THE AGE OF THE INDIVIDUAL BEING
3 ASSESSED.

4 (7) ~~-(6)-~~ A child placing agency shall request an individual
5 seeking a preplacement assessment to provide a document from the
6 Michigan state police and the federal bureau of investigation
7 describing all of the individual's criminal convictions as shown
8 by that agency's records, or stating that the agency's records
9 indicate that the individual has not been convicted of a crime.
10 Upon request of the individual and receipt of a signed authoriza-
11 tion, the child placing agency shall obtain the criminal record
12 from the law enforcement agency on the individual's behalf.

13 (8) ~~-(7)-~~ A preplacement assessment shall contain a list of
14 the sources of information on which it is based. If the child
15 placing agency determines that the information assessed does not
16 raise a specific concern, the child placing agency shall find
17 that the individual is suited to be an adoptive parent. If the
18 child placing agency determines that the information assessed
19 does raise a specific concern, the child placing agency shall
20 find that the individual is not suitable to be an adoptive
21 parent. The conclusion shall be supported by a written account
22 of how 1 or more specific concerns pose a risk to the physical or
23 psychological well-being of ~~any~~ A child or a particular child.
24 If the conclusion of a preplacement assessment regarding the
25 suitability of the individual differs from the conclusion in a
26 prior assessment, the child placing agency shall explain and
27 justify the difference.

1 (9) ~~-(8)-~~ An individual who receives a preplacement
2 assessment with a conclusion of unsuitability may seek a review
3 of the assessment by the court after filing an adoption
4 petition. The court may order an agent or employee of the court
5 to make an investigation and report to the court before the
6 hearing. If, at the hearing, the court finds by clear and con-
7 vincing evidence that the conclusion of unsuitability is not jus-
8 tified, the person with legal custody of the child may place the
9 child with that individual. If the court determines that the
10 conclusion of unsuitability is justified, it shall order that the
11 child shall not be placed with the individual.

12 Sec. 24. (1) If a person desires to adopt a child or an
13 adult and to bestow upon the adoptee his or her family name, or
14 to adopt a child or an adult without a change of name, with the
15 intent to make the adoptee his or her heir, that person, together
16 with his wife or her husband, if married, shall file a petition
17 with the court of the county in which the petitioner resides or
18 where the adoptee is found. If there has been a temporary place-
19 ment of the child, the petition for adoption shall be filed with
20 the court that received the report described in section 23d(2) of
21 this chapter.

22 (2) The petition for adoption shall be verified by each
23 petitioner and shall contain the following information:

24 (a) The name, date and place of birth, and place of resi-
25 dence of each petitioner, including the maiden name of the adopt-
26 ing mother.

1 (b) Except as otherwise provided in subsection (5), the
2 name, date and place of birth, and place of residence if known of
3 the adoptee.

4 (c) The relationship, if any, of the adoptee to the
5 petitioner.

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

8 (e) The full description of the property, if any, of the
9 adoptee.

10 (f) Unless the rights of the parents have been terminated by
11 a court of competent jurisdiction or except as otherwise provided
12 in subsection (5), the names of the parents of the adoptee and
13 the place of residence of each living parent if known.

14 (g) Except as otherwise provided in subsection (5), the name
15 and place of residence of the guardian of the person or estate of
16 the adoptee, if any has been appointed.

17 (3) In a direct placement, the petitioner shall attach to
18 the petition a verified statement certifying that the petitioner
19 has been informed of the availability of counseling services and
20 whether the petitioner has received counseling.

21 (4) Except as otherwise provided in this subsection, in a
22 direct placement, the petitioner shall attach a copy of a pre-
23 placement assessment of the petitioner completed or updated
24 within 1 year before the petition is filed with a finding that
25 the petitioner is suitable to be a parent of an adoptee, copies
26 of all other preplacement assessments of the petitioner, if any
27 others have been completed, and a verified statement stating that

1 no preplacement assessments of the petitioner have been completed
2 other than those attached to the petition and explaining any pre-
3 placement assessments of the petitioner that have been initiated
4 but not completed. If the petitioner is seeking review of a pre-
5 placement assessment under section ~~23f(8)~~ 23F(9) of this chap-
6 ter, the petitioner may comply with this subsection by attaching
7 a copy of that preplacement assessment and a copy of the applica-
8 tion for review, together with copies of all other preplacement
9 assessments and the verified statement required by this section.

10 (5) In a direct placement in which the parties have elected
11 not to exchange identifying information, the information required
12 by subsection (2)(f) and (g) and the surname and place of resi-
13 dence of the adoptee required under subsection (2)(b) may be
14 omitted. The attorney or child placing agency assisting in the
15 adoption shall file a verified statement containing the omitted
16 information.