

SUBSTITUTE FOR
SENATE BILL NO. 1132

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
2004 PA 487.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER X

Sec. 24. (1) ~~IF~~ **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
which the petitioner resides or where the adoptee is found or, if
the petitioner and adoptee reside out of state, where the parent's

1 parental rights were terminated or are pending termination. If both
2 parents' parental rights were terminated at different times and in
3 different courts, a petition filed under this section shall be
4 filed in the court of the county where parental rights were first
5 terminated. If there has been a temporary placement of the child,
6 the petition for adoption shall be filed with the court that
7 received the report described in section 23d(2) of this chapter.

8 (2) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION, THE
9 COURT MAY ALLOW EITHER OF THE FOLLOWING TO OCCUR:

10 (A) A MARRIED INDIVIDUAL TO ADOPT AN ADULT WITHOUT HIS OR HER
11 SPOUSE JOINING IN THE PETITION IF ALL OF THE INTERESTED PARTIES
12 CONSENT.

13 (B) A MARRIED INDIVIDUAL TO ADOPT WITHOUT HIS OR HER SPOUSE
14 JOINING IN THE PETITION IF THE FAILURE OF THE OTHER SPOUSE TO JOIN
15 IN THE PETITION OR TO CONSENT TO THE ADOPTION IS EXCUSED BY THE
16 COURT FOR GOOD CAUSE SHOWN OR IN THE BEST INTEREST OF THE CHILD.

17 (3) ~~(2)~~—In an adoption proceeding in which there is more than
18 1 applicant, the petition for adoption shall be filed with the
19 court of the county where the parent's parental rights were
20 terminated or are pending termination. If both parents' parental
21 rights were terminated at different times and in different courts,
22 a petition filed under this section shall be filed in the court of
23 the county where parental rights were first terminated.

24 (4) ~~(3)~~—If a petition to adopt is filed in a county other than
25 that in which the petitioner resides or the prospective adoptee is
26 found, the chief judge of the court may, upon motion, enter an
27 order transferring jurisdiction of the matter to the court of the

1 county in which the petitioner resides or the prospective adoptee
2 is found.

3 (5) ~~(4)~~—The petition for adoption shall be verified by each
4 petitioner and shall contain the following information:

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

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

11 (c) The relationship, if any, of the adoptee to the
12 petitioner.

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

15 (e) The full description of the property, if any, of the
16 adoptee.

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

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

24 (6) ~~(5)~~—In a direct placement, the petitioner shall attach to
25 the petition a verified statement certifying that the petitioner
26 has been informed of the availability of counseling services and
27 whether the petitioner has received counseling.

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

17 (8) ~~(7)~~—In a direct placement in which the parties have
18 elected not to exchange identifying information, the information
19 required by subsection ~~(4)(f)~~—(5) (F) and (g) and the surname and
20 place of residence of the adoptee required under subsection ~~(4)(b)~~
21 (5) (B) may be omitted. The attorney or child placing agency
22 assisting in the adoption shall file a verified statement
23 containing the omitted information.