

SENATE BILL No. 1132

May 17, 2012, Introduced by Senators PAPPAGEORGE, BOOHER and COLBECK and referred to the Committee on Families, Seniors and Human Services.

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:

CHAPTER X

Sec. 24. (1) ~~ff~~**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 parental rights were terminated or are pending termination. If both

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

7 **(2) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION, THE**
8 **COURT MAY ALLOW A MARRIED INDIVIDUAL TO ADOPT AN ADULT WITHOUT HIS**
9 **OR HER SPOUSE JOINING IN THE PETITION IF ALL OF THE INTERESTED**
10 **PARTIES CONSENT.**

11 **(3) ~~(2)~~**—In an adoption proceeding in which there is more than
12 1 applicant, the petition for adoption shall be filed with the
13 court of the county where the parent's parental rights were
14 terminated or are pending termination. If both parents' parental
15 rights were terminated at different times and in different courts,
16 a petition filed under this section shall be filed in the court of
17 the county where parental rights were first terminated.

18 **(4) ~~(3)~~**—If a petition to adopt is filed in a county other than
19 that in which the petitioner resides or the prospective adoptee is
20 found, the chief judge of the court may, upon motion, enter an
21 order transferring jurisdiction of the matter to the court of the
22 county in which the petitioner resides or the prospective adoptee
23 is found.

24 **(5) ~~(4)~~**—The petition for adoption shall be verified by each
25 petitioner and shall contain the following information:

26 (a) The name, date and place of birth, and place of residence
27 of each petitioner, including the maiden name of the adopting

1 mother.

2 (b) Except as otherwise provided in subsection ~~(7)~~-(8), the
3 name, date and place of birth, and place of residence if known of
4 the adoptee.

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

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

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

11 (f) Unless the rights of the parents have been terminated by a
12 court of competent jurisdiction or except as otherwise provided in
13 subsection ~~(7)~~-(8), the names of the parents of the adoptee and the
14 place of residence of each living parent if known.

15 (g) Except as otherwise provided in subsection ~~(7)~~-(8), the
16 name and place of residence of the guardian of the person or estate
17 of the adoptee, if any has been appointed.

18 (6) ~~(5)~~-In a direct placement, the petitioner shall attach to
19 the petition a verified statement certifying that the petitioner
20 has been informed of the availability of counseling services and
21 whether the petitioner has received counseling.

22 (7) ~~(6)~~-Except as otherwise provided in this subsection, in a
23 direct placement, the petitioner shall attach a copy of a
24 preplacement assessment of the petitioner completed or updated
25 within 1 year before the petition is filed with a finding that the
26 petitioner is suitable to be a parent of an adoptee, copies of all
27 other preplacement assessments of the petitioner, if any others

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

11 (8) ~~(7)~~—In a direct placement in which the parties have
12 elected not to exchange identifying information, the information
13 required by subsection ~~(4)(f)~~ **(5) (F)** and (g) and the surname and
14 place of residence of the adoptee required under subsection ~~(4)(b)~~
15 **(5) (B)** may be omitted. The attorney or child placing agency
16 assisting in the adoption shall file a verified statement
17 containing the omitted information.