

HOUSE BILL No. 4647

April 30, 2013, Introduced by Rep. O'Brien and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 56 of chapter X (MCL 710.56), as amended by 2004 PA 487.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER X

Sec. 56. (1) ~~Six~~**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION**, 6 months after formal placement under section 51 **OF THIS CHAPTER**, unless the court determines that circumstances have arisen that make adoption undesirable, the court may enter an order of adoption. Upon the motion of the petitioner, the court may waive the 6-month period, or any portion of that period, if the waiver is in the **ADOPTEE'S** best interests. ~~of the adoptee.~~If, after a

1 hearing, the court finds that the **ADOPTEE'S** best interests ~~of the~~
2 ~~adopte~~ will be served, it may extend the 6-month period for an
3 additional period of time not exceeding 18 months from the time of
4 formal placement for adoption. In an adoption proceeding for which
5 an adoption order is not entered within 18 months after formal
6 placement, the court shall hold a hearing and determine whether an
7 order of adoption shall be entered or the petition denied. If a
8 child is formally placed according to section 41(2) of this
9 chapter, the court may extend the 6-month period for an additional
10 period, ~~which~~ **THAT** may exceed 18 months from the time of formal
11 placement, until an order for adoption may be entered under
12 subsection (2). **FOR AN ADOPTEE WHO IS LESS THAN 1 YEAR OLD AT THE**
13 **TIME OF FILING, 3 MONTHS AFTER FORMAL PLACEMENT UNDER SECTION 51 OF**
14 **THIS CHAPTER, UNLESS THE COURT DETERMINES THAT CIRCUMSTANCES HAVE**
15 **ARISEN THAT MAKE ADOPTION UNDESIRABLE, THE COURT MAY ENTER AN ORDER**
16 **OF ADOPTION.**

17 (2) Except as provided in subsection (3), if a petition for
18 rehearing or an appeal as of right from an order terminating
19 parental rights has been filed, the court shall not order an
20 adoption until 1 of the following occurs:

21 (a) The petition for rehearing is granted, and at the
22 rehearing the order terminating parental rights is not modified or
23 set aside, and subsequently the period for appeal as of right to
24 the court of appeals has expired without an appeal being filed.

25 (b) The petition for rehearing is denied and the period for
26 appeal as of right to the court of appeals has expired without an
27 appeal being filed.

1 (c) The court of appeals affirms the order terminating
2 parental rights.

3 (3) If an application for leave to appeal has been filed with
4 the supreme court, the court shall not order an adoption until 1 or
5 more of the following occurs:

6 (a) The application for leave to appeal is denied.

7 (b) The supreme court affirms the order terminating parental
8 rights.

9 (4) If a motion brought under section 45 of this chapter has
10 been filed, the court shall not order an adoption until 1 of the
11 following occurs:

12 (a) The motion is decided and subsequently the period for
13 appeal as of right to the court of appeals has expired without an
14 appeal being filed.

15 (b) The motion is decided, an appeal as of right to the court
16 of appeals has been filed, the court of appeals issues an opinion,
17 and subsequently the period for filing an application for leave to
18 the supreme court has expired without an application being filed.

19 (c) The supreme court denies an application for leave or, if
20 an application is granted, the supreme court issues an opinion.

21 (5) If the person to be adopted is an adult, the court may
22 enter an order of adoption after all of the following occur:

23 (a) The person to be adopted consents to the adoption
24 according to section 43(3) of this chapter.

25 (b) The written report of investigation required by section
26 46(2) of this chapter is filed.

27 (c) Notice has been served upon interested parties described

1 House Bill No. 4647 as amended May 23, 2013
in section 24a of this chapter.
[Enacting section 1. This amendatory act takes effect January 1,
2014.]