

HOUSE BILL NO. 4640

May 23, 2023, Introduced by Reps. Wilson, Hope, Tsernoglou, Paiz, Morse, Miller, Byrnes, Young, Pohutsky, Rheingans, Dievendorf, Hood, Wegela, O'Neal, Breen, Price, Tyrone Carter, Brixie, Morgan, MacDonell, Brenda Carter, Edwards, Brabec, Arbit, Glanville, McKinney, Scott, Conlin, Skaggs and Aiyash and referred to the Committee on Criminal Justice.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 67 and 68 of chapter X and section 19b of chapter XIIIA (MCL 710.67, 710.68, and 712A.19b), section 67 of chapter X as amended by 1994 PA 373, section 68 of chapter X as amended by 2012 PA 385, and section 19b of chapter XIIIA as amended by 2018 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER X
2 Sec. 67. (1) Except as otherwise provided in subsection (4) or

1 in section 68 of this chapter, records of proceedings in adoption
2 cases, including a notice filed under section 33(1) of this
3 chapter, and a petition filed under section 34(1) of this chapter,
4 and the papers and books relating to the proceedings shall be kept
5 in separate locked files and ~~shall~~**are** not ~~be~~ open to inspection or
6 copy except upon order of a court of record for good cause shown
7 expressly permitting inspection or copy. Except as otherwise
8 provided in subsection (4) or in section 68 of this chapter, the
9 court, after 21 days following entry of the final order of
10 adoption, shall not permit copy or inspection of the adoption
11 proceedings, except upon a sworn petition setting forth the purpose
12 of the inspection or copy. The court may order notice and a hearing
13 on the petition. The court shall grant or deny the petition in
14 writing within 63 days after the petition is filed, except that for
15 good cause the court may grant or deny the petition after the 63-
16 day period but not later than 182 days after the petition is filed.

17 (2) A person in charge of adoption records shall not disclose
18 the names of the biological or adoptive parents of an adopted
19 person, unless ordered to do so by a court of record or as provided
20 in subsection (4) or in section 68 of this chapter, except to meet
21 requirements of the director of ~~public~~**health and human services**
22 for the purpose of creating a new certificate of birth in the
23 adoptive name and sealing the original certificate of birth.

24 (3) The director of ~~public~~**health and human services** shall
25 furnish to the adopting parent or parents a certified copy of the
26 new birth certificate that shall not disclose the adoption of the
27 person. A birth certificate issued to an adopted person shall not
28 refer to adoption and shall conform as nearly as possible to the
29 appearance of birth certificates issued in other cases.

1 (4) After an order of adoption has been entered under section
2 56 **of this chapter**, the court shall permit the ~~children's ombudsman~~
3 **child advocate** to inspect closed adoption records in connection
4 with an investigation authorized under the ~~children's ombudsman~~
5 ~~act, Act No. 204 of the Public Acts of 1994, being sections 722.921~~
6 ~~to 722.935 of the Michigan Compiled Laws.~~ **office of the child**
7 **advocate act, 1994 PA 204, MCL 722.921 to 722.932.** The ~~ombudsman~~
8 **child advocate** shall not disclose information obtained by an
9 inspection under this subsection. If the ~~children's ombudsman~~**child**
10 **advocate** requires further information from an individual whose
11 identity is protected in closed adoption records, the ~~ombudsman~~
12 **child advocate** shall contact the individual discreetly and
13 confidentially. The ~~ombudsman~~**child advocate** shall inform the
14 individual that ~~his or her~~ **the individual's** participation in the
15 ~~ombudsman's~~ **child advocate's** investigation is confidential, is
16 strictly voluntary, and will not alter or constitute a challenge to
17 the adoption. The ~~ombudsman~~**child advocate** shall honor the
18 individual's request not to be contacted further. As used in this
19 subsection, "~~children's ombudsman~~" or "~~ombudsman~~" **"child advocate"**
20 means the ~~ombudsman~~**child advocate** appointed pursuant to section 3
21 of ~~Act No. 204 of the Public Acts of 1994, being section 722.923 of~~
22 ~~the Michigan Compiled Laws, or his or her designee.~~ **the child**
23 **advocate act, 1994 PA 204, MCL 722.923.**

24 Sec. 68. (1) Within 63 days after a request for nonidentifying
25 information is received, a child placing agency, a court, or the
26 department shall provide in writing to the adoptive parent, adult
27 adoptee, former parent, or adult former sibling requesting the
28 information all of the nonidentifying information described in
29 section 27(1) and (2) of this chapter.

1 (2) Within 63 days after a request for identifying information
2 about an adult adoptee is received, a child placing agency or court
3 or the department shall provide in writing to the former parent or
4 adult former sibling requesting the information the adult adoptee's
5 most recent name and address if the adult adoptee has given written
6 consent to release of the information ~~pursuant~~**according** to this
7 chapter. If the adult adoptee has not given written consent to the
8 release of information, the child placing agency, the court, or the
9 department shall, upon presentation of a certified copy of the
10 order of appointment, give the adult adoptee's name and address to
11 a confidential intermediary appointed under section 68b of this
12 chapter, together with any other information in its possession that
13 would help the confidential intermediary locate the adult adoptee.
14 At the option of **the child placing** agency or the department, the
15 information may be released to the court for release to the
16 confidential intermediary.

17 (3) If the department or a child placing agency receives a
18 request for adoption record information in its possession from an
19 adult adoptee, former parent, or adult former sibling, the
20 department or child placing agency shall provide the individual
21 requesting the information with the identity of the court that
22 confirmed the adoption within 28 days after receipt of the request.
23 If a court receives such a request, the court shall provide the
24 individual requesting the information with the identity of the
25 child placing agency that handled the adoption.

26 (4) If the court that terminated parental rights receives from
27 the former parents or adult former siblings of the adult adoptee a
28 request for the identity of the **child placing** agency, court, or
29 department to which the child was committed, the court shall

1 provide in writing the name of that **child placing** agency, court, or
2 department, if known, within 28 days after receipt of the request.

3 (5) Upon receipt of a written request for identifying
4 information from an adult adoptee, a child placing agency, a court,
5 or the department, if it maintains the adoption file for that
6 adoptee, shall submit a clearance request form to the central
7 adoption registry. Within 28 days after receipt of a clearance
8 reply form from the central adoption registry, the child placing
9 agency, court, or department shall notify the adoptee in writing of
10 the identifying information to which the adoptee is entitled under
11 subsection (6) or (7), or, if the identifying information cannot be
12 released under those subsections, the reason why the information
13 cannot be released. The child placing agency, court, or department
14 shall retain a copy of the notice sent to the adult adoptee.

15 (6) For adoptions in which the former parents' rights were
16 terminated on or after May 28, 1945 and before September 12, 1980,
17 a child placing agency, a court, or the department shall release to
18 an adult adoptee or to a confidential intermediary appointed under
19 section 68b of this chapter the identifying information described
20 in section 27(3) of this chapter and other identifying information
21 on file with the central adoption registry as specified in section
22 27b of this chapter, in the following manner:

23 (a) All of the identifying information described in section
24 27(3) of this chapter shall be released to the adult adoptee, if
25 both former parents have on file with the central adoption registry
26 a statement consenting to release of the identifying information.

27 (b) The identifying information described in section 27(3)(b)
28 and (c) of this chapter about 1 of the former parents and the
29 identifying information described in section 27(3)(a) and (d) of

1 this chapter shall be released to the adult adoptee if that former
2 parent has on file with the central adoption registry a statement
3 consenting to release of identifying information.

4 (c) The identifying information described in section 27(3)(b)
5 and (c) of this chapter about 1 of the former parents and the
6 identifying information described in section 27(3)(a) and (d) of
7 this chapter shall be released to the adult adoptee if that parent
8 is deceased.

9 (d) All of the identifying information described in section
10 27(3) of this chapter on both former parents shall be released to
11 the adult adoptee, if both former parents are deceased.

12 (e) Upon presentation of a certified copy of the order of
13 appointment, all of the identifying information described in
14 section 27(3) of this chapter shall be released to a confidential
15 intermediary appointed under section 68b of this chapter, together
16 with additional information to assist the confidential intermediary
17 to locate former family members. At the option of the **child placing**
18 agency or the department, the information may be released to the
19 court for release to the confidential intermediary.

20 (7) For all adoptions in which the former parents' rights were
21 terminated before May 28, 1945 or on or after September 12, 1980, a
22 child placing agency, a court, or the department shall release to
23 an adult adoptee the identifying information described in section
24 27(3) of this chapter and any additional information on file with
25 the central adoption registry as specified in section 27b of this
26 chapter, except that if a former parent has filed a statement
27 currently in effect with the central adoption registry denying
28 consent to have identifying information released, the identifying
29 information specified in section 27(3)(b) and (c) of this chapter

1 shall not be released about that parent. For purposes of this
2 subsection, a denial of consent is not effective after the death of
3 the former parent. This subsection does not apply to adoptions in
4 which the former parents' rights were terminated under chapter XII
5 of this act unless the former parent has filed a statement with the
6 central adoption registry consenting to the release of identifying
7 information.

8 (8) Upon receipt of a written request from an adult adoptee
9 for the name and address of an adult former sibling, a child
10 placing agency, a court, or the department, if it maintains the
11 adoption file for that adoptee, shall submit a clearance request
12 form to the central adoption registry. Within 28 days after receipt
13 of a clearance reply form from the central adoption registry, the
14 child placing agency, court, or department shall notify the adoptee
15 in writing of the name and address of an adult former sibling whose
16 statement was forwarded by the central adoption registry.

17 (9) If a child placing agency, ~~or~~ court, or the department
18 requests information from the central adoption registry and if the
19 clearance reply form from the central adoption registry indicates
20 that neither of the former parents has on file with the central
21 adoption registry a statement currently in effect denying consent
22 to have identifying information released, the child placing agency,
23 court, or department shall deliver to the adult adoptee a copy of
24 the clearance reply form it received from the central adoption
25 registry. The clearance reply form may be used by the adult adoptee
26 to obtain a copy of ~~his or her~~ **the adult adoptee's** original
27 certificate of live birth under section 2882 of the public health
28 code, 1978 PA 368, MCL 333.2882. Except for adoptions in which the
29 former parents' parental rights were terminated under chapter XII

1 of this act, this subsection applies to all adoptions in which the
2 parents' rights were terminated before May 28, 1945 or on or after
3 September 12, 1980.

4 (10) If a child placing agency, a court, or the department
5 receives written information concerning a physician-verified
6 medical or genetic condition of an individual biologically related
7 to an adoptee and a request that the information be transmitted to
8 the adoptee because of the serious threat it poses to the adoptee's
9 life, the child placing agency, court, or department shall send a
10 written copy of the information by first-class mail within 7 days
11 after the request is received to the adoptee at ~~his or her~~ **the**
12 **adoptee's** last known address. If the adoptee is less than 18 years
13 of age, the information shall be sent by first-class mail within 7
14 days after the request is received to the adoptive parents at their
15 last known address.

16 (11) If the information described in subsection (10) is
17 returned undelivered, the **child placing** agency, court, or
18 department shall make a reasonable effort to find the most recent
19 address of the adoptee or minor adoptee's parents and shall again
20 send the information by first-class mail within 21 days after
21 receiving the returned letter.

22 (12) If a child placing agency, a court, or the department
23 receives written information concerning a physician-verified
24 medical or genetic condition of a person biologically related to an
25 adoptee, and the condition is not life-threatening to the adoptee,
26 the child placing agency, court, or department shall place the
27 information in its adoption files. If the child placing agency,
28 court, or department receives a written request for the information
29 from the adult adoptee or minor adoptee's adoptive parents, it

1 shall release a written copy of the information to the adult
2 adoptee or to the minor adoptee's adoptive parents within 63 days
3 after the request for the information was made.

4 (13) If a child placing agency, a court, or the department
5 receives written information concerning a physician-verified
6 medical or genetic condition that threatens the life of an adoptee
7 and for which a biologically related person could give life-saving
8 aid, and receives a request from or on behalf of the adoptee that
9 the information be transmitted, the child placing agency, court, or
10 department shall send a written copy of the information by first-
11 class mail within 7 days after the request is received to the
12 biological parents or adult biological siblings of the adoptee at
13 their last known address.

14 (14) If the information described in subsection (13) is
15 returned undelivered, the **child placing** agency, court, or
16 department shall make a reasonable effort to find the most recent
17 address of the biological parents or adult biological siblings and
18 shall again send the information by first-class mail within 21 days
19 after receiving the returned letter.

20 (15) If a child placing agency, a court, or the department
21 provides an adoptee with the name of 1 of the adoptee's former
22 parents, that child placing agency, court, or department shall
23 notify the department of ~~community-health~~ **and human services** of
24 that fact. Upon receipt of notification by the child placing
25 agency, court, or department, the department of ~~community-health~~
26 **and human services** shall ~~insure~~**ensure** that the original birth
27 certificate on file for the adoptee has been sealed and that a new
28 birth certificate has been prepared in conformance with section 67
29 of this chapter.

1 (16) An employee or agent of a child placing agency, a court,
2 or the department, who intentionally releases identifying
3 information in violation of this section, is guilty of a
4 misdemeanor.

5 (17) This section also applies to a stepparent adoption and to
6 the adoption of a child related to the petitioner within the fifth
7 degree by marriage, blood, or adoption.

8 ~~(18) As used in this section, "adult adoptee" means an~~
9 ~~individual who was adopted as a child who is now 18 years of age or~~
10 ~~older or an individual who was 18 years of age or older at the time~~
11 ~~of adoption.~~

12 (18) ~~(19)~~A child placing agency, a court, and the department
13 may require a fee for supplying information under this section. The
14 fee shall be \$60.00 or the actual cost of supplying the
15 information, whichever is less. The child placing agency, court, or
16 department may waive a part or all of the fee in case of indigency
17 or hardship.

18 (19) ~~(20)~~A direct descendant of a deceased adult adoptee may
19 request information under this section. All information to which an
20 adult adoptee is entitled under this section shall be released to
21 the adult adoptee's direct descendants if the adult adoptee is
22 deceased.

23 (20) ~~(21)~~A child placing agency, a court or the department
24 shall permit the ~~children's ombudsman~~ **child advocate** to inspect
25 adoption records in its possession in connection with an
26 investigation authorized under the ~~children's ombudsman~~ **child**
27 **advocate** act, 1994 PA 204, MCL 722.921 to ~~722.935.~~ **722.932**. The
28 ~~ombudsman~~ **child advocate** shall not disclose information obtained by
29 an inspection under this section. If the ~~children's ombudsman~~ **child**

1 **advocate** requires further information from an individual whose
 2 identity is protected in closed adoption records, the ~~ombudsman~~
 3 **child advocate** shall contact the individual discreetly and
 4 confidentially. The ~~ombudsman~~**child advocate** shall inform the
 5 individual that ~~his or her~~ **the individual's** participation in the
 6 investigation is confidential, is strictly voluntary, and will not
 7 alter or constitute a challenge to the adoption. The ~~ombudsman~~
 8 **child advocate** shall honor the individual's request not to be
 9 contacted further. ~~As used in this subsection, "children's~~
 10 ~~ombudsman" or "ombudsman" means the ombudsman appointed under~~
 11 ~~section 3 of the children's ombudsman act, 1994 PA 204, MCL~~
 12 ~~722.923, or his or her designee.~~

13 (21) **As used in this section:**

14 (a) **"Adult adoptee" means an individual who was adopted as a**
 15 **child who is now 18 years of age or older or an individual who was**
 16 **18 years of age or older at the time of adoption.**

17 (b) **"Child advocate" means the child advocate appointed under**
 18 **section 3 of the child advocate act, 1994 PA 204, MCL 722.923, or**
 19 **the child advocate's designee.**

20 CHAPTER XIIA

21 Sec. 19b. (1) Except as provided in subsection (4), if a child
 22 remains in foster care in the temporary custody of the court
 23 following a review hearing under section 19(3) of this chapter or a
 24 permanency planning hearing under section 19a of this chapter or if
 25 a child remains in the custody of a guardian or limited guardian,
 26 upon petition of the prosecuting attorney, whether or not the
 27 prosecuting attorney is representing or acting as legal consultant
 28 to the agency or any other party, or petition of the child,
 29 guardian, custodian, concerned person, agency, or ~~children's~~

1 ~~ombudsman~~**child advocate** as authorized in section 7 of the
2 ~~children's ombudsman~~**child advocate** act, 1994 PA 204, MCL 722.927,
3 the court shall hold a hearing to determine if the parental rights
4 to a child should be terminated and, if all parental rights to the
5 child are terminated, the child placed in permanent custody of the
6 court. The court shall state on the record or in writing its
7 findings of fact and conclusions of law with respect to whether or
8 not parental rights should be terminated. The court shall issue an
9 opinion or order regarding a petition for termination of parental
10 rights within 70 days after the commencement of the initial hearing
11 on the petition. The court's failure to issue an opinion within 70
12 days does not dismiss the petition.

13 (2) Not less than 14 days before a hearing to determine if the
14 parental rights to a child should be terminated, written notice of
15 the hearing shall be served upon all of the following:

16 (a) The agency. The agency shall advise the child of the
17 hearing if the child is 11 years of age or older.

18 (b) The child's foster parent or custodian.

19 (c) The child's parents.

20 (d) If the child has a guardian, the child's guardian.

21 (e) If the child has a guardian ad litem, the child's guardian
22 ad litem.

23 (f) If tribal affiliation has been determined, the Indian
24 tribe's elected leader.

25 (g) The child's attorney and each party's attorney.

26 (h) If the child is 11 years of age or older, the child.

27 (i) The prosecutor.

28 (3) The court may terminate a parent's parental rights to a
29 child if the court finds, by clear and convincing evidence, 1 or

1 more of the following:

2 (a) The child has been deserted under either of the following
3 circumstances:

4 (i) The child's parent is unidentifiable, has deserted the
5 child for 28 or more days, and has not sought custody of the child
6 during that period. For the purposes of this section, a parent is
7 unidentifiable if the parent's identity cannot be ascertained after
8 reasonable efforts have been made to locate and identify the
9 parent.

10 (ii) The child's parent has deserted the child for 91 or more
11 days and has not sought custody of the child during that period.

12 (b) The child or a sibling of the child has suffered physical
13 injury or physical or sexual abuse under 1 or more of the following
14 circumstances:

15 (i) The parent's act caused the physical injury or physical or
16 sexual abuse and the court finds that there is a reasonable
17 likelihood that the child will suffer from injury or abuse in the
18 foreseeable future if placed in the parent's home.

19 (ii) The parent who had the opportunity to prevent the physical
20 injury or physical or sexual abuse failed to do so and the court
21 finds that there is a reasonable likelihood that the child will
22 suffer injury or abuse in the foreseeable future if placed in the
23 parent's home.

24 (iii) A nonparent adult's act caused the physical injury or
25 physical or sexual abuse and the court finds that there is a
26 reasonable likelihood that the child will suffer from injury or
27 abuse by the nonparent adult in the foreseeable future if placed in
28 the parent's home.

29 (c) The parent was a respondent in a proceeding brought under

1 this chapter, 182 or more days have elapsed since the issuance of
2 an initial dispositional order, and the court, by clear and
3 convincing evidence, finds either of the following:

4 (i) The conditions that led to the adjudication continue to
5 exist and there is no reasonable likelihood that the conditions
6 will be rectified within a reasonable time considering the child's
7 age.

8 (ii) Other conditions exist that cause the child to come within
9 the court's jurisdiction, the parent has received recommendations
10 to rectify those conditions, the conditions have not been rectified
11 by the parent after the parent has received notice and a hearing
12 and has been given a reasonable opportunity to rectify the
13 conditions, and there is no reasonable likelihood that the
14 conditions will be rectified within a reasonable time considering
15 the child's age.

16 (d) The child's parent has placed the child in a limited
17 guardianship under section 5205 of the estates and protected
18 individuals code, 1998 PA 386, MCL 700.5205, and has substantially
19 failed, without good cause, to comply with a limited guardianship
20 placement plan described in section 5205 of the estates and
21 protected individuals code, 1998 PA 386, MCL 700.5205, regarding
22 the child to the extent that the noncompliance has resulted in a
23 disruption of the parent-child relationship.

24 (e) The child has a guardian under the estates and protected
25 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, and the
26 parent has substantially failed, without good cause, to comply with
27 a court-structured plan described in section 5207 or 5209 of the
28 estates and protected individuals code, 1998 PA 386, MCL 700.5207
29 and 700.5209, regarding the child to the extent that the

1 noncompliance has resulted in a disruption of the parent-child
2 relationship.

3 (f) The child has a guardian under the estates and protected
4 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, and both
5 of the following have occurred:

6 (i) The parent, having the ability to support or assist in
7 supporting the minor, has failed or neglected, without good cause,
8 to provide regular and substantial support for the minor for a
9 period of 2 years or more before the filing of the petition or, if
10 a support order has been entered, has failed to substantially
11 comply with the order for a period of 2 years or more before the
12 filing of the petition.

13 (ii) The parent, having the ability to visit, contact, or
14 communicate with the minor, has regularly and substantially failed
15 or neglected, without good cause, to do so for a period of 2 years
16 or more before the filing of the petition.

17 (g) The parent, although, in the court's discretion,
18 financially able to do so, fails to provide proper care or custody
19 for the child and there is no reasonable expectation that the
20 parent will be able to provide proper care and custody within a
21 reasonable time considering the child's age.

22 (h) The parent is imprisoned for such a period that the child
23 will be deprived of a normal home for a period exceeding 2 years,
24 and the parent has not provided for the child's proper care and
25 custody, and there is no reasonable expectation that the parent
26 will be able to provide proper care and custody within a reasonable
27 time considering the child's age.

28 (i) Parental rights to 1 or more siblings of the child have
29 been terminated due to serious and chronic neglect or physical or

1 sexual abuse, and the parent has failed to rectify the conditions
2 that led to the prior termination of parental rights.

3 (j) There is a reasonable likelihood, based on the conduct or
4 capacity of the child's parent, that the child will be harmed if ~~he~~
5 ~~or she~~ **the child** is returned to the home of the parent.

6 (k) The parent abused the child or a sibling of the child, the
7 abuse included 1 or more of the following, and there is a
8 reasonable likelihood that the child will be harmed if returned to
9 the care of the parent:

10 (i) Abandonment of a young child.

11 (ii) Criminal sexual conduct involving penetration, attempted
12 penetration, or assault with intent to penetrate.

13 (iii) Battering, torture, or other severe physical abuse.

14 (iv) Loss or serious impairment of an organ or limb.

15 (v) Life-threatening injury.

16 (vi) Murder or attempted murder.

17 (vii) Voluntary manslaughter.

18 (viii) Aiding and abetting, attempting to commit, conspiring to
19 commit, or soliciting murder or voluntary manslaughter.

20 (ix) Sexual abuse as that term is defined in section 2 of the
21 child protection law, 1975 PA 238, MCL 722.622.

22 (l) The parent's rights to another child were voluntarily
23 terminated following the initiation of proceedings under section
24 2(b) of this chapter or a similar law of another state and the
25 proceeding involved abuse that included 1 or more of the following,
26 and the parent has failed to rectify the conditions that led to the
27 prior termination of parental rights:

28 (i) Abandonment of a young child.

1 (ii) Criminal sexual conduct involving penetration, attempted
2 penetration, or assault with intent to penetrate.

3 (iii) Battering, torture, or other severe physical abuse.

4 (iv) Loss or serious impairment of an organ or limb.

5 (v) Life-threatening injury.

6 (vi) Murder or attempted murder.

7 (vii) Voluntary manslaughter.

8 (viii) Aiding and abetting, attempting to commit, conspiring to
9 commit, or soliciting murder or voluntary manslaughter.

10 (ix) Sexual abuse as that term is defined in section 2 of the
11 child protection law, 1975 PA 238, MCL 722.622.

12 (m) The parent is convicted of 1 or more of the following, and
13 the court determines that termination is in the child's best
14 interests because continuing the parent-child relationship with the
15 parent would be harmful to the child:

16 (i) A violation of section 136, 136a, 316, 317, 520b, 520c,
17 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL
18 750.136, 750.136a, 750.316, 750.317, 750.520b, 750.520c, 750.520d,
19 750.520e, and 750.520g.

20 (ii) A violation of a criminal statute that includes as an
21 element the use of force or the threat of force and that subjects
22 the parent to sentencing under section 10, 11, or 12 of chapter IX
23 of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11,
24 and 769.12.

25 (iii) A federal law or law of another state with provisions
26 substantially similar to a crime or procedure listed or described
27 in subparagraph (i) or (ii).

28 (4) If a petition to terminate the parental rights to a child

1 is filed, the court may enter an order terminating parental rights
2 under subsection (3) at the initial dispositional hearing. If a
3 petition to terminate parental rights to a child is filed, the
4 court may suspend parenting time for a parent who is a subject of
5 the petition.

6 (5) If the court finds that there are grounds for termination
7 of parental rights and that termination of parental rights is in
8 the child's best interests, the court shall order termination of
9 parental rights and order that additional efforts for reunification
10 of the child with the parent not be made.

11 (6) As used in this section, "concerned person" means a foster
12 parent with whom the child is living or has lived who has specific
13 knowledge of behavior by the parent constituting grounds for
14 termination under subsection (3)(b) or (g) and who has contacted
15 the department, the prosecuting attorney, the child's attorney, and
16 the child's guardian ad litem, if any, and is satisfied that none
17 of these persons intend to file a petition under this section.

18 Enacting section 1. This amendatory act does not take effect
19 unless Senate Bill No. ____ or House Bill No. 4638 (request no.
20 01940'23) of the 102nd Legislature is enacted into law.