

# HOUSE BILL No. 5399

November 2, 2005, Introduced by Reps. Condino, Tobocman, Kolb, Alma Smith, Donigan, Cushingberry, Leland, Lipsey, Plakas, Miller, Meisner, Hopgood, Drolet, Byrnes, Anderson, Vagnozzi, Whitmer, Gillard, Accavitti, Clack, Gonzales, Zelenko, Williams, Waters, Polidori, Kathleen Law, Farrah, Bennett and Lemmons, III and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled  
"Probate code of 1939,"  
by amending section 24 (MCL 710.24), as amended by 2004 PA 487.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 24. (1) If a person desires to adopt a child or an adult  
2 and to bestow upon the adoptee his or her family name, or to adopt  
3 a child or an adult without a name change, with the intent to make  
4 the adoptee his or her heir, that person, together with his wife or  
5 her husband, if married, shall file a petition with the court of  
6 the county in which the petitioner resides or where the adoptee is  
7 found or, if the petitioner and adoptee reside out of state, where  
8 the parent's parental rights were terminated or are pending  
9 termination. If both parents' parental rights were terminated at  
10 different times and in different courts, a petition filed under

1 this section shall be filed in the court of the county where  
2 parental rights were first terminated. If there has been a  
3 temporary placement of the child, the petition for adoption shall  
4 be filed with the court that received the report described in  
5 section 23d(2) of this chapter. **TWO UNMARRIED PERSONS MAY JOIN IN  
6 THE ADOPTION OF A CHILD AND TOGETHER SHALL FILE A PETITION WITH THE  
7 COURT AS PRESCRIBED IN THIS SECTION. AN ALREADY EXISTING LEGAL  
8 PARENT OF A CHILD MAY DIRECTLY CONSENT TO ANOTHER ADULT ADOPTING  
9 THAT CHILD, IN WHICH CASE TERMINATION OF THE EXISTING LEGAL  
10 PARENT'S PARENTAL RIGHTS IS UNNECESSARY.**

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

18 (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 (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), the name,  
3 date and place of birth, and place of residence if known of the  
4 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), 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), the name  
16 and place of residence of the guardian of the person or estate of  
17 the adoptee, if any has been appointed.

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

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