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BILL ANALYSIS

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House Bill 5828 (as reported without amendment)
Sponsor: Representative Jeff Mayes
House Committee: Judiciary
Senate Committee: Families and Human Services

CONTENT

The bill would amend the Michigan Adoption Code to permit the adoption of a child who was deceased at the time the adoption order was entered, under certain circumstances. The section added by the bill would be repealed immediately after the adoption order was issued.

Specifically, beginning January 1, 2004, if an application for adoption had been filed under the Code and all the requirements described below had been met, the probate court could enter an order of adoption, even if the adoptee were deceased at the time the order was entered.

The probate court could enter an order of adoption by the foster parents of the deceased adoptee if all of the following requirements were met:

-- The foster parent or parents were available for adoption.
-- The parental rights of the adoptee's parents were terminated and the child had been committed to the Michigan Children's Institute by a court that had jurisdiction over the child.
-- The foster parents desired to adopt the adoptee.
-- The adoption procedures had been initiated under the Code.
-- The Michigan Children's Institute supervisor would have granted consent to the adoption as required under the Code after all the appropriate adoption procedures and requirements had been met.

The Department of Human Services could not reimburse the adoptive parent or parents for any medical expenses incurred for or on behalf of the deceased adoptee and could not pay a medical subsidy to the adoptive parent or parents under the Social Welfare Act.

Proposed MCL 710.56a   Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 11-17-08   Fiscal Analyst: Bill Bowerman