

# HOUSE BILL No. 5828

(As amended June 27, 2008)

February 28, 2008, Introduced by Rep. Mayes and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 710.21 to 712A.32) by adding section 56a to chapter X; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER X

SEC. 56A. (1) BEGINNING JANUARY 1, 2004, IF AN APPLICATION FOR ADOPTION HAS BEEN FILED UNDER THIS CHAPTER AND ALL THE REQUIREMENTS OF SUBSECTION (2) FOR ENTERING AN ORDER OF ADOPTION UNDER THIS CHAPTER HAVE BEEN MET, THE [ ] PROBATE COURT MAY ENTER AN ORDER OF ADOPTION, EVEN IF THE ADOPTEE IS DECEASED AT THE TIME THE ORDER OF ADOPTION IS ENTERED.

(2) THE [ ] PROBATE COURT MAY ENTER AN ORDER OF ADOPTION UNDER SUBSECTION (1) BY THE FOSTER PARENTS OF THE DECEASED

1 ADOPTEE IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

2 (A) THE FOSTER PARENT OR PARENTS WERE AVAILABLE FOR ADOPTION.

3 (B) THE PARENTAL RIGHTS OF THE ADOPTEE'S PARENTS WERE  
4 TERMINATED AND THE CHILD HAS BEEN COMMITTED TO THE MICHIGAN  
5 CHILDREN'S INSTITUTE BY A COURT THAT HAS JURISDICTION OVER THE  
6 CHILD.

7 (C) THE FOSTER PARENTS DESIRE TO ADOPT THE ADOPTEE.

8 (D) THE ADOPTION PROCEDURES HAVE BEEN INITIATED UNDER THIS  
9 CHAPTER.

10 (E) THE MICHIGAN CHILDREN'S INSTITUTE SUPERVISOR WOULD HAVE  
11 GRANTED CONSENT TO THE ADOPTION AS REQUIRED UNDER SECTION 43(1)(B)  
12 OF THIS CHAPTER AFTER ALL THE APPROPRIATE ADOPTION PROCEDURES AND  
13 REQUIREMENTS HAD BEEN MET.

14 (3) THE DEPARTMENT SHALL NOT REIMBURSE THE ADOPTIVE PARENT OR  
15 PARENTS FOR ANY MEDICAL EXPENSES INCURRED FOR OR ON BEHALF OF THE  
16 DECEASED ADOPTEE AND SHALL NOT PAY MEDICAL ASSISTANCE TO THE  
17 ADOPTIVE PARENT OR PARENTS AS DESCRIBED IN THE PROVISIONS OF  
18 SECTION 115H OF THE SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.115H.

19 (4) THIS SECTION IS REPEALED IMMEDIATELY AFTER AN ORDER FOR  
20 ADOPTION IS ISSUED UNDER THIS SECTION.