

HOUSE BILL No. 5815

September 17, 2014, Introduced by Rep. Leonard and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 51 of chapter X (MCL 710.51), as amended by
1996 PA 409.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER X

Sec. 51. (1) Not later than 14 days after receipt of the
report of investigation, except as provided in subsections (2) and
(5), the judge shall examine the report and shall enter an order
terminating the rights of the child's parent or parents, if there
was a parental consent, or the rights of any person in loco
parentis, if there was a consent by other than parents, and approve
placement of the child with the petitioner if the judge is
satisfied as to both of the following:

(a) The genuineness of consent to the adoption and the legal

1 authority of the person or persons signing the consent.

2 (b) The best interests of the adoptee will be served by the
3 adoption.

4 (2) If it is necessary to hold a hearing before entering an
5 order terminating the rights of a parent, parents, or a person in
6 loco parentis, or if other good cause is shown, the time specified
7 in subsection (1) shall be extended for an additional 14-day
8 period.

9 (3) Upon entry of an order terminating rights of parents or
10 persons in loco parentis, a child is a ward of the court and a
11 consent to adoption executed ~~pursuant to~~ **UNDER** section 43 of this
12 chapter shall not be withdrawn after the order is entered. Entry of
13 the order terminates the jurisdiction of the same court or another
14 court over the child in a divorce or separate maintenance action.
15 If the petitioner for adoption is married to the parent having
16 legal custody of the child, the child shall not be made a ward of
17 the court after termination of the rights of the other parent.

18 (4) Without making the child a ward of the court, the court
19 may approve placement of a child if the child is placed for
20 adoption in this state by a public or licensed private agency of
21 another state or country and if the law of the sending state or
22 country prohibits the giving of consent to adoption at the time of
23 placement. Before placement of the child in that instance, the
24 sending agency shall tender evidence as the court requires to
25 demonstrate that the agency possesses the necessary authority to
26 consent to the adoption at the time of entry of the final order of
27 adoption. After the sending agency has given evidence of its

1 ability to consent, the agency shall not do anything to jeopardize
2 its ability to grant the required consent before entry of the final
3 order of adoption. After the sending agency gives its consent for
4 the adoption, that consent shall not be withdrawn.

5 (5) If a parent having legal custody of the child is married
6 to the petitioner for adoption, the judge shall not enter an order
7 terminating the rights of that parent.

8 (6) If the parents of a child are divorced, or if the parents
9 are unmarried but the father has acknowledged paternity or is a
10 putative father who meets the conditions in section 39(2) of this
11 chapter, and if ~~the~~**A** parent having ~~legal~~ custody of the child
12 **ACCORDING TO A COURT ORDER** subsequently marries and that parent's
13 spouse petitions to adopt the child, the court upon notice and
14 hearing may issue an order terminating the rights of the other
15 parent if both of the following occur:

16 (a) The other parent, having the ability to support, or assist
17 in supporting, the child, has failed or neglected to provide
18 regular and substantial support for the child or if a support order
19 has been entered, has failed to substantially comply with the
20 order, for a period of 2 years or more before the filing of the
21 petition. **A CHILD SUPPORT ORDER STATING THAT SUPPORT IS \$0.00 OR**
22 **THAT SUPPORT IS RESERVED SHALL BE TREATED IN THE SAME MANNER AS IF**
23 **NO SUPPORT ORDER HAS BEEN ENTERED.**

24 (b) The other parent, having the ability to visit, contact, or
25 communicate with the child, has regularly and substantially failed
26 or neglected to do so for a period of 2 years or more before the
27 filing of the petition.

1 (7) Unless otherwise ordered by the court, the prospective
2 adoptive parents with whom a child is placed ~~pursuant~~**ACCORDING** to
3 a court order approving placement under this section may consent to
4 all medical, surgical, psychological, educational, and related
5 services for the child.