

## ADOPTIONS BY TWO UNMARRIED PERSONS

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**House Bill 4131**

**Sponsor: Rep. Alma Wheeler Smith**

**Committee: Judiciary**

**Complete to 4-20-09**

### A SUMMARY OF HOUSE BILL 4131 AS INTRODUCED 2-4-09

The bill would amend the adoption code (MCL 710.24 and 710.51) to allow two unmarried persons to adopt a child; extend "stepparent adoptions" to the unmarried partner of the legal parent; and, in cases involving divorced parents or parents who never married, allow, in certain situations, the parental rights of the noncustodial parent to be terminated if the partner of the legal parent petitioned to adopt the child.

Currently, only a single person or a married couple may adopt a child. House Bill 4131 would also allow two unmarried persons to petition to adopt a child.

Secondly, in what is known as a "stepparent adoption," a parent having legal custody of the child does not lose parental rights when his or her spouse petitions to adopt the child. Under the bill, this protection would be extended to cases in which the parent joined in an adoption petition with another person to whom he or she was not married.

When the parents are divorced or never married, and the parent having legal custody remarries and his or her spouse petitions to adopt the child, the adoption code provides that the parental rights of the noncustodial parent can be terminated under certain circumstances (i.e., failing to provide regular and substantial support and regularly failing to have contact with the child). The bill would apply this provision also to situations in which a person having legal custody joins in a petition for adoption with a person to whom he or she is not married.

In addition, the bill would require any former names of the adopting petitioner to be included in the information that must be provided on a petition for adoption. Lastly, the bill would delete a redundant provision that grants prospective adoptive parents with whom a child had been placed authority to consent to medical, surgical, psychological, educational, and related services for the child.

### **FISCAL IMPACT:**

This bill would have minimal fiscal impact on the judiciary and local court funding units; the fiscal impact would depend on how the bill affected caseloads and related administrative costs.

The bill could reduce costs to the Department of Human Services to the extent that it increased the number of children adopted out of the foster care system. In the great majority of cases, adoptive parents who adopt children out of foster care continue to receive an amount equivalent to the foster care payment for the child in the form of a state adoption subsidy. However, supervisory and oversight costs (e.g. DHS or foster care agency caseworkers) borne by the department are eliminated once a child leaves foster care.

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