

Legislative Analysis



REMOVE CONFLICT B/W ADOPTION CODE AND ESTATES AND PROTECTED INDIVIDUALS CODE

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5602 (Substitute H-1)
Sponsor: Rep. Tonya Schuitmaker
Committee: Judiciary

Complete to 2-15-06

A SUMMARY OF HOUSE BILL 5602 AS REPORTED FROM COMMITTEE 2-8-06

Both Section 60(2) of the Adoption Code and Section 2114 of the Estates and Protected Individuals Code (EPIC) deal with the rights of inheritance of adopted individuals. House Bill 5602 would amend Section 60(2) of the Adoption Code (which is within the Probate Code) essentially to defer to Section 2114(2) of EPIC.

Section 60(2) of the Adoption Code says that after the entry of an order of adoption, an adopted child is no longer an heir at law of a parent whose rights have been terminated.

Section 2114(2) of EPIC says that an adopted individual is the child of his or her adoptive parent or parents and not of his or her natural parents, but adoption of a child by the spouse of either natural parent has no effect on either the relationship between the child and that natural parent or the right of the child or a descendant of the child to inherit from or through the other natural parent.

House Bill 5602 would specify that the inheritance provision in the Adoption Code would apply, "except as provided in Section 4114(2) of EPIC."

MCL 710.60

BACKGROUND INFORMATION:

House Bill 5602 is follow-up legislation to House Bill 4968 of the 2004-05 legislative session, which became Public Act 204 of 2005. That bill made miscellaneous amendments to the Estates and Protected Individuals Code endorsed by the Probate and Estate Planning Section of the State Bar of Michigan.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

Legislative Analyst: Chris Couch
Fiscal Analyst: Marilyn Peterson

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