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BILL ANALYSIS

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House Bill 5602 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Tonya Schuitmaker
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Adoption Code to make an exception to a provision under which an adoptee is no longer the heir of a parent whose parental rights have been terminated; the exception would apply to a child adopted by the spouse of a natural parent, as provided in Section 2114(2) of the Estates and Protected Individuals Code (EPIC). The bill also would revise language concerning an order for grandparenting time.

Under Section 60(2) of the Adoption Code, after entry of an order of adoption, an adopted child is no longer an heir at law of a parent whose parental rights have been terminated or the lineal or collateral kindred of that parent. Under the bill, this would apply except as provided in Section 2114(2) of EPIC. (Under that section, adoption of a child by the spouse of either natural parent has no effect on the right of the child or his or her descendants to inherit from or through the other natural parent.)

In addition, Section 60 of the Adoption Code states it does not prohibit the entry of an order for grandparenting time under Section 7b of the Child Custody Act (which governs grandparenting time actions). Under the bill, Section 60 would not prohibit either the filing of an action or the entry of an order for grandparenting time as provided in Section 7b.

Under Section 60, while a stepparent adoption proceeding is pending, a parent of a natural parent may seek an order for grandparenting time of the adoptee in the same manner as set forth in Section 7b of the Child Custody Act. The bill would delete that provision.

The bill is tie-barred to Senate Bill 420, which would amend Section 7b of the Child Custody Act to limit grandparenting time actions in stepparent adoption situations to grandparents whose own child is deceased.

MCL 710.60

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

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

Date Completed: 6-6-06

Fiscal Analyst: Stephanie Yu