

ADOPTION OF CHILDREN IN FOSTER CARE

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

House Bill 4589

Sponsor: Rep. Kurt Heise

Committee: Families, Children, and Seniors

Complete to 6-11-13

A SUMMARY OF HOUSE BILL 4589 AS INTRODUCED 4-18-13

The bill would amend the Adoption Code to address the adoption of children in foster care by foster parents.

Currently the code says that it does not intend to prevent a child living in a licensed foster home from being adopted by the foster parent or parents. The bill would add, "except if the licensed foster home or foster parent or parents have been determined to be unsuitable to continue as a foster home or foster parent or parents . . . by the Department of Human Services, a child placing agency, or the court."

Investigation of Foster Parents

The bill specifies that during the course of an investigation to determine if a foster parent or parents are unsuitable to continue providing foster care, the DHS or a child placing agency could not recommend the foster parent or parents being investigated for adoption. Also, an adoption proceeding could not be begun until the investigation was complete and a determination made by the court after a hearing that it was in the child's best interest to allow the adoption to proceed. If an adoption proceeding had already been begun and the foster parent or parents were petitioners in the proceeding, the proceeding would be suspended until the investigation was complete and the court determined it was in the best interest of the child to allow the adoption to proceed.

Termination of Parental Rights

If a foster parent or parents were determined to be unsuitable to continue to provide care for a foster child placed in their care, they could not be considered eligible to adopt that foster child. This would not depend on the foster child being removed from the foster home or from the foster parent or parent's care.

Section 41 of the Adoption Code says a child cannot be placed in a home for the purpose of adoption until an order terminating parental rights has been entered. That section says, among other things, that, in cases where an appeal has been filed with the Court of Appeals, an adoption will not be ordered until there is a decision of the court affirming the order terminating parental rights. The bill would add, and the time for rehearing in the Court of Appeals has expired, and the time for filing an application for leave to appeal to the state Supreme Court has expired.

FISCAL IMPACT:

House Bill 4589 should have a negligible fiscal impact on state and local units of government.

Legislative Analyst: E. Best
Fiscal Analyst: Kevin Koorstra

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.