



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4911 (Substitute S-1 as reported)
Sponsor: Representative Kathy Crawford
House Committee: Judiciary
Senate Committee: Families, Seniors and Human Services

CONTENT

The bill would amend the Michigan Adoption Code to do the following:

- Require the court to receive an affidavit or verified written declaration from the mother of a child born out of wedlock, as evidence of the identity and location of the child's father, when the mother sought to relinquish rights to the child or join in a petition for adoption filed by her spouse.
- Allow a court, upon the motion of the petitioner, to waive the three-month waiting period to finalize the adoption of a child under one year of age, if a waiver were in the child's best interests.

Under the Code, if a child is claimed to be born out of wedlock and the mother executes or proposes to execute a release or consent relinquishing her rights to the child or joins in a petition for adoption filed by her spouse, and the release or consent of the natural father cannot be obtained, the judge must hold a hearing to determine whether the child was born out of wedlock, determine the identity of the father, and determine or terminate his rights.

At the hearing, the court must receive evidence as to the identity of the child's father. Based upon that evidence, the court must enter a finding identifying the father or declaring that his identity cannot be determined. The bill specifies that, in lieu of the mother's live testimony, the court would have to receive an affidavit or a verified written declaration from the mother as evidence of the identity and whereabouts of the child's father. If the court determined that the affidavit or declaration was insufficient, it would have to allow the document to be amended. If the court determined that the amendment was insufficient, it could receive live testimony from the mother.

MCL 710.36 & 710.56

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Date Completed: 10-20-16

Fiscal Analyst: Ryan Bergan