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BILL ANALYSIS



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House Bill 4911 (Substitute H-2 as passed by the House)
Sponsor: Representative Kathy Crawford
House Committee: Judiciary
Senate Committee: Families, Seniors and Human Services

Date Completed: 5-5-16

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 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.**

The bill would take effect 90 days after its enactment.

Affidavit or Written Declaration

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 husband, 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 the rights of the father.

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.

The bill also would refer to a petition for adoption filed by a mother's "spouse", rather than her "husband".

Waiver of Waiting Period

Generally, under the Code, the court may enter an order of adoption six months after formal placement of a child, unless it determines that circumstances have arisen that make adoption undesirable. Upon the motion of the petitioner, the court may waive the six-month period or any portion of it, if the waiver is in the adoptee's best interests.

For an adoptee who is less than one year old at the time of filing, the court may enter an order of adoption three months after formal placement, unless the court determines that circumstances have arisen that make adoption undesirable. Under the bill, upon the motion of the petitioner, the court could waive the three-month period or any portion of it, if the waiver were in the adoptee's best interests.

MCL 710.36 & 710.56

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.