

**SUBSTITUTE FOR  
SENATE BILL NO. 458**

A bill to amend 1939 PA 288, entitled  
"Probate code of 1939,"  
by amending section 51 of chapter X (MCL 710.51), as amended by  
1996 PA 409.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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CHAPTER X

Sec. 51. (1) Not later than 14 days after receipt of the  
report of investigation, except as provided in subsections (2) and  
(5), the judge shall examine the report and shall enter an order  
terminating the rights of the child's parent or parents, if there  
was a parental consent, or the rights of any person in loco  
parentis, if there was a consent by other than parents, and approve  
placement of the child with the petitioner if the judge is  
satisfied as to both of the following:

1 (a) The genuineness of consent to the adoption and the legal  
2 authority of the person or persons signing the consent.

3 (b) The best interests of the adoptee will be served by the  
4 adoption.

5 (2) If it is necessary to hold a hearing before entering an  
6 order terminating the rights of a parent, parents, or a person in  
7 loco parentis, or if other good cause is shown, the time specified  
8 in subsection (1) shall be extended for an additional 14-day  
9 period.

10 (3) Upon entry of an order terminating rights of parents or  
11 persons in loco parentis, a child is a ward of the court and a  
12 consent to adoption executed ~~pursuant to~~ **UNDER** section 43 of this  
13 chapter shall not be withdrawn after the order is entered. Entry of  
14 the order terminates the jurisdiction of the same court or another  
15 court over the child in a divorce or separate maintenance action.  
16 If the petitioner for adoption is married to the parent having  
17 legal custody of the child, the child shall not be made a ward of  
18 the court after termination of the rights of the other parent.

19 (4) Without making the child a ward of the court, the court  
20 may approve placement of a child if the child is placed for  
21 adoption in this state by a public or licensed private agency of  
22 another state or country and if the law of the sending state or  
23 country prohibits the giving of consent to adoption at the time of  
24 placement. Before placement of the child in that instance, the  
25 sending agency shall tender evidence as the court requires to  
26 demonstrate that the agency possesses the necessary authority to  
27 consent to the adoption at the time of entry of the final order of

1 adoption. After the sending agency has given evidence of its  
2 ability to consent, the agency shall not do anything to jeopardize  
3 its ability to grant the required consent before entry of the final  
4 order of adoption. After the sending agency gives its consent for  
5 the adoption, that consent shall not be withdrawn.

6 (5) If a parent having legal custody of the child is married  
7 to the petitioner for adoption, the judge shall not enter an order  
8 terminating the rights of that parent.

9 (6) If the parents of a child are divorced, or if the parents  
10 are unmarried but the father has acknowledged paternity or is a  
11 putative father who meets the conditions in section 39(2) of this  
12 chapter, and if ~~the~~**A** parent having ~~legal~~ custody of the child  
13 **ACCORDING TO A COURT ORDER** subsequently marries and that parent's  
14 spouse petitions to adopt the child, the court upon notice and  
15 hearing may issue an order terminating the rights of the other  
16 parent if both of the following occur:

17 (a) The other parent, having the ability to support, or assist  
18 in supporting, the child, has failed or neglected to provide  
19 regular and substantial support for the child or if a support order  
20 has been entered, has failed to substantially comply with the  
21 order, for a period of 2 years or more before the filing of the  
22 petition. **A CHILD SUPPORT ORDER STATING THAT SUPPORT IS \$0.00 OR**  
23 **THAT SUPPORT IS RESERVED SHALL BE TREATED IN THE SAME MANNER AS IF**  
24 **NO SUPPORT ORDER HAS BEEN ENTERED.**

25 (b) The other parent, having the ability to visit, contact, or  
26 communicate with the child, has regularly and substantially failed  
27 or neglected to do so for a period of 2 years or more before the

1 filing of the petition.

2 (7) Unless otherwise ordered by the court, the prospective  
3 adoptive parents with whom a child is placed ~~pursuant~~**ACCORDING** to  
4 a court order approving placement under this section may consent to  
5 all medical, surgical, psychological, educational, and related  
6 services for the child.

7 Enacting section 1. This amendatory act takes effect 90 days  
8 after the date it is enacted into law.