

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 6010

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 21a, 22, 23a, 23d, 24, 24a, and 56 of chapter X (MCL 710.21a, 710.22, 710.23a, 710.23d, 710.24, 710.24a, and 710.56), section 21a as added by 1982 PA 72, sections 22, 24, and 24a as amended by 1996 PA 409, section 23a as amended by 1994 PA 373, section 23d as amended by 2004 PA 68, and section 56 as amended by 1994 PA 240.

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

1

CHAPTER X

2

Sec. 21a. The general purposes of this chapter are:

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(a) To provide that each adoptee in this state who needs

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adoption services receives those services.

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(b) To provide procedures and services ~~which~~ **that** will

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safeguard and promote the best interests of each adoptee in need

1 of adoption and ~~which~~ **that** will protect the rights of all  
2 parties concerned. If conflicts arise between the rights of the  
3 adoptee and the rights of another, the rights of the adoptee  
4 shall be paramount.

5 (c) To provide prompt legal proceedings to assure that the  
6 adoptee is free for adoptive placement at the earliest possible  
7 time.

8 (d) **To achieve permanency and stability for adoptees as**  
9 **quickly as possible.**

10 (e) **To support the permanency of a finalized adoption by**  
11 **allowing all interested parties to participate in proceedings**  
12 **regarding the adoptee.**

13 Sec. 22. As used in this chapter:

14 (a) "Adoptee" means the individual who is to be adopted,  
15 regardless of whether the individual is a child or an adult.

16 (b) "Adoption attorney" means an attorney acting as counsel  
17 **in an adoption proceeding or case.** ~~a direct placement adoption~~  
18 ~~who meets all of the following requirements:~~

19 ~~—— (i) Has completed at least 12 hours of continuing education~~  
20 ~~in this state during the past 5 years in courses integrating the~~  
21 ~~legal and social aspects of adoption.~~

22 ~~—— (ii) Maintains an up to date file of individuals licensed or~~  
23 ~~registered under either the public health code, Act No. 368 of~~  
24 ~~the Public Acts of 1978, being sections 333.1101 to 333.25211 of~~  
25 ~~the Michigan Compiled Laws, or the occupational code, Act No. 299~~  
26 ~~of the Public Acts of 1980, being sections 339.101 to 339.2721 of~~  
27 ~~the Michigan Compiled Laws, and agencies to whom referrals may be~~

1 ~~made for counseling services needed by an adoption client.~~  
2 ~~—— (iii) Has registered as an adoption attorney with the~~  
3 ~~children's ombudsman as provided in section 5 of the foster care~~  
4 ~~and adoption services act, Act No. 203 of the Public Acts of~~  
5 ~~1994, being sections 722.951 to 722.960 of the Michigan Compiled~~  
6 ~~Laws.~~

7 (c) "Adult former sibling" means an individual who is 18  
8 years of age or older and is related to an adult adoptee either  
9 biologically or through adoption by at least 1 common parent,  
10 regardless of whether the adult former sibling ever lived in the  
11 same household as the adult adoptee.

12 (d) "Agency placement" means a placement in which a child  
13 placing agency, the department, or a court selects the adoptive  
14 parent for the child and transfers physical custody of the child  
15 to the prospective adoptive parent.

16 (e) **"Applicant" means an individual or individuals who desire**  
17 **to adopt a child and who have submitted an adoption application**  
18 **to a child placing agency.**

19 (f) ~~—(e)—~~ "Attending practitioner" means a licensed physician  
20 or a registered professional nurse certified as a nurse midwife  
21 by the Michigan board of nursing.

22 (g) ~~—(f)—~~ "Best interests of the adoptee" or "best interests  
23 of the child" means the sum total of the following factors to be  
24 considered, evaluated, and determined by the court to be applied  
25 to give the adoptee permanence at the earliest possible date:

26 (i) The love, affection, and other emotional ties existing  
27 between the adopting individual or individuals and the adoptee

1 or, in the case of a hearing under section 39 of this chapter,  
2 the putative father and the adoptee.

3       (ii) The capacity and disposition of the adopting individual  
4 or individuals or, in the case of a hearing under section 39 of  
5 this chapter, the putative father to give the adoptee love,  
6 affection, and guidance, and to educate and create a milieu that  
7 fosters the religion, racial identity, and culture of the  
8 adoptee.

9       (iii) The capacity and disposition of the adopting individual  
10 or individuals or, in the case of a hearing under section 39 of  
11 this chapter, the putative father, to provide the adoptee with  
12 food, clothing, education, permanence, medical care or other  
13 remedial care recognized and permitted under the laws of this  
14 state in place of medical care, and other material needs.

15       (iv) The length of time the adoptee has lived in a stable,  
16 satisfactory environment, and the desirability of maintaining  
17 continuity.

18       (v) The permanence as a family unit of the proposed adoptive  
19 home, or, in the case of a hearing under section 39 of this  
20 chapter, the home of the putative father.

21       (vi) The moral fitness of the adopting individual or  
22 individuals or, in the case of a hearing under section 39 of this  
23 chapter, of the putative father.

24       (vii) The mental and physical health of the adopting  
25 individual or individuals or, in the case of a hearing under  
26 section 39 of this chapter, of the putative father, and of the  
27 adoptee.

1           (viii) The home, school, and community record of the  
2 adoptee.

3           (ix) The reasonable preference of the adoptee, if the adoptee  
4 is 14 years of age or less and if the court considers the adoptee  
5 to be of sufficient age to express a preference.

6           (x) The ability and willingness of the adopting individual or  
7 individuals to adopt the adoptee's siblings.

8           (xi) Any other factor considered by the court to be relevant  
9 to a particular adoption proceeding, or to a putative father's  
10 request for child custody.

11          (h) ~~—(g)—~~ "Born out of wedlock" means a child conceived and  
12 born to a woman who was not married from the conception to the  
13 date of birth of the child, or a child whom the court has  
14 determined to be a child born during a marriage but not the issue  
15 of that marriage.

16          (i) ~~—(h)—~~ "Central adoption registry" means the registry  
17 established by the department ~~pursuant to~~ **under** section 27b of  
18 this chapter to control the release of identifying adoption  
19 information.

20          (j) ~~—(i)—~~ "Child" means an individual less than 18 years of  
21 age.

22          (k) ~~—(j)—~~ "Child placing agency" means a private organization  
23 licensed under ~~Act No. 116 of the Public Acts of 1973, being~~  
24 ~~sections 722.111 to 722.128 of the Michigan Compiled Laws 1973~~  
25 **PA 116, MCL 722.111 to 722.128**, to place children for adoption.

26          (l) ~~—(k)—~~ "Consent" means a document in which all parental  
27 rights over a specific child are voluntarily relinquished to the

1 court for placement with a specific adoptive parent.

2 (m) ~~(l)~~ "Court" means the family division of circuit court  
3 of this state, or ~~when~~ if the context requires, the court  
4 having jurisdiction over adoption in another state or country.

5 (n) ~~(m)~~ "Department" means the family independence agency.

6 (o) ~~(n)~~ "Direct placement" means a placement in which a  
7 parent or guardian selects an adoptive parent for a child, other  
8 than a stepparent or an individual related to the child within  
9 the fifth degree by marriage, blood, or adoption, and transfers  
10 physical custody of the child to the prospective adoptive  
11 parent.

12 (p) ~~(o)~~ "Formal placement" means a placement that is  
13 approved by the court under section 51 of this chapter.

14 (q) ~~(p)~~ "Person" means an individual, partnership,  
15 corporation, association, governmental entity, or other legal  
16 entity.

17 (r) ~~(q)~~ "Petitioner", except as used in section 68b of this  
18 chapter, means the individual or individuals who file an adoption  
19 petition with the court.

20 (s) ~~(r)~~ "Placement" or "to place" means selection of an  
21 adoptive parent for a child and transfer of physical custody of  
22 the child to a prospective adoptive parent ~~pursuant~~ **according**  
23 to this chapter.

24 (t) **"Relative" means an individual who is related to the**  
25 **child within the fifth degree by marriage, blood, or adoption.**

26 (u) ~~(s)~~ "Release" means a document in which all parental  
27 rights over a specific child are voluntarily relinquished to the

1 department or to a child placing agency.

2       (v) ~~-(t)-~~ "Rescission petition" means a petition filed by an  
3 adult adoptee and his or her parent whose rights have been  
4 terminated to rescind the adoption in which a stepparent acquired  
5 parental rights and to restore parental rights of that parent  
6 ~~pursuant~~ **according** to section 66 of this chapter.

7       (w) ~~-(u)-~~ "Suitable to be a parent of an adoptee" means a  
8 conclusion that there is no specific concern with respect to an  
9 individual that would suggest that placement of any child, or a  
10 particular child, in the home of the individual would pose a risk  
11 of harm to the physical or psychological well-being of the  
12 child.

13       (x) ~~-(v)-~~ "Temporary placement" means a placement that occurs  
14 before court approval under section 51 of this chapter and that  
15 meets the requirements of section 23d of this chapter.

16       (y) ~~-(w)-~~ "Within the fifth degree by marriage, blood, or  
17 adoption" means any of the following relationships: parent,  
18 step-parent, grandparent, step-grandparent, brother,  
19 step-brother, sister, step-sister, uncle, step-uncle, aunt,  
20 step-aunt, first cousin, step-first cousin, great aunt,  
21 step-great aunt, great uncle, step-great uncle, great  
22 grandparent, step-great grandparent, first cousin once removed,  
23 step-first cousin once removed, great great grandparent,  
24 step-great great grandparent, great great uncle, step-great great  
25 uncle, great great aunt, step-great great aunt, great great great  
26 grandparent, or step-great great great grandparent.

27       Sec. 23a. (1) A parent or guardian having legal and

1 physical custody of a child may make a direct placement of the  
2 child for adoption by making a temporary placement under section  
3 23d of this chapter or a formal placement under section 51 of  
4 this chapter. A temporary placement becomes a formal placement  
5 when the court orders the termination of the rights of the parent  
6 or parents or the guardian and approves placement ~~pursuant to~~  
7 **under** section 51 of this chapter. A formal placement under  
8 section 51 of this chapter ~~does~~ **is** not ~~have~~ **required** to be  
9 preceded by a temporary placement.

10 (2) A parent or guardian shall personally select a  
11 prospective adoptive parent in a direct placement. The selection  
12 shall not be delegated.

13 (3) In a direct placement the prospective adoptive parent, an  
14 adoption attorney, or a child placing agency shall provide  
15 information about a prospective adoptive parent to the parent or  
16 guardian before placement. This information shall include the  
17 specific information contained in a preplacement assessment as  
18 described in section 23f of this chapter, and may include  
19 additional information requested by the parent or guardian. The  
20 information does not have to include identifying information  
21 described in section 27(3) of this chapter. The parent or  
22 guardian and the prospective adoptive parent shall determine  
23 whether to exchange identifying information and whether to meet  
24 each other.

25 (4) A parent or guardian having legal and physical custody of  
26 a child may make a formal placement of the child for adoption  
27 under section 51 of this chapter with a stepparent or ~~an~~



1 ~~individual who is related to the child within the fifth degree by~~  
2 ~~marriage, blood, or adoption~~ **a relative.**

3 **(5) The court may allow the child to attend his or her**  
4 **adoption hearing held under this act.**

5 Sec. 23d. (1) In a direct placement, a parent or guardian  
6 with legal and physical custody of a child may make a temporary  
7 placement of the child as prescribed by this section. In an  
8 agency placement, a child placing agency with written  
9 authorization from the parent or guardian as prescribed by  
10 section 23b of this chapter may make a temporary placement of the  
11 child as prescribed by this section. A temporary placement shall  
12 meet all of the following requirements:

13 (a) The prospective adoptive parent with whom a child is  
14 temporarily placed has had a preplacement assessment completed  
15 within 1 year before the date of the transfer with a finding that  
16 the prospective adoptive parent is suitable to be a parent of an  
17 adoptee.

18 (b) In a direct placement, the parent or guardian is assisted  
19 by an adoption attorney or a child placing agency.

20 (c) In the presence of a witness who also signs the document,  
21 the parent, guardian, or representative of the child placing  
22 agency signs a statement evidencing the transfer of physical  
23 custody of the child. If the parent making the temporary  
24 placement is an unemancipated minor, the statement is not valid  
25 unless it is also signed in the presence of the witness by a  
26 parent or guardian of that minor parent. The statement shall  
27 contain all of the following:

1 (i) The date of the transfer of physical custody.

2 (ii) Language providing that the transfer is for the purpose  
3 of adoption by the prospective adoptive parent.

4 (iii) Language indicating that unless the parent or guardian  
5 and the prospective adoptive parent agree otherwise, the  
6 prospective adoptive parent has the authority to consent to all  
7 medical, surgical, psychological, educational, and related  
8 services for the child and language indicating that the parent or  
9 guardian otherwise retains full parental rights to the child  
10 being temporarily placed and that the temporary placement may be  
11 revoked by the filing of a petition under subsection (5).

12 (iv) Language providing that the person making the transfer  
13 has read a preplacement assessment of the prospective adoptive  
14 parent completed or updated within 1 year before the date of the  
15 transfer with a finding that the prospective adoptive parent is  
16 suitable to be a parent of an adoptee. If a child placing agency  
17 makes the transfer of physical custody, the statement shall  
18 include a verification that the child placing agency has given  
19 the parent or guardian who authorized the temporary placement an  
20 opportunity to review the preplacement assessment.

21 (v) Even if only 1 parent is making the temporary placement,  
22 the name and address of both parents of the child, including in  
23 the case of a child born out of wedlock, the name and the address  
24 of each putative father of the child, if known.

25 (d) In the presence of a witness who also signs the document,  
26 the prospective adoptive parent signs a statement setting forth  
27 the date of the transfer of physical custody and the name and

1 address of the prospective adoptive parent and attesting to all  
2 of the following:

3 (i) That the prospective adoptive parent understands that the  
4 temporary placement will not become a formal placement until the  
5 parents consent or release their parental rights and the court  
6 orders the termination of parental rights and approves the  
7 placement and that the prospective adoptive parent must  
8 relinquish custody of the child within 24 hours after being  
9 served with an order under section 23e(2) of this chapter.

10 (ii) That, if the prospective adoptive parent is a Michigan  
11 resident, the prospective adoptive parent agrees to reside with  
12 the child in Michigan until formal placement occurs.

13 (iii) That the prospective adoptive parent agrees to obtain  
14 approval in compliance with the interstate compact on the  
15 placement of children, 1984 PA 114, MCL 3.711 to 3.717, before  
16 the child is sent, brought, or caused to be sent or brought into  
17 a receiving state as that term is defined in section 1 of the  
18 interstate compact on the placement of children, 1984 PA 114, MCL  
19 3.711.

20 (iv) That the prospective adoptive parent submits to this  
21 state's jurisdiction.

22 (2) Not later than 2 days, excluding weekends and holidays,  
23 after a transfer of physical custody of a child in accordance  
24 with subsection (1), the adoption attorney or child placing  
25 agency who assists with the temporary placement or the child  
26 placing agency that makes the temporary placement shall submit to  
27 the court in the county in which the child's parent or guardian

1 or the prospective adoptive parent resides, or in which the child  
2 is found, a report that contains all of the following:

3 (a) The date of the transfer of physical custody.

4 (b) The name and address of the parent or guardian or the  
5 child placing agency who made the temporary placement.

6 (c) The name and address of the prospective adoptive parent  
7 with whom the temporary placement was made.

8 (d) Even if only 1 parent is making the temporary placement,  
9 the name and address of both parents of the child, including, in  
10 the case of a child born out of wedlock, the name of each  
11 putative father, if known.

12 (e) The documents required under subsection (1)(c) and (d)  
13 and, if applicable, the authorization required under section 23b  
14 of this chapter.

15 (3) Not later than 30 days after the transfer of physical  
16 custody of a child under this section, the adoption attorney or  
17 child placing agency who assists with the temporary placement or  
18 the child placing agency that makes the temporary placement shall  
19 submit to the court that received the report described in  
20 subsection (2) a report indicating whether or not 1 of the  
21 following dispositions has occurred:

22 (a) A petition for adoption of the child has been filed.

23 (b) The child has been returned to the agency or to a parent  
24 or other person having legal custody.

25 (4) If the court has not received the report required under  
26 subsection (3) within 45 days after the transfer of physical  
27 custody of a child, the court shall immediately investigate and

1 determine whether an adoption petition has been filed or the  
2 child has been returned to a parent or other person having legal  
3 custody. If the report required under subsection (3) or the  
4 court's investigation reveals that neither disposition has  
5 occurred, the court shall immediately report to the prosecutor,  
6 who shall immediately file a petition in the court that received  
7 the report described in subsection (2) for disposition of the  
8 child as required by section 23e of this chapter. If a petition  
9 has been filed under subsection (5), (6), or (7), the prosecutor  
10 is not required to file a petition.

11 (5) A parent or guardian who wishes to regain custody of a  
12 child who has been placed temporarily shall file a petition in  
13 the court that received the report described in subsection (2)  
14 requesting that the temporary placement be revoked and that the  
15 child be returned to the parent or guardian. Upon request of the  
16 parent or guardian, the adoption attorney or child placing agency  
17 who assisted in making the temporary placement shall assist the  
18 parent or guardian in filing the petition to revoke the temporary  
19 placement. If the temporary placement was made by a child  
20 placing agency under section 23b(3) of this chapter, the child  
21 placing agency shall file the petition on behalf of a parent or  
22 guardian who wishes to regain custody of the child.

23 (6) If a prospective adoptive parent with whom a child has  
24 been temporarily placed is either unwilling or unable to proceed  
25 with the adoption, the prospective adoptive parent may file a  
26 petition in the court that received the report described in  
27 subsection (2) for disposition of the child as required by

1 section 23e of this chapter.

2 (7) If a child placing agency that temporarily placed a child  
3 is unable to proceed with an adoption because of the  
4 unavailability of a parent or guardian to execute a release, or  
5 if a child placing agency with legal custody of a child decides  
6 not to proceed with the adoption by a prospective adoptive parent  
7 with whom the child has been temporarily placed and the  
8 prospective adoptive parent refuses upon the agency's request to  
9 return the child to the agency, the child placing agency shall  
10 file a petition in the court that received the report described  
11 in subsection (2) for disposition of the child as required by  
12 section 23e of this chapter.

13 (8) Except as otherwise agreed to by the parties, the  
14 prospective adoptive parent with whom a child is temporarily  
15 placed under this section may consent to all medical, surgical,  
16 psychological, educational, and related services for the child.

17 (9) A hospital or attending practitioner shall not release a  
18 child to an individual or agency not otherwise legally entitled  
19 to the physical custody of the child unless all of the  
20 requirements of subsection (1) are met.

21 Sec. 24. (1) If a person desires to adopt a child or an  
22 adult and to bestow upon the adoptee his or her family name, or  
23 to adopt a child or an adult without a **name** change, ~~of name,~~  
24 with the intent to make the adoptee his or her heir, that person,  
25 together with his wife or her husband, if married, shall file a  
26 petition with the court of the county in which the petitioner  
27 resides or where the adoptee is found **or, if the petitioner and**

1 adoptee reside out of state, where the parent's parental rights  
2 were terminated or are pending termination. If both parents'  
3 parental rights were terminated at different times and in  
4 different courts, a petition filed under this section shall be  
5 filed in the court of the county where parental rights were first  
6 terminated. If there has been a temporary placement of the child,  
7 the petition for adoption shall be filed with the court that  
8 received the report described in section 23d(2) of this chapter.

9       (2) In an adoption proceeding in which there is more than 1  
10 applicant, the petition for adoption shall be filed with the  
11 court of the county where the parent's parental rights were  
12 terminated or are pending termination. If both parents' parental  
13 rights were terminated at different times and in different  
14 courts, a petition filed under this section shall be filed in the  
15 court of the county where parental rights were first terminated.

16       (3) If a petition to adopt is filed in a county other than  
17 that in which the petitioner resides or the prospective adoptee  
18 is found, the chief judge of the court may, upon motion, enter an  
19 order transferring jurisdiction of the matter to the court of the  
20 county in which the petitioner resides or the prospective adoptee  
21 is found.

22       (4) ~~(2)~~ The petition for adoption shall be verified by each  
23 petitioner and shall contain the following information:

24       (a) The name, date and place of birth, and place of residence  
25 of each petitioner, including the maiden name of the adopting  
26 mother.

27       (b) Except as otherwise provided in subsection ~~(5)~~ (7), the

1 name, date and place of birth, and place of residence if known of  
2 the adoptee.

3 (c) The relationship, if any, of the adoptee to the  
4 petitioner.

5 (d) The full name by which the adoptee shall be known after  
6 adoption.

7 (e) The full description of the property, if any, of the  
8 adoptee.

9 (f) Unless the rights of the parents have been terminated by  
10 a court of competent jurisdiction or except as otherwise provided  
11 in subsection ~~(5)~~ (7), the names of the parents of the adoptee  
12 and the place of residence of each living parent if known.

13 (g) Except as otherwise provided in subsection ~~(5)~~ (7), the  
14 name and place of residence of the guardian of the person or  
15 estate of the adoptee, if any has been appointed.

16 (5) ~~(3)~~ In a direct placement, the petitioner shall attach  
17 to the petition a verified statement certifying that the  
18 petitioner has been informed of the availability of counseling  
19 services and whether the petitioner has received counseling.

20 (6) ~~(4)~~ Except as otherwise provided in this subsection, in  
21 a direct placement, the petitioner shall attach a copy of a  
22 preplacement assessment of the petitioner completed or updated  
23 within 1 year before the petition is filed with a finding that  
24 the petitioner is suitable to be a parent of an adoptee, copies  
25 of all other preplacement assessments of the petitioner, if any  
26 others have been completed, and a verified statement stating that  
27 no preplacement assessments of the petitioner have been completed



1 other than those attached to the petition and explaining any  
2 preplacement assessments of the petitioner that have been  
3 initiated but not completed. If the petitioner is seeking review  
4 of a preplacement assessment under section 23f(8) of this  
5 chapter, the petitioner may comply with this subsection by  
6 attaching a copy of that preplacement assessment and a copy of  
7 the application for review, together with copies of all other  
8 preplacement assessments and the verified statement required by  
9 this section.

10 (7) ~~—(5)—~~ In a direct placement in which the parties have  
11 elected not to exchange identifying information, the information  
12 required by subsection ~~—(2)(f)—~~ **(4) (f)** and (g) and the surname  
13 and place of residence of the adoptee required under subsection  
14 ~~—(2)(b)—~~ **(4) (b)** may be omitted. The attorney or child placing  
15 agency assisting in the adoption shall file a verified statement  
16 containing the omitted information.

17 Sec. 24a. (1) Interested parties in a petition for adoption  
18 are all of the following:

19 (a) The petitioner **or petitioners**.

20 (b) The adoptee, if over 14 years of age.

21 (c) A minor parent, adult parent, or surviving parent of an  
22 adoptee, unless 1 or more of the following apply:

23 (i) The rights of the parent have been terminated by a court  
24 of competent jurisdiction.

25 (ii) A guardian of the adoptee, with specific authority to  
26 consent to adoption, has been appointed.

27 (iii) A guardian of the parent, with specific authority to

1 consent to adoption, has been appointed.

2 (iv) The rights of the parent have been released.

3 (v) The parent has consented to the granting of the  
4 petition.

5 (d) The department or a child placing agency to which the  
6 adoptee has been, or for purposes of subsection (3) is proposed  
7 to be, released or committed by an order of the court.

8 (e) A parent, guardian, or guardian ad litem of an  
9 unemancipated minor parent of the adoptee.

10 (f) The court with permanent custody of the adoptee.

11 (g) A court with continuing jurisdiction over the adoptee.

12 (h) A child placing agency of another state or country that  
13 has authority to consent to adoption.

14 (i) The guardian or guardian ad litem of an interested  
15 party.

16 (2) Interested parties in a petition for a hearing to  
17 identify the father of an adoptee and to determine or terminate  
18 his rights are all of the following:

19 (a) The persons set forth in subsection (1).

20 (b) A putative father of the adoptee.

21 (3) Interested parties in a proceeding relating to the  
22 execution of a voluntary release are all of the following:

23 (a) The adoptee, if over 5 years of age.

24 (b) The department or a child placing agency to which the  
25 adoptee is proposed to be released.

26 (c) The person executing the release of parental rights.

27 (4) Interested parties in a rescission petition are all of

1 the following:

2 (a) The petitioners.

3 (b) The stepparent who adopted the adult adoptee.

4 (c) The spouse of the parent whose rights were terminated.

5 (5) Interested parties in a hearing related to temporary  
6 placement are all of the following:

7 (a) The parent or guardian who made or authorized the  
8 temporary placement.

9 (b) The parent or guardian of an unemancipated minor parent  
10 of the adoptee.

11 (c) A child placing agency that was authorized under section  
12 23b of this chapter to make the temporary placement.

13 (d) If only 1 parent made or authorized the temporary  
14 placement, the other parent and each putative father of the  
15 adoptee.

16 (e) The prospective adoptive parent with whom temporary  
17 placement was made.

18 (f) The prosecutor who filed a petition under section 23d of  
19 this chapter.

20 (g) The guardian ad litem **of any interested party**, if a  
21 guardian ad litem has been appointed.

22 (6) In the interest of justice, the court may require  
23 additional parties to be served.

24 (7) The court shall not appoint a guardian of the adoptee or  
25 of a parent solely for the purpose of defeating that parent's  
26 status as an interested party under this section.

27 Sec. 56. (1) Six months after formal placement ~~pursuant~~

1 ~~to~~ **under** section 51, unless the court determines that  
2 circumstances have arisen ~~which~~ **that** make adoption undesirable,  
3 the court may enter an order of adoption. Upon the motion of the  
4 petitioner, the court may waive the 6-month period, or any  
5 portion of that period, if the waiver is in the best interests of  
6 the adoptee. If, after a hearing, the court finds that the best  
7 interests of the adoptee will be served, it may extend the  
8 6-month period for an additional period of time not exceeding 18  
9 months from the time of formal placement for adoption. In an  
10 adoption proceeding for which an adoption order is not entered  
11 within 18 months after formal placement, the court shall hold a  
12 hearing and determine whether an order of adoption shall be  
13 entered or the petition denied. If a child is formally placed  
14 ~~pursuant~~ **according** to section 41(2) of this chapter, the court  
15 may extend the 6-month period for an additional period, which may  
16 exceed 18 months from the time of formal placement, until an  
17 order for adoption may be entered under subsection (2).

18 (2) ~~If~~ **Except as provided in subsection (3), if** a petition  
19 for rehearing or an appeal as of right from an order terminating  
20 parental rights has been filed, the court shall not order an  
21 adoption until 1 of the following occurs:

22 (a) The petition for rehearing is granted, and at the  
23 rehearing the order terminating parental rights is not modified  
24 or set aside, and subsequently the period for appeal as of right  
25 to the court of appeals has expired without an appeal being  
26 filed.

27 (b) The petition for rehearing is denied and the period for

1 appeal as of right to the court of appeals has expired without an  
2 appeal being filed.

3 (c) The court of appeals affirms the order terminating  
4 parental rights.

5 (3) If an application for leave to appeal has been filed with  
6 the supreme court, the court shall not order an adoption until 1  
7 or more of the following occurs:

8 (a) The application for leave to appeal is denied.

9 (b) The supreme court affirms the order terminating parental  
10 rights.

11 (4) If a motion brought under section 45 of this chapter has  
12 been filed, the court shall not order an adoption until 1 of the  
13 following occurs:

14 (a) The motion is decided and subsequently the period for  
15 appeal as of right to the court of appeals has expired without an  
16 appeal being filed.

17 (b) The motion is decided, an appeal as of right to the court  
18 of appeals has been filed, the court of appeals issues an  
19 opinion, and subsequently the period for filing an application  
20 for leave to the supreme court has expired without an application  
21 being filed.

22 (c) The supreme court denies an application for leave or, if  
23 an application is granted, the supreme court issues an opinion.

24 (5) ~~(3)~~ If the person to be adopted is an adult, the court  
25 may enter an order of adoption after all of the following occur:

26 (a) The person to be adopted consents to the adoption  
27 ~~pursuant~~ **according** to section 43(3) of this chapter.

1           (b) The written report of investigation required by section  
2 46(2) of this chapter is filed.

3           (c) Notice has been served upon interested parties described  
4 in section 24a of this chapter.