

15 - Adoption Issues

An adoption occurs when a new parent-child relationship is created after the death of a birth parent or termination of parental rights by the court. Once the adoption is final, the adopted child has the same legal rights as a natural child.

Who can file to adopt?

Petitions can be filed by stepparents, relatives within the fifth degree of relationship (i.e., fifth cousin) through blood, marriage or adoption, for children 17 or younger. If the child is a ward of the State of Michigan or is placed with an adoption agency, petitions are placed through the agency. Petitions for adult adoptions are handled in the Family Division. If you are married, petitions are filed jointly with your spouse.

How do I file for adoption?

You must file a petition with the Adoption Unit of the Family Division.

What will I need to bring to the Adoption Unit of the Family Court?

You must bring true copies of birth certificates for the child and the petitioners. If the petitioners are relatives (i.e., parent, grandparents, aunt, uncle, cousin, niece, or nephew) you must bring birth certificates to establish relationship to the adoptee. You must also provide information on how the termination of non-custodial parental rights will occur (by consent or through involuntary termination).

What happens next?

The documents will be reviewed and a **Petition for Adoption** will be prepared if the documents are in order. A caseworker will then be assigned to conduct investigations and report for the court. The caseworker will conduct interviews in the home, as well as the office, to complete the court reports.

Will I need an attorney?

It's up to you. An attorney is optional. However, you will not be provided a court appointed attorney.

How will the right of the biological or legal parents be officially terminated?

Parental rights are terminated voluntarily (with consent) or involuntarily (by court order). You must be able to tell the court if the non-custodial parent will consent to the termination of parental rights, or if parental rights must be terminated by court order. You must also provide proof of attempts to contact the parent regarding the adoption petition and how the parent feels about termination of their parental rights (i.e., copies of correspondence).

Does the child have a voice in the decision?

If the child is 14 or over, the child must agree to the adoption.

What happens after the investigation?

The caseworker's report is reviewed by the court. The **Order of Adoption** is then prepared and presented to the judge for finalization of the adoption.

How long does the adoption process take?

The adoption process takes 60 to 90 days, if the biological parent consents to termination of their rights. If the termination of parental rights is involuntary or contested, the adoption process could take from six months to a year. Notices of all hearings on involuntary terminations are sent to the non-custodial parent.

Are there costs involved?

The adoption filing fee is \$150. You must also file for a new birth certificate.

If the adoption involves an involuntary termination, you must pay to place a public notice of adoption in a legal newspaper. You may also be responsible for additional fees if the court must provide additional services, such as serving subpoenas.

Who will have access to the adoption records?

All adoption records are confidential and permanently closed to the public.

Identifying or non-identifying information from the adoption record may be released only to adoptive parents, biological parents, or adoptees over 18 years of age.