

**FILING THE
ADOPTION PETITION**

The prospective adoptive parents are the petitioners for adoption of a child. The adoption worker must assist the adoptive parents in preparing the PCA 301, Petition For Adoption, and accompanying documents and filing the documents in the court of jurisdiction.

**Adoptive Parent
Legal
Representation**

If the adoptee is a child being adopted from foster care under DHHS supervision and the petition is being filed in a Michigan court, it is not required that the adoptive parents obtain legal representation from an attorney. If the petition for adoption of a child is being filed in a court outside of Michigan, the other state may require the adoptive parents to have legal representation. Attorney fees may be reimbursable as a non-recurring adoption expense (NRE) if the child meets eligibility criteria; see AAM 760.

**Where to File
Petition**

Pursuant to MCL 710.24, the petition for adoption must be filed in the county where the petitioner resides or where the adoptee is found. If the petitioner and the adoptee reside out of state, the petition may be filed in the court that terminated parental rights. If there is more than one applicant to adopt a child, the petition for adoption must be filed in the court that terminated parental rights.

**ADOPTION
PLACEMENT ORDER
AND TERMINATION
OF RIGHTS OF
AGENCY**

Pursuant to MCL 710.51, not later than 14 days after receipt of all necessary documents, the court should examine the documents and terminate the rights of the person authorized to consent and enter an order placing the child with the adoptive family if the court is satisfied as to both of the following:

- The genuineness of consent to the adoption and the legal authority of the person(s) signing the consent.

- The best interests of the adoptee will be served by the adoption.

If it is necessary to hold a hearing before entering an order terminating rights of the person authorized to consent, an additional 14-day period is allowed. If the court is satisfied that the above conditions have been met, the court should issue PCA 320, Order Placing Child after Consent. When this order is issued, foster care payments must be closed by the DHHS foster care worker or DHHS monitor and adoption assistance case opening must be requested by the adoption worker, if the child was certified eligible for adoption assistance. This order also gives the adoptive parent(s) the authority to make decisions related to the care of the child.

Placement Services and Supervision

The court determines the length of time of post placement supervision. The normal period of supervision is six months. However, upon a motion from the petitioner, the court may waive the six-month supervisory period or any portion of that period, if considered in the best interests of the adoptee. This period of supervision may be extended for an additional period of time not exceeding 18 months from the adoptive placement date. If a rehearing or appeal of the order terminating parental rights is pending, the supervisory period must be extended until the order terminating parental rights is affirmed. If an adoption petition and motion under MCL 710.45 has been filed, the adoption cannot be finalized until all appeals have been settled. DHS-613, Adoptive Placement Supervisory Reports, must be forwarded to the court as ordered prior to the end of supervision. The final report must summarize the child's and family's adjustment and make a recommendation regarding finalization.

Placement Disruption Prior to Finalization

When the child placing agency recommends that the adoptive placement be disrupted, the adoption worker must submit the findings, cause of disruption and recommendations (and other documents required by the court) to the court for action. A hearing may be held. The court will issue an order of disposition pursuant to MCL 710.62.

The adoption worker must enter appropriate disruption information in MiSACWIS..

**Immediate
Finalization**

The child placing agency may assist the adoptive family in requesting immediate finalization prior to the adoption hearing if circumstances warrant such action. Generally, a well-established relationship between the child and the adoptive parent(s), such as a foster parent or relative adoption, justifies consideration of such a request.