

# THE CIRCUIT COURT FOR THE THIRD JUDICIAL CIRCUIT OF MICHIGAN FAMILY DIVISION – JUVENILE

## **Filing Instructions for Step-Parent Adoptions**

The mission of the Adoptions Unit is to help ensure permanently joined bonded family units through the timely completion of parental rights' termination, formal placement into approved homes, adoption finalization, and the delivery of efficient post adoption services.

### **General Rules**

1. The Third Judicial Circuit of Michigan, Family Division, processes adoption petitions for Wayne County residents only.
2. The Court is open from 8:30 am to 4:30 pm. Appointments to initiate the adoption process will be scheduled during these hours.
3. The custodial parent must join in the Petition for Adoption with his/her spouse when a step-parent wishes to adopt his/her stepchild. Termination of parental rights of the legal parent (father or mother not having custody), the putative (alleged) father, or the unknown father must occur before the adoption is granted, either on a voluntary or involuntary basis.
  - a. **VOLUNTARY TERMINATION:**
    - i. If the biological parent is willing to consent to the adoption, an actual verification through a conversation or mail correspondence has been ascertained, the parent may consent to the adoption as soon as the Petition for Adoption has been accepted.
      1. If the consenting parent resides in Wayne County, the parent must appear at the Third Circuit Court of Michigan, Family Division, Juvenile Section, 1025 E. Forest Avenue, Detroit, MI 48207-1098, to execute a Consent to Adoption by Parent before a Referee or Judge. (See the General Rules section of these instructions for further information regarding when consents may be taken)
      - OR**
      2. If the consenting parent resides outside of Wayne County, a Consent to Adoption by Parent will be mailed to the parent, with instructions that the consent must be executed in accordance with the laws of that county/state after the Petition for Adoption is filed.

**b. INVOLUNTARY TERMINATION:**

- i. If the non-custodial parent (the legal parent not having custody) is not willing to consent to the adoption, or the location of the non-custodial parent is not known, the custodial parent must file a Supplemental Petition to Terminate the Non-Custodial Parent's Rights in addition to the Petition for Adoption. A court hearing will be scheduled at that time. The petitioners and the adoptee(s) are expected to be present at the hearing.

**OR**

- ii. If the child was born out of wedlock and the putative (alleged) father is unknown, cannot be located, or is not willing to consent to the adoption, the mother must file a Petition for Hearing to Identify Father to Determine or Terminate His Rights in addition to the Petition for Adoption. A Court hearing will be scheduled at that time. The petitioners and the adoptee(s) are expected to be present at the hearing.
4. A subsequent office appointment may be necessary, should involuntary termination be required, after the Petition for Adoption has been filed.
  5. Biological parents (legal and putative) and adoptee(s) 14 years or older may consent to the adoption at the Court. Consent hearings are heard daily at 8:30 am, before a Referee or Judge. A party wishing to consent must appear in the Adoptions Unit, Room 414, fifteen minutes prior to the above time. If the consenting parent is a minor (under the age of 18), a parent, or guardian must accompany the minor parent to court. Consenting parents need to present some form of photo identification.

**Qualifications for the Acceptance and Processing of the Adoption Petition**

1. Petitioners and/or Adoptee must be residents of Wayne County. (Proof of residence is required)
2. Adoptee(s) 14 years and older must consent to the adoption. (See above in the General Rules section, #5 for more information regarding consents)
3. Petitioners must discuss the adoption process with the child/children to be adopted. This should be an on-going process that starts before the Petition for Adoption is filed and continues, periodically, as the child/children get(s) older.
4. The Court will not accept a Petition for Adoption if a petitioner has been convicted of any of the following offenses:
  - a. Accosting, enticing or Soliciting Children for Immoral Purposes
  - b. Production of Child Pornographic Material
  - c. Criminal Sexual Conduct (I-IV)
  - d. Assault with Attempt to Commit Criminal Sexual Conduct
5. Upon Judicial Review, the Court may not grant a Petition for Adoption if any of the following conditions exist:
  - a. Three, or more traffic convictions involving alcohol without verifiable proof of rehabilitation.
  - b. Any felony convictions within the past ten years.

- c. Protective Services involvement with substantiated complaints within the last five years.
  - d. Support arrearages for children from previous relationships.
  - e. Pending criminal or child protective cases.
  - f. Outstanding warrants.
  - g. Health or mental problems that would restrict the petitioner from adopting.
6. If any concerns are noted during the screening process, a subsequent meeting and/or court hearing may be required.

## **Fees**

1. A one hundred eighty-five dollar (\$185.00) filing fee, per adoptee, payable either by cash, money order, or attorney check, must be paid at the time the Petition for Adoption is filed. Personal checks are not accepted. Money orders and attorney checks should be made payable to the Wayne County Clerk.
2. For adoptees born in Michigan, a check or money order payable to the State of Michigan in the amount of \$50.00, to cover the processing and issuance of the new birth certificate must be paid. Additional copies may be purchased for \$16.00 per copy. For adoptees born outside the State of Michigan, the fee for the new birth certificate varies from state to state.
3. Publication may be ordered by a judge or referee if the address of the non-custodial parent is unknown or can't be determined. The fee for publication for a person believed to be residing in the counties of Wayne or Oakland is \$80.25. This fee may be paid in the form of a money order or personal check, made payable to the "Detroit Legal News", if the address is believed to be in Wayne County, or to "Oakland County Legal News", if the address is believed to be in Oakland County. If the publication is ordered for an area other than Wayne or Oakland County, the fee will be determined at a later date.
4. There will be an additional \$20.00 Motion fee if either of the following petitions are filed AFTER the Petition for Adoption: 1) Supplemental Petition and Affidavit to Terminate Parental Rights of Non-Custodial Parent; or 2) Petition for Hearing to Identify Father and Determine or Terminate His Rights.
5. The filing fee may be waived, if the petitioner is receiving public assistance or can be verified as having a low income. Verifiable proof of income (i.e. current Medicaid Card for the family, as well as, pay stubs, income tax returns for the previous year, etc.) must be submitted at the time of the office interview/appointment. A MC 20 Form must be completed. The filing fee for the new birth certificate cannot be waived.

## **Documents**

1. The following documents, if applicable, are required to file the Petition for Adoption. Certified or true copies of each of these documents are required. All foreign documents must be translated into English and must be certified by a certified translator. Hospital "verifications" of birth, and photocopies (non certified or true copies) of documents **will not** be accepted:
  - Adoptees birth certificate.\*
  - Petitioners' birth certificate.
  - Petitioners' marriage certificate to each other, as well as any previous marriage certificates for either petitioner.

- All divorce decrees.
- Death certificate if a previous marriage ended because of the death of a spouse.
- Death certificate if the mother or father of the adoptee is deceased.\*
- Acknowledgment of Paternity.\*
- Order of Filiation or Support Order (when the mother and father of the child were not married).\*
- Order where custody was awarded (if not included in the divorce decree/order of filiation).
- All name change orders.

2. Other documents that are required, if applicable:

- If the step-parent has children from a previous relationship a Friend of the Court letter/summary detailing the status of child support, which must include payment and arrear information\*
- If child support has been ordered for the child(ren) being adopted, a Friend of the Court letter/summary detailing the status of the child support, which must include payment arrear information.\*
- A letter must be sent to the biological parent notifying them of the intent to initiate the adoption process and that their consent is needed. This letter must be sent certified. A copy of the letter and the certified receipt card must be submitted to the court when filing the petition for adoption. If the biological parent's address is unknown, letters should be sent to any last known address, or any known employers, relatives or friends. **This must be done prior to requesting an appointment to file the petition for adoption.\***
- Clearances from any past criminal conviction or any alcohol related traffic violations that show all fines and/or conditions have been satisfied.\*
- If petitioner(s)/adoptee(s) are not U.S. citizens, the following documentation is required, if applicable: valid Resident Alien Card, valid Visa from Immigration & Naturalization Services, Naturalization documentation (certified/original).
- The step-parent, as well as other adults in the home are required to obtain and bring to the appointment a Central Registry Clearance (child protective services). The custodial parent is not required to obtain this clearance. The clearance may be requested at any local Department of Human Services (DHS) office, or at DHS South Central Operations, 1801 E. Canfield, Detroit, MI 48207. **NOTE:** If the step-parent petitioner is female, clearances must also be completed on her current married name, as well as her maiden names, and any other previous names used during previous marriages.
- Completed Adoption Report (MJC 1078) - attached.\*
- Completed PCA 301b-Step-Parent Petition \*
- MC 20 – If Waiver of Filing Fee is requested

3. Proof of Residency:

- Valid Michigan Driver's License or State I.D. for both petitioners.

**\*The Adoptions Unit will retain these documents.**

## **Filing the Petition for Adoption**

1. The Adoptions Unit is located on the 4<sup>th</sup> floor of Building B in the James H. Lincoln Hall of Juvenile Justice. 1025 E. Forest Avenue, Detroit, MI 48207-1098.

2. The prospective adoptive parent(s) or attorney must call (313) 833-1880 to schedule an appointment to initiate the adoption process.
3. If any petitioner requires a language interpreter, please make this request at the time you schedule the appointment. The court will request an interpreter be present at the appointment on your behalf.
4. The attached Adoption Report (MJC 1078) and Step-Parent Petition (PCA 301b) must be completed prior to the scheduled office appointment.
5. The prospective adoptive parent(s) must be present at the scheduled appointment time, unless being represented by an attorney.
  - Should you retain an attorney to represent you, the attorney must review the “Attorney Instruction” packet and prepare the required forms.
6. During the scheduled office appointment all of the required documents will be screened and clearances/record checks will be completed in the following areas:
  - LEIN system (criminal)
  - Juvenile neglect/delinquency search
  - Third Circuit Court of Michigan – Friend of the Court
7. Should all of the criteria be met, the Petition for Adoption will be prepared and the case will be processed in a timely manner. Once termination of parental rights occurs there is a 21-day appeal period that must pass prior to the adoption being finalized.
8. Should the Court approve the adoption the necessary information will be forwarded to the appropriate state vital records department to create the new birth certificate.

<b>STATE OF MICHIGAN THIRD CIRCUIT COURT WAYNE COUNTY</b>	<b>ADOPTION REPORT</b>	<b>FILE NO.</b>
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Complete this entire form. Print or type the entire report. If certain areas do not apply, write or type N/A. If more space is needed, use the back side of the form.

### PETITIONERS INFORMATION

	PETITIONER 1	PETITIONER 2
Name (First, Middle, Last)		
Birth Date		
Social Security Number		
Driver License Number		
Address City, State and Zip		
Telephone Number		
Petitioner's Mother's Name and Date of Birth (Parent of person adopting)		
Petitioner's Father's Name And Date of Birth (Parent of person adopting)		
Education Level (Name of School & Grade Completed)		
Employer		
Job Title		
Current Yearly Income		
Military History (if yes, indicate date of discharge)		
Chronic or Terminal Illnesses		
Date of Last Physical Exam		
All Previous Marriages (if yes, name of spouse(s))		
Has support been ordered for any other child from a previous marriage or relationship?		

List all Criminal Convictions		
Are there any pending warrants for your arrest? (If yes, list the district of the offense.)		
List all Alcohol-Related Traffic Convictions		
Child Protective Services Involvement		
Did the biological/custodial parent ever receive aid from the State? If yes, when? <b>(Step-Parent adoptions only).</b>		
Have you previously been approved to adopt a child?  If so, when? Also, if an agency was involved, please name the agency.		
Are you currently, or have you ever been a licensed foster parent? If so, through which agency?		

## ADOPTEE INFORMATION

(Child(ren) to be Adopted)

Name (First, Middle and Last)	
Social Security Number	
Date of Birth	
Place of Birth (city, county, state)	
Length of time in home	
Physical Health	
Grade in School	
Hobbies	
Adoptee's feelings regarding the Adoption	
Gender (male or female)	
Race	



## BIRTH PARENT INFORMATION

	BIOLOGICAL FATHER	BIOLOGICAL MOTHER
Name (First, Middle, Last)		
Birth Date		
Social Security Number		
Address City, State and Zip		
Name of Mother of Biological Parent		
Name of Father of Biological Parent		
Siblings of Biological Parent		
Education Level (Name of School & Grade Completed)		
Physical Description		
Current Employment		
Current Marital Status		
Name of Spouse		
Names of other children from previous or current relationships/marriages		
Chronic or Terminal Illnesses		
Did the biological mother ever receive aid from the State? If yes, when?		
Race		

Falsification of any information on this form may result in the Petition for Adoption being denied.

\_\_\_\_\_  
Petitioner Mother's Signature  
**MJC 1078 (03/2014)**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petition Father's Signature

\_\_\_\_\_  
Date