

# Consent to Adopt<sup>1</sup> Checklist – Non-Indian Child (Preliminary Matters)

A parent may consent to a direct placement adoption, a stepparent adoption, or a relative adoption.<sup>2</sup> Refer to the Michigan Judicial Institute’s *Adoption Release Checklist* if a parent wants to release a child to the DHHS or a child placing agency.

To make sure all the preliminary steps have been followed leading up to a consent hearing, the court should inquire whether:

- An adoption petition has been filed. See [MCL 710.46\(1\)](#); [MCR 3.804\(B\)\(1\)](#).
- A full investigation was conducted that considered the adoptee’s best interests, the adoptee’s family background (including names and identifying data regarding the parents if obtainable), and the reason for the adoptee’s placement away from the parents.<sup>3</sup>
  - Ensure court file contains any requests made to Tribes seeking information or verification on a child’s or parent’s Tribal status. See Bureau of Indian Affairs, *Guidelines for Implementing the Indian Child Welfare Act*, 81 Federal Register 96476, B.7 (2016).
- A written report was filed within three months of the court-ordered investigation or the court waived the full investigation and a foster family study was completed or updated. [MCL 710.46\(2\)-\(3\)](#).

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<sup>1</sup> *Consent* means “a document in which all parental rights over a specific child are voluntarily relinquished to the court for placement with a specific adoptive parent.” [MCL 710.22\(l\)](#).

<sup>2</sup> For a detailed discussion on Freeing a Child for Adoption, see the Michigan Judicial Institute’s *Adoption Proceedings Benchbook*, Chapter 2.

<sup>3</sup> Once an adoption petition is filed, the court must direct an employee or agent of a child placing agency, the DHHS, or the court to conduct a full investigation. [MCL 710.46\(1\)](#).

- ❑ The child is not an Indian child as defined in [MCR 3.002\(12\)](#).<sup>4</sup> If the child is or the court has reason to believe the child is an Indian child, refer to the Michigan Judicial Institute's *Consent to Adopt Checklist (Indian Child)*.
- ❑ Ask each participant if the participant knows or has reason to know whether the child is an Indian child and record each participant's response. [25 CFR 23.107\(a\)](#).

Hold a consent hearing *promptly* upon examining and approving the investigative report or foster family study OR at an interested party's request, *within seven days* of an investigative report or foster family study filing. [MCL 710.44\(1\)](#); [MCR 3.804\(B\)\(1\)](#). The court may allow the use of videoconferencing technology in accordance with [MCR 2.407](#). See [MCR 3.804\(B\)\(3\)](#).

For court forms related to adoption proceedings, see the One Court of Justice [website](#).

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<sup>4</sup> *Indian child* means "any unmarried person who is under age 18 and is either (a) a member of an Indian tribe, or (b) is eligible for membership in an Indian tribe as determined by that Indian tribe." [MCR 3.002\(12\)](#).