

# Finalizing an Adoption Checklist (Petition Hearing)

If an adoptive parent is seeking adoption subsidies, the certification for a support subsidy must be made and both the adoptive parent and the DHHS must have signed an adoption assistance agreement before the adoption is finalized.<sup>1</sup> [MCL 400.115g\(1\)\(c\)](#).

An adoption petition CANNOT be granted before the rehearing and appeal periods have expired. See [MCL 710.41\(2\)](#).

Procedures to follow during the petition hearing:

- Call case, identify case number and child's full name.
- Have social worker or attorney introduce all parties present and state the purpose of the hearing.
- State whether taking photographs or video is permissible during the hearing.
- Have the parties stand and administer the oath.
- State names and residence of parties, and state basis for jurisdiction.
- Determine whether venue is proper.
- Determine Indian child status and state on the record that child is or is not an Indian child, and IF Indian child, find that no written demand requesting return of the Indian child was filed. See [MCL 712B.13\(3\)](#); [MCR 3.804\(D\)](#).

---

<sup>1</sup> For a detailed discussion on finalizing an adoption, see the Michigan Judicial Institute's [Adoption Proceedings Benchbook](#), Chapter 6.

- State on the record that all interested parties have been notified of the hearing.
- Make sure a list of support groups was provided to the adoptive parent and adoptee (if 14 years of age or older). If not, provide the list.<sup>2</sup> See [MCL 710.26\(3\)](#).
- If an attorney is present, indicate that the court will proceed and the attorney may ask questions or make recommendations after the hearing.
- Find that a petition for an order of adoption has been filed.
- Ensure that the child's formal placement with the adoptive parent underwent supervision and a report on the child's adjustment to the adoptive parent's home was completed. See [MCL 710.52](#); [MCL 710.56\(1\)](#).
- Ensure that petitioner(s) understand(s) the legal ramifications of finalizing an adoption and that he/she/they is/are willing to assume these responsibilities and commitments, including:
  - being legally responsible and obligated for the support and maintenance of the adoptee, which will include food, clothing, shelter, and educational and medical support and maintenance;
  - undertaking the intellectual, spiritual, and moral guidance of the adoptee; and
  - providing love, affection, and encouragement and there may be certain inconveniences, both large and small, if the request is granted.
- Ensure that petitioner(s) understand(s) the permanency of these commitments and that they go well beyond the adoptee's 18th birthday.
- Ask if there any reason, either physically or mentally, that petitioner(s) could not assume or fulfill these obligations.
- Affirm that petitioner(s) is/are making such legal commitments today to the court.
- Ask if petitioner(s) has/have any hesitations or reservations.

---

<sup>2</sup> See <http://www.mare.org/ForFamilies/PostAdoptionInformation.aspx> for a list of county specific post-adoption resources.

- Ask if petitioner(s) is/are aware of the medical and social history of the adoptee, and if so, if petitioner(s) still desire(s) to adopt the child.
- State that if the petition is granted the petitioner(s) will be (a) parent(s) in all respects legally, just as if the child had been born to him/her/them, and that petitioner(s) will be liable for all duties and responsibilities just as if he/she/they were the birth parent(s).
- Ensure petitioner(s) understand(s) that if the request is granted, the child will be an heir at law to him/her/them.
- Ensure petitioner(s) understand(s) that if this request is granted, he/she/they has made a lifelong commitment to the child.
- Ask petitioner(s) if he/she/they is/are in agreement with the fees paid.
- Allow attorney and/or agency to question or give comments or recommendation(s).
- Make all of the following findings, see [MCR 3.808](#) and *In re Jackson*, 498 Mich 943, 943 (2015):<sup>3</sup>

- Whether any appeal of the decision to terminate parental rights has reached disposition;

**If any appeal has not reached disposition, a final order of adoption must not be issued.**

- Whether any appeal, application for leave to appeal, or motion for rehearing/reconsideration is pending; and

**If any appeal, application for leave to appeal, or motion for rehearing/reconsideration is pending, a final order of adoption must not be issued.**

- Whether the time for all appellate proceedings in this matter has expired.

**If the time for all appellate proceedings in this matter has not expired, a final order of adoption must not be issued.**

---

<sup>3</sup> “[I]n order to make the determination required of [\[MCR 3.808\]](#), a trial court may contact the clerk of the Michigan Court of Appeals, the Michigan Supreme Court, or any other court where proceedings may be pending.” Staff Comment to ADM File No. 2015-26.

- Find whether the adoptee was/was not made a ward of the court.
- Find whether the adoption of the adoptee by the petitioner(s) is desirable and in the best interest of the adoptee.
- Determine whether to grant or deny the petition.
  - If DENYING, state reasons for denial on the record (or in writing), and
    - return the child to the parent and restore parental rights; OR
    - return the child to the guardian and restore the guardian's rights; OR
    - make a disposition appropriate to the child's welfare. See [MCL 710.62](#); [MCL 710.63](#).
  - If GRANTING,
    - state that, based upon the report and recommendations in the file and made here today, and the testimony taken here today, the court finds that granting the request or petition is desirable and in the best interests of \_\_\_\_\_, and that such parties in all respects are willing and have the ability to support and maintain this child, and such petitioner(s) is/are willing to undertake and have the ability to promote and foster the welfare and best interests of such child. Petitioner(s) is/are, along with his/her/their home, suitable for granting this request.
    - Order that from and after this date, the parent(s) of the adoptee is/are \_\_\_\_\_.
    - Order that the name of the adoptee is \_\_\_\_\_.
- Upon entry of adoption order,
  - Adoptee must be known and called by new name. See [MCL 710.60\(1\)](#).
  - The petitioner becomes the legal parent(s) of the adoptee "as though the adopted person had been born to the adopting parents and are liable for all the duties and entitled to all the rights of parents." [MCL 710.60\(1\)](#).
  - Order that the adoptee, if a ward of the court, is discharged.

- The adopting parents must receive certified copies of the adoption order. [MCL 710.58](#).
- If the DHHS or a child placing agency provided consent to the adoption, furnish a certified copy of the adoption order to the DHHS or agency. [MCL 710.58](#).
- If a parent's parental rights were terminated, entry of adoption order severs that parent's continued obligation to support the child. See [MCR 3.804\(C\)](#); [MCR 3.809](#).

**Within 2 years of the final adoption order being entered**, the parent of an Indian child may file a petition to vacate the adoption order on grounds that his/her consent or release was obtained through fraud or duress. IF the court finds the consent/release was obtained through fraud or duress *and the adoption has been effective for less than 2 years*,<sup>4</sup> the court must vacate the final order of adoption, revoke the consent, and return the child. [MCL 712B.27\(5\)](#). All parties to the adoption proceedings and the Indian child's Tribe must be notified. [25 CFR 23.136\(b\)](#).

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

---

<sup>4</sup>An adoption may not be vacated pursuant to [25 USC 1913\(d\)](#) or [MCL 712B.27\(5\)](#) if the adoption has been effective for at least two years, unless otherwise permitted by law. [25 USC 1913\(d\)](#); [MCL 712B.27\(5\)](#).

