



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

February 8, 2018

TO: Michigan Court Forms Committee, Adoption Workgroup

FROM: Matthew Walker, Forms and Resources Analyst

RE: Agenda and Materials for **February 22, 2018 Meeting**

PLACE: **Michigan Hall of Justice**, 925 West Ottawa, downtown Lansing (map enclosed)

Below is the agenda for the February 22, 2018 meeting of the Michigan Court Forms Committee, Adoption Workgroup. The meeting will be held in room 1S-69 and will begin at 9:30 a.m. This meeting is not expected to extend past lunch. Please note that our office is located at 925 W. Ottawa St., Lansing, MI 48915.

Please bring these agenda materials to the meeting. Although documentation is provided with the agenda, it would also be helpful to bring a copy of the Michigan Court Rules and any other resources you believe are necessary.

1. Minor Changes

PCA 302, Supplemental Petition and Affidavit to Terminate Parental Rights (Stepparent Adoption)

A typographical error will be corrected in item 1.

PCA 304, Order Terminating Parental Rights (Stepparent Adoption)

A typographical error will be corrected in item 2.

PCA 318, Order Terminating Parental Rights/Rights of Person In Loco Parentis After Release or Consent

The citation MCL 710.55(1) will be corrected to MCL 710.51(1).

2. Deletion Review

The following forms have not been revised in 10 or more years and are being reviewed for possible deletion. If comments are not received indicating these forms are being used, these forms may be deleted.

Form	Last Revision
PCA 306, Release of Child by Child Placing Agency	11/05
PCA 313, Petition to Issue Notice of Intent to Release or Consent	9/07
PCA 314, Notice of Intent to Release or Consent	9/07
PCA 326, Order Authorizing Foster Care Funding After Release	9/07
PCA 334, Clerk's Report to Prosecuting Attorney	9/07
PCA 336, Order to Determine Custody of Child Temporarily Placed for Adoption	9/07
PCA 341, Final Order Allowing Fees and Costs	9/07
PCA 345, Statement of Services Performed by Agency/Department of Human Services	9/07
PCA 351, Order Following Hearing on Review of Adoption Placement (IV-E Eligibility Compliance)	9/07

Public Comments:

- **PCA 306** - This form is necessary in the rare occasion that the court commits a child to the private agency. If this form were to be deleted, what would be the course of action for a private agency when a child is not committed to the department or as an MCI ward? We don't want children being committed to a private agency.

Alicia Cosgrove
 MDHHS Children's Services Agency

- **PCA 341** - Many courts require this form. This form provides a way for a judge to possibly monitor expenses that are being charged to adoptive parents (especially in private or international adoptions.)

Alicia Cosgrove
 MDHHS Children's Services Agency

- **PCA 345** - This form is important as it provides a statement from the Department/Private Agency to share what they have or have not charged a family for a home study, legal fees, etc.

Alicia Cosgrove
MDHHS Children's Services Agency

**3. New Form Request: Petition for Adoption (Stepparent Adoption)
PCA 301, Petition for Adoption**

In 2016, committee members suggested removing the stepparent adoption options from PCA 301 and creating a new stepparent adoption petition. The committee agreed that such a change would be helpful to the legal community and clarify the process. The committee requested that SCAO staff present a draft for consideration in 2018.

A draft is presented for review. If adopted, PCA 301 will be revised accordingly.

**4. PCA 321, Order of Adoption
PCA 321b, Order of Adoption**

It has been suggested that item 7 on this form be modified to include both the adoptee's birth name and adoptive name.

This suggestion is made because families have reported difficulty acquiring a social security card changing an adopted child's name with the Social Security Administration. The Social Security Administration sets forth the requirements for original and corrected Social Security cards for children at <https://www.ssa.gov/ssnumber/ss5doc.htm>.

Should this suggestion be adopted?

Public Comments:

- **PCA 321** - Concerns with placing the child's birth name on the Final Order of Adoption. MCL 710.59 states that the child's natural name should not be placed on the final order of adoption. This has been an age old struggle for adoptive parents with the social security office and is something that should be discussed with the social security office. Michigan law and MDHHS policies are very clear about confidentiality before, during and after adoption. Prior to adoption, according MCL 710.27(d)(i) we are only allowed to provide the adoptive family the child's first name and additionally afterwards (MCL 710.68) and through the Central Adoption

Registry, we NEVER provide the birth name of the child to the adoptive parent, so it should not be placed on the PCA 321, Final Order of Adoption.

Alicia Cosgrove
MDHHS Children's Services Agency

➤ Good afternoon –

I agree that it would be helpful to have the birth name and post-adoption name on the order of adoption; however, I believe this is prohibited by

710.59 Changing name of adopted child; effect on order of adoption and exemplification of record.

Where the parents or surviving parent has given consent to an adoption and the petitioner desires to change the name of the adopted child, the order of adoption and exemplification of record shall not contain the name of the child's natural parents or the name bestowed upon the child before the adoption.

Thank you for your consideration.

Veronica Stillson
Family Division Deputy Administrator
Van Buren County Juvenile Office

**5. PCA 354, Out-of-Court Release of Child by Parent
PCA 355, Out-of-Court Consent to Direct Placement Adoption by Parent**

It has been suggested by a court adoption department supervisor that these forms be modified to include questions regarding Indian child status.

The supervisor points out that because out-of-court releases and consents are taking the place of live testimony, there is no record made that the Indian child status questions were addressed by the attorney representing the parent executing the out-of-court release and/or consent. This can cause appellate problems later in the case.

The supervisor provides three options for incorporating Indian child status into these forms:

- (1) Incorporating the Indian child status questions utilized in form PCA 356,
- (2) Creating an addendum to accompany the out-of-court release and consent forms utilizing the Indian child status questions on PCA 356,

(3) A line where the attorney representing the parent executing the out-of-court release and consent initials indicating that he or she addressed Indian child status with the parent.

Should this suggestion be adopted?

6. New Form Request: Petition and Order for Adult Adoption

It has been suggested that a separate petition for adoption and separate order of adoption be created for use with adult adoptions.

The suggester states that she believes that there are many more adults petitioning for adoptions than previously and separate forms would be helpful.