



## Michigan Supreme Court

State Court Administrative Office

**Trial Court Services Division**

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Jennifer Warner  
Director

February 14, 2019

TO: Michigan Court Forms Committee, Adoption Workgroup

FROM: Matthew Walker, Forms and Resources Analyst

RE: Agenda and Materials for **February 28, 2019 Meeting**

PLACE: **Michigan Hall of Justice**, 925 West Ottawa, downtown Lansing

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Below is the agenda for the February 28, 2019 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 Street, 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. **MC 70, Request for Reasonable Accommodations and Response**  
**MC 70a, Review of Request for Reasonable Accommodations and Response**

Modifications have been suggested to clarify that these are the forms to be used to request a sign language interpreter. The suggested modification is the addition of a use note to both forms to clarify that individuals needing a foreign language interpreter, except sign language, should utilize form MC 81.

It was also suggested that the forms should be corrected by moving the parenthetical language in subparagraph 3 to the end of subparagraph 4 because the parenthetical language defines the accommodation being requested, not the impairment.

It was also suggested that the header language for the response section on MC 70a be revised to read “Response to Request for Review” to more accurately reflect the form’s purpose. In addition, it was suggested to add a question to MC 70 about whether a person is represented by an attorney and what the attorney’s contact information is. The suggestor states that a number of parties who request accommodations do not notify their attorneys of the request, which becomes a problem when investigating the request.

Drafts provided.

**2. MC 81, Request and Order for Interpreter  
MC 81a, Review of Request for Interpreter and Order**

Modifications have been suggested to insert the words “Foreign Language” before “Interpreter” in the title and section headers of each form to clarify that the form is only for foreign language interpreters. In addition, it was suggested to add a use note to both forms to clarify that individuals needing a sign language interpreter should utilize form MC 70.

It was also suggested that language should be added to paragraph 1 to clarify the time period for which the interpreter is appointed under MCR 1.111(B)(1).

Drafts provided.

**3. MC 28, Notice to Prior Court of Proceedings Affecting Minor(s)**

It has been suggested that MC 28 be modified to better accommodate adoption proceedings. Specifically, a new item 1c would be added to indicate that an adoption order was entered. The suggestor states that the new item would help prevent courts from mailing confidential orders of adoption to other courts and agencies.

Should this suggestion be adopted?

**4. PCA 305a, Release of Child by Guardian**

It has been suggested that this form be revised to add the “special acknowledgment” section provided on PCA 305. The special acknowledgment is derived from MCL 710.29(2), which states, “[i]f the person from whom a release is required is in the armed services or is in prison, the release may be executed and acknowledged before an individual authorized by law to administer oaths.”

Is the special acknowledgment necessary on this form?

**5. PCA 308i, Consent by Parent to Adoption of Indian Child**

It has been suggested that this form be modified to allow a judge to direct that a parent's consent be signed before another judge of the state of Michigan, as provided by MCL 710.44(1). Under MCL 712B.13, consent for adoption of an Indian child must be recorded before a judge of a court of competent jurisdiction.

Can one judge direct that a parent's consent be signed before another judge of this state for an Indian child adoption? Should this form be modified to accommodate this?

**6. PCA 315, Declaration of Inability to Identify/Locate Father**

It has been suggested that PCA 315 be modified to accommodate service when the whereabouts of a noncustodial parent is unascertainable under MCR 3.802(C).

Currently, the form only accommodates service when the identity or whereabouts of a father is unascertainable under MCR 3.802(B).

Should the form be modified?

**7. PCA 349, Petition for Rescission of Adoption and Order**

It has been suggested that PCA 349 be updated to more fully comply with MCL 710.66(2). The suggestor states that the statute requires certain information to be included on the form (if known), but the form doesn't have writing space for the information.

Should this form be updated to include additional writing space for MCL 710.66(2)? If so, how?

**8. New Form Request: Request for Court-Appointed Counsel for Involuntary Termination Proceedings under MCL 710.51(6)**

It has been suggested that the SCAO create a new form to request court-appointed counsel for a nonconsenting, noncustodial parent in involuntary termination proceedings under MCL 710.51(6).

There is no statutory right to court-appointed counsel in adoption proceedings. However, in *In re Sanchez*<sup>1</sup>, the Michigan Supreme Court held that courts have discretion to appoint counsel to assist indigent noncustodial parents in contesting termination of parental rights. If

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<sup>1</sup> *In re Sanchez*, 422 Mich 758, 375 NW2d 353 (1985).

counsel is appointed by the trial court, appellate counsel should also be appointed, absent a change in circumstances. *Id.*

Should a new form be created for this purpose?