

# Adoption Law and Practice in Michigan

There are essentially three tracks for processing adoptions in Michigan: direct consent placement, agency placement, and relative/stepparent direct consent placement.

## Direct Consent Placement

- Direct consent adoption is the type of adoption that is being increasingly utilized for the placement of healthy infants since Michigan's Adoption Code was amended in 1994.
- In this type of adoption the birth parent must personally select the adoptive parent and directly consent to the adoption with the selected family.
- Birth parents can work with a licensed child placement agency or an adoption attorney in direct consent adoptions.

## Agency Placement

- Child placement agency adoption requires that the birth parents release their child to a licensed child placing agency.
- In Michigan, after the birth parents release their child, the court terminates the parental rights of both parents and transfers custody to the agency.
- The agency selects the adoptive parents and consents to the adoption.
- When infants are born with a health condition that impedes immediate adoptive placement, the parent usually releases the child to a private child placing agency. The child placing agency subsequently releases the child to the state or the court to secure financial support for the child in foster care and help in broadening the search for an adoptive family.

## Relative or Stepparent Direct Consent Placement

- This group represents the largest percentage of adoptions in Michigan and the United States.
- Relative adoptions are generally completed entirely through the court, which allows relatives and stepparents to formally adopt through an expedited direct consent adoption.

Concept of Openness in adoption is present in every type of adoption.

- Openness relates to the degree of pre-adoption contact between the birth and adoptive parents as well as the on-going relationship between the birth family and the adoptive parent, adopted child, and birth siblings after the adoption. It is important to understand that open adoption arrangements can be formal or informal and vary as to the frequency, type and duration of contact. They range from:
  - “Open placement”, which means the birth family and adoption family have some time-limited interaction. Most of the interaction is pre- and perinatal, and it usually ends within a year of placement.
  - “Semi-open placement” suggests that some information will be exchanged and that some limited ongoing communication may be possible. Coming from another angle, some people refer to this approach as “modified closed adoption”.
  - “Fully Open placement”, which is a form of adoption in which the child enjoys a continuing relationship with his/her birth family. The communication and interaction between the families is direct, ongoing and centered on meeting the needs of the child.

**No matter what the arrangement is, the adoptive parents have total decision-making authority as to on-going relationships, if any, while the adopted child is a minor.**

Michigan law provides for certain information about the birth parent(s) to be provided at the adoption and, if necessary for medical reasons, during the child’s minority.

In addition, upon attaining the age of majority, the adopted child can file a request with the Michigan Adoption Registry to search for birth parents and birth siblings.