

Adoption Placement in Michigan

Michigan law allows for the legal placement of children with adoptive families in several ways. This summary focuses on the placement of infants through a discussion of direct consent adoption, adoption through a licensed child placement agency and adoptive placement with a relative or stepparent.

The issue of openness is frequently mentioned in relation to adoption. “Open adoption” is *not a legal type of adoption*, but an arrangement for continued contact at some level between the birth parent(s) and/or relatives and the adoptive family and adopted child. It is most often practiced for infant adoption within the context of a direct consent adoption and may be agency or attorney assisted. For older children, openness may be arranged within the context of an agency adoption.

In an “open adoption” arrangement, the birth parent(s) and adopting parents enter into a formal or informal agreement to participate in some form of mutual contact over time. Agreements may vary as to the frequency, type and duration of contact. *However, it is important for the birth parent(s) to understand that these agreements are not legally binding and/or enforceable by the courts.* Adopting parents have the legal authority and responsibility to make decisions for their children, including the extent to which their child will be involved with his/her birth parents or other birth relatives after the adoption is finalized.

Three Types of Michigan Adoptions

- *Direct Consent Placement*

In a direct placement adoption the parent(s) of the child personally selects the adoptive parent(s) with whom the child will be placed. This option is technically referred to as a “direct consent” adoption. In this type of adoption, the birth parent(s) can work with a licensed child placement agency or an attorney who will provide her/him with information about prospective adoptive parents. The agency or attorney may assist with the selection of the adoptive parent(s) if the birth parent(s) desires help; but the final choice of adoptive parent rests solely with the parent. The agency or attorney must complete the legal paperwork requirements necessary for the adoption. The key element is that the birth parent(s) personally selects the adoptive parent(s) and directly consents to the adoption with the selected family. By definition, all direct consent adoptions are open to the extent that both parties to the adoption know the identity of the other party.

- *Child Placement Agency Placement*

Agencies must adhere to licensing requirements of the state of Michigan to be legally authorized to provide adoption services. In an agency placement adoption, the parent(s) releases their child to a licensed child placing agency. The court then terminates the rights of both parents and places the child in the custody of a licensed child placement agency. The agency then selects the prospective adoptive parent(s) and consents to the adoption. If the agency receives Federal funds, it must not deny or delay the adoptive placement of the child based on the child's or prospective adoptive parent's race.

In instances when an infant is born with a health condition that would impede his/her immediate adoptive placement, the child may be released by the placement agency to the state's Family Independence Agency (FIA) and becomes a state ward. Once wardship is accepted, the state is legally responsible for decisions and expenses related to the child's care until a permanent adoptive family is found. The infant may be placed in an adoptive family by FIA or, most likely, by a child placing agency under contract with FIA if the agency that took the birth parent's original release cannot place the child in foster care immediately or an adoptive home within six months.

Agency facilitated adoptions of state wards frequently includes openness when the child's age, relationship with the birth family and current and/or past relationships with other adults who have played a significant role in the child's life warrant choosing the option of openness. Openness in infant adoptions occurs less frequently.

- ***Relative or Stepparent Placement (a direct consent placement)***

In relative and stepparent adoptions, the court provides the necessary legal services to help relatives and/or stepparents formally complete a "direct consent" adoption. In the case of a stepparent adoption when a divorce is involved, the non-custodial parent must consent to the adoption. If there is no consent, the rights of the non-custodial parent must be terminated based on a determination that he/she has failed significantly in his/her parental responsibilities.