

Relative/Guardian Adoption

Court personal is unable to provide legal advice, this information is provided to assist you in the process. If further assistance is needed, the court advises you to seek legal counsel to assist you with the process.

Fees:

1. \$150.00 statutory filing fee
2. \$10.00 fee for certified copy of adoption
3. \$50.00 fee for new Michigan Birth Certificate (out of state fee varies by state)

Documents needed at the time of filing the adoption petition:

1. A certified copy of the adoptee's birth certificate
2. A copy of petitioner's Driver's License
3. A copy of petitioner's social security card
4. If the biological parent is deceased, a certified copy of the death certificate
5. A certified copy of any affidavit of parentage, divorce decree and support order (including any modifications).
6. all filing fees cash, check or money order must be made payable to Sanilac County Clerk's Office.

Requirements for filing a petition:

1. You must be a resident of Sanilac County or the adoptee must be found in Sanilac County Circuit Court.
2. You must be related to the adoptee within the 5th degree by blood or marriage or you must be a full guardian with the authority to consent to the adoption of the adoptee. MCL 712.22 (y) defines 5th degree by marriage, blood, or adoption as any of the following: "*parent, step-parent, grandparent, step-grandparent, brother, step-brother, sister, step-sister, uncle, step-uncle, aunt, step-aunt, first cousin, step-first cousin, great aunt, step-great aunt, great uncle, step-great uncle, great grandparent, step-great grandparent, first cousin once removed, step-first cousin once removed, great great grandparent, step-great great grandparent, great great uncle, step-great great uncle, great great aunt, step-great great aunt, great greatgreat grandparent, or step-great great great grandparent.*"

Consent:

1. A Consent to Adoption must be signed in court by the child(s) biological parents. The consent hearing will be scheduled after the Petition for Adoption has been filed. Petitioners must obtain the complete current or last known address of the parents and contact the child(s) parents with regard to this matter. If the consent cannot be obtained, proceedings to terminate the parental rights of the birth parents must be completed through the juvenile code.
2. Consent of the adoptee is required if the adoptee is 14 years of age or older.
3. If there is an existing guardianship case, some steps must be taken before an adoption can be processed. If the guardianship case is a limited guardianship (LG), the adoptee(s) must petition for full guardianship (GM) to be granted. Upon full guardianship being granted or if the existing guardianship is a full guardianship, the guardian(s) will need to petition for the authority to adopt with the Probate Court. Upon completion of the petition it will be set for review before the Judge and an order will be issued from the Probate Court.

Termination of Rights of Biological Father:

If the father has not acknowledged paternity, was not married to the mother, or was not ordered to pay support he is considered the putative/biological father and not the legal father.

The petitioner mother must file a Petition for Hearing to Identify Father and Determine or Terminate His Rights. If the putative father has no interest in custody of the child or denies that he is the father, he may sign a custody statement of putative father and waive the right to notice of the hearing to identify hearing. If the putative father does not wish to sign the custody statement he must be given notice of the hearing. It is the responsibility of the petitioner to mail notice to the putative father. Notice of the hearing should be mailed to him at his last known address by regular and certified mail. This notice must be mailed at least 14 days prior to the hearing date. If notice is not completed properly and if the proof of service is not in the legal file at the time of the hearing the hearing will be adjourned.

If you are not able to locate an address for the putative father after reasonable effort (trying to contact friends, relatives, employer, etc.) the petitioner mother must complete a declaration of inability to locate the father stating the efforts to obtain an address.

If the identity of the putative father is unknown, the petitioner mother must complete a petition for hearing to identify father and determine/terminate his rights and a declaration of inability to identify father. The petitioner mother must state in the declaration why she is unable to identify the father.

Investigation:

There is an investigation that is required by the adoption code 710.46. The investigation will be completed by a court staff. The investigator has up to 3 months to complete the adoption investigation. The investigator will call to set up a date and time for the appointment. It is necessary for the petitioners and the adoptee(s) be present for this appointment.

Appointments are typically schedule to coincide with normal working hours of the court, 8:00am-4:30 pm Monday through Friday.

Final Order of Adoption:

There is a 6 month waiting period required by law (710.56.) from the time the order terminating the rights of the non-custodial parent or putative father has been entered before the final order of adoption can be entered.

The petitioners may file a motion for immediate confirmation and ask for the 6 month waiting period to be waived for good cause. The petitioners must be married at least 1 year before asking that the waiting period be waived.

The Judge will review the motion and the Judge will make the decision on granting or denying the motion. It is not guaranteed that the Judge will waive the six month waiting period.

The petitioners can request a final hearing for the adoption to be granted. At that time the petitioners and the adoptee(s) can be present, as well as any friends or family as well. The petitioners may also want to video tape the proceeding or take pictures. The proceeding can be kept private as well.