

Step Parent 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

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 married to the legal/biological parent of the adoptee (you are both considered petitioners)

Consent:

1. Consent of the non-custodial parent is required. You must determine if the non-custodial parent will consent.
 - A) if stepmother adoption the consent of the mother is required.
 - B) if stepfather adoption the consent of the legal father is required. A legal father was married to the mother at the time of birth, signed an acknowledgement of paternity, or was found by a court to be the father and ordered to pay support.

Termination of Parental Rights if Consent Cannot be Obtained:

The petitioner may petition the court, if the consent of the legal parent cannot be obtained, to terminate the rights of the non-custodial parent. The court may terminate the noncustodial parent's parental rights when all of the following apply:

- (1) For two or more years prior to the adoption petition being filed, the noncustodial parent failed to provide regular support or care for the child despite having the ability to do so or failed to substantially comply with a support order. [MCL 710.51\(6\)\(a\)](#).
- (2) For two or more years prior to the adoption petition being filed, the noncustodial parent failed to regularly visit, contact, or communicate with the child despite having the ability to do so. [MCL 710.51\(6\)\(b\)](#).
- (3) The custodial parent has sole legal custody of the child.

Once the supplemental petition has been filed a hearing will be scheduled. It is the responsibility of the petitioner to send notice of the hearing and a copy of the supplemental petition to the non-custodial parent, at the last known address. This is usually done by certified mail and must be completed at least 14 days prior to the hearing date. The petitioner must complete a proof of service and return it to the court for filing with the receipt for certified mail, prior to the hearing date. If the proof of service is not in the court file at the time of the hearing, the hearing will be adjourned.

The petitioner must try to obtain an address for the non-custodial parent by contacting relatives, friends, employers, Friend of the Court, internet search, etc. If after reasonable effort, an address for the non-custodial parent cannot be obtained or if the mail is returned moved with no forwarding address, notice of hearing will have to be published in a newspaper. The petitioner will be responsible for the publishing fee, which must be paid in order for the publication to occur. The publication must be in the newspaper at least 14 days prior to the hearing date. If the publication is not published properly, the hearing will be adjourned and the publication will need to be completed again.

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 scheduled 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.