



SENATE BILL No. 48

January 17, 1995, Introduced by Senator DINGELL and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend chapter X of Act No. 288 of the Public Acts of 1939, entitled as amended

"An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,"

as amended, being sections 710.21 to 710.70 of the Michigan Compiled Laws, by adding section 65a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Chapter X of Act No. 288 of the Public Acts of
2 1939, as amended, being sections 710.21 to 710.70 of the Michigan
3 Compiled Laws, is amended by adding section 65a to read as
4 follows:

5 CHAPTER X

6 SEC. 65A. (1) AN ORDER ISSUED UNDER THIS CHAPTER MAY NOT BE
7 VACATED OR ANNULLED UPON APPLICATION OF AN INDIVIDUAL WHO WAIVED
8 NOTICE, OR WHO WAS PROPERLY SERVED WITH NOTICE PURSUANT TO THIS
9 CHAPTER AND FAILED TO RESPOND OR APPEAR WITHIN THE TIME ALLOWED
10 UNDER THIS CHAPTER.

11 (2) THE VALIDITY OF AN ADOPTION MAY NOT BE CHALLENGED FOR AN
12 INDIVIDUAL'S FAILURE TO COMPLY WITH AN AGREEMENT FOR VISITATION
13 OR COMMUNICATION WITH AN ADOPTEE.

14 (3) AN ORDER OF ADOPTION OR OTHER ORDER ISSUED UNDER THIS
15 CHAPTER IS NOT SUBJECT TO A CHALLENGE BEGUN MORE THAN 6 MONTHS
16 AFTER THE ORDER IS ISSUED. IF A CHALLENGE IS BROUGHT BY AN INDI-
17 VIDUAL WHOSE PARENTAL RELATIONSHIP TO AN ADOPTEE IS TERMINATED BY
18 AN ORDER ISSUED UNDER THIS CHAPTER, THE COURT SHALL DENY THE
19 CHALLENGE UNLESS THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE
20 THAT THE ORDER IS NOT IN THE BEST INTERESTS OF THE ADOPTEE.