

**PROBATE CODE OF 1939 (EXCERPT)**  
**Act 288 of 1939**

**710.22 Definitions.**

Sec. 22.

As used in this chapter:

- (a) "Adoptee" means the individual who is to be adopted, regardless of whether the individual is a child or an adult.
- (b) "Adoption attorney" means an attorney acting as counsel in an adoption proceeding or case.
- (c) "Adult former sibling" means an individual who is 18 years of age or older and is related to an adult adoptee either biologically or through adoption by at least 1 common parent, regardless of whether the adult former sibling ever lived in the same household as the adult adoptee.
- (d) "Agency placement" means a placement in which a child placing agency, the department, or a court selects the adoptive parent for the child and transfers physical custody of the child to the prospective adoptive parent.
- (e) "Applicant" means an individual or individuals who desire to adopt a child and who have submitted an adoption application to a child placing agency.
- (f) "Attending practitioner" means a licensed physician or a registered professional nurse certified as a nurse midwife by the Michigan board of nursing.
- (g) "Best interests of the adoptee" or "best interests of the child" means the sum total of the following factors to be considered, evaluated, and determined by the court to be applied to give the adoptee permanence at the earliest possible date:
  - (i) The love, affection, and other emotional ties existing between the adopting individual or individuals and the adoptee or, in the case of a hearing under section 39 of this chapter, the putative father and the adoptee.
  - (ii) The capacity and disposition of the adopting individual or individuals or, in the case of a hearing under section 39 of this chapter, the putative father to give the adoptee love, affection, and guidance, and to educate and create a milieu that fosters the religion, racial identity, and culture of the adoptee.
  - (iii) The capacity and disposition of the adopting individual or individuals or, in the case of a hearing under section 39 of this chapter, the putative father, to provide the adoptee with food, clothing, education, permanence, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.
  - (iv) The length of time the adoptee has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.
  - (v) The permanence as a family unit of the proposed adoptive home, or, in the case of a hearing under section 39 of this chapter, the home of the putative father.
  - (vi) The moral fitness of the adopting individual or individuals or, in the case of a hearing under section 39 of this chapter, of the putative father.
  - (vii) The mental and physical health of the adopting individual or individuals or, in the case of a hearing under section 39 of this chapter, of the putative father, and of the adoptee.
  - (viii) The home, school, and community record of the adoptee.
  - (ix) The reasonable preference of the adoptee, if the adoptee is 14 years of age or less and if the court considers the adoptee to be of sufficient age to express a preference.
  - (x) The ability and willingness of the adopting individual or individuals to adopt the adoptee's siblings.
  - (xi) Any other factor considered by the court to be relevant to a particular adoption proceeding, or to a putative father's request for child custody.
- (h) "Born out of wedlock" means a child conceived and born to a woman who was not married from the conception to the date of birth of the child, or a child whom the court has determined to be a child born during a marriage but not the issue of that marriage.
- (i) "Central adoption registry" means the registry established by the department under section 27b of this chapter to control the release of identifying adoption information.
- (j) "Child" means an individual less than 18 years of age.
- (k) "Child placing agency" means a private organization licensed under 1973 PA 116, MCL 722.111 to 722.128, to place children for adoption.
- (l) "Consent" means a document in which all parental rights over a specific child are voluntarily relinquished to the court for placement with a specific adoptive parent.
- (m) "Court" means the family division of circuit court of this state, or if the context requires, the court having jurisdiction over adoption in another state or country.
- (n) "Department" means the department of health and human services.
- (o) "Direct placement" means a placement in which a parent or guardian selects an adoptive parent for a child,

other than a stepparent or an individual related to the child within the fifth degree by marriage, blood, or adoption, and transfers physical custody of the child to the prospective adoptive parent.

(p) "Formal placement" means a placement that is approved by the court under section 51 of this chapter.

(q) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(r) "Petitioner", except as used in section 68b of this chapter, means the individual or individuals who file an adoption petition with the court.

(s) "Placement" or "to place" means selection of an adoptive parent for a child and transfer of physical custody of the child to a prospective adoptive parent in compliance with this chapter.

(t) "Relative" means that term as defined in section 13a of chapter XIII.

(u) "Release" means a document in which all parental rights over a specific child are voluntarily relinquished to the department or to a child placing agency.

(v) "Rescission petition" means a petition filed by an adult adoptee and his or her parent whose rights have been terminated to rescind the adoption in which a stepparent acquired parental rights and to restore parental rights of that parent according to section 66 of this chapter.

(w) "Suitable to be a parent of an adoptee" means a conclusion that there is no specific concern with respect to an individual that would suggest that placement of any child, or a particular child, in the home of the individual would pose a risk of harm to the physical or psychological well-being of the child.

(x) "Temporary placement" means a placement that occurs before court approval under section 51 of this chapter and that meets the requirements of section 23d of this chapter.

(y) "Within the fifth degree by marriage, blood, or adoption" means any of the following relationships: 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 great great grandparent, or step-great great great grandparent.

**History:** Add. 1974, Act 296, Eff. Jan. 1, 1975 ;-- Am. 1980, Act 116, Eff. Sept. 12, 1980 ;-- Am. 1982, Act 72, Imd. Eff. Apr. 14, 1982 ;-- Am. 1990, Act 175, Imd. Eff. July 2, 1990 ;-- Am. 1992, Act 247, Imd. Eff. Nov. 19, 1992 ;-- Am. 1994, Act 222, Eff. Jan. 1, 1995 ;-- Am. 1994, Act 373, Eff. Jan. 1, 1995 ;-- Am. 1996, Act 409, Eff. Jan. 1, 1998 ;-- Am. 2004, Act 487, Imd. Eff. Dec. 28, 2004 ;-- Am. 2022, Act 209, Imd. Eff. Oct. 7, 2022

**Popular Name:** Probate Code