

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

710.54 Prohibitions as to money or other consideration or thing of value; statement; compensation for certain activities prohibited; payment of charges; documents filed with court; assuring compliance; approval of fees and expenses; violation.

Sec. 54.

(1) Except for charges and fees approved by the court, a person shall not pay or give, offer to pay or give, or request, receive, or accept any money or other consideration or thing of value, directly or indirectly, in connection with any of the following:

- (a) The placing of a child for adoption.
- (b) The registration, recording, or communication of the existence of a child available for adoption.
- (c) A release.
- (d) A consent.
- (e) A petition.

(2) Except for a child placing agency's preparation of a preplacement assessment described in section 23f of this chapter or investigation under section 46 of this chapter, a person shall not be compensated for the following activities:

- (a) Assisting a parent or guardian in evaluating a potential adoptive parent.
- (b) Assisting a potential adoptive parent in evaluating a parent or guardian or adoptee.
- (c) Referring a prospective adoptive parent to a parent or guardian of a child for purposes of adoption.
- (d) Referring a parent or guardian of a child to a prospective adoptive parent for purposes of adoption.
- (3) An adoptive parent may pay the reasonable and actual charge for all of the following:
 - (a) The services of a child placing agency in connection with an adoption.
 - (b) Medical, hospital, nursing, or pharmaceutical expenses incurred by the birth mother or the adoptee in connection with the birth or any illness of the adoptee, if not covered by the birth parent's private health care payment or benefits plan or by Medicaid.
 - (c) Counseling services related to the adoption for a parent, a guardian, or the adoptee.
 - (d) Living expenses of a mother before the birth of the child and for no more than 6 weeks after the birth.
 - (e) Expenses incurred in ascertaining the information required under this chapter about an adoptee and the adoptee's biological family.
- (f) Legal fees charged for consultation and legal advice, preparation of papers, and representation in connection with an adoption proceeding, including legal services performed for a biological parent or a guardian and necessary court costs in an adoption proceeding.
- (g) Traveling expenses necessitated by the adoption.
- (4) An adoptive parent shall pay the reasonable and actual charge for preparation of the preplacement assessment and any additional investigation ordered pursuant to section 46 of this chapter.
- (5) A prospective adoptive parent shall pay for counseling for the parent or guardian related to the adoption, unless the parent or guardian waives the counseling pursuant to section 29 or 44.
- (6) A payment authorized by subsection (3) shall not be made contingent on the placement of the child for adoption, release of the child, consent to the adoption, or cooperation in the completion of the adoption. If the adoption is not completed, an individual who has made payments authorized by subsection (3) may not recover them.
- (7) At least 7 days before formal placement of a child under section 51 of this chapter, the following documents shall be filed with the court:
 - (a) A verified accounting signed by the petitioner itemizing all payments or disbursements of money or anything of value made or agreed to be made by or on behalf of the petitioner in connection with the adoption. The accounting shall include the date and amount of each payment or disbursement made, the name and address of each recipient, and the purpose of each payment or disbursement. Receipts shall be attached to the accounting.
 - (b) A verified statement of the attorney for each petitioner itemizing the services performed and any fee, compensation, or other thing of value received by, or agreed to be paid to, the attorney for, or incidental to, the adoption of the child. If the attorney is an adoption attorney representing a party in a direct placement adoption, the verified statement shall contain the following statements:
 - (i) The attorney meets the requirements for an adoption attorney under section 22 of this chapter.
 - (ii) The attorney did not request or receive any compensation for services described in section 54(2) of this chapter.
 - (c) A verified statement of the attorney for each parent of the adoptee itemizing the services performed and any fee, compensation, or other thing of value received by, or agreed to be paid to, the attorney for, or incidental to, the

adoption of the child. If the attorney is an adoption attorney representing a party in a direct placement adoption, the verified statement shall contain the following statements:

- (i) The attorney meets the requirements for an adoption attorney under section 22 of this chapter.
- (ii) The attorney did not request or receive any compensation for services described in section 54(2) of this chapter.

(d) A verified statement of the child placing agency or the department itemizing the services performed and any fee, compensation, or other thing of value received by, or agreed to be paid to, the child placing agency or the department for, or incidental to, the adoption of the child, and containing a statement that the child placing agency or the department did not request or receive any compensation for services described in section 54(2) of this chapter.

(8) At least 21 days before the entry of the final order of adoption, the documents described in subsection (7) shall be updated and filed with the court.

(9) To assure compliance with limitations imposed by this section and section 55 of this chapter and by section 14 of Act No. 116 of the Public Acts of 1973, being section 722.124 of the Michigan Compiled Laws, the court may require sworn testimony from persons who were involved in any way in informing, notifying, exchanging information, identifying, locating, assisting, or in any other way participating in the contracts or arrangements that, directly or indirectly, led to placement of the individual for adoption.

(10) The court shall approve or disapprove all fees and expenses. Acceptance or retention of amounts in excess of those approved by the court constitutes a violation of this section.

(11) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both, for the first violation, and of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both, for each subsequent violation. The court may enjoin from further violations any person who violates this section.

History: Add. 1974, Act 296, Eff. Jan. 1, 1975 ;-- Am. 1994, Act 222, Eff. Jan. 1, 1995

Popular Name: Probate Code