

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

**710.28 Release; persons authorized to execute; release to child placing agency or department; advising parent or guardian of child placing agencies; advising agencies of child's availability for adoption; release of child by agency to department; child as state ward; proof accompanying release.**

Sec. 28.

- (1) Subject to this section and section 29 of this chapter, a release shall be executed:
  - (a) By each parent of a child to be adopted or the surviving parent, except under the following circumstances:
    - (i) The rights of the parent have been terminated by a court of competent jurisdiction.
    - (ii) A guardian of the child has been appointed.
    - (iii) A guardian of a parent has been appointed.
  - (b) By the authorized representative of a child placing agency to whom the child has been committed by an order of the court.
  - (c) By the authorized representative of the child placing agency to whom the child has been released.
  - (d) By the guardian of the child, subject to subsection (3), if a guardian has been appointed.
  - (e) By the guardian of a parent, subject to subsection (4), if a guardian has been appointed.
- (2) If the parent of the child to be adopted is an unemancipated minor, that parent's release is not valid unless a parent, guardian, or guardian ad litem of that minor parent has also executed the release.
- (3) The guardian of the child to be adopted may not execute a release of the child pursuant to subsection (1) unless the guardian has first obtained authority to execute the release from the court that appointed the guardian.
- (4) The guardian of a parent may not execute a release of the parent's child pursuant to subsection (1) unless the guardian has first obtained authority to execute the release from the court that appointed the guardian. Such a release shall have the same effect as if the release were executed by the parent.
- (5) A release shall be given only to a child placing agency or to the department.
- (6) Before the department arranges a release from a parent or guardian, a representative of the department shall advise the parent or guardian about child placing agencies serving the county and, upon the parent's or guardian's request, shall refer the parent or guardian to a child placing agency. After the release of a child by a parent or guardian to the department, the department shall advise the child placing agencies serving the county that the child is available for adoption.
- (7) If a child was released for adoption or committed to a child placing agency, that agency may release that child to the department and the department shall accept the release.
- (8) Upon release of a child to the department pursuant to this section, the child becomes a state ward.
- (9) Where applicable under this section, proof of the termination of parental rights, release of parental rights, appointment, authorization, or commitment shall accompany the release.

**History:** Add. 1974, Act 296, Eff. Jan. 1, 1975 ;-- Am. 1982, Act 72, Imd. Eff. Apr. 14, 1982 ;-- Am. 1990, Act 175, Imd. Eff. July 2, 1990 ;-- Am. 1994, Act 222, Eff. Jan. 1, 1995 ;-- Am. 1996, Act 409, Eff. Jan. 1, 1998

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