FAMILY LAW SECTION
Respectfully submits the following position on:

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HB 4648

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Family Law Section is 2,481.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 15. The number who voted opposed to this position was 0.

SBM | FAMILY LAW SECTION

Report on Public Policy Position

Name of section:
Family Law Section

Contact person:
Kent Weichmann

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Bill Number:
HB 4648 (Kurtz) Children; adoption; termination of rights of putative father; clarify. Amends sec. 39, ch. X of 1939 PA 288 (MCL 710.39).

Date position was adopted:
May 4, 2013

Process used to take the ideological position:
Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:
21

Number who voted in favor and opposed to the position:
15 Voted for position
0 Voted against position
0 Abstained from vote
6 Did not vote

Position:
Support and Amend

Explanation of the position, including any recommended amendments:
HB 4648 restores parental rights to a mother who has voluntarily given them up to facilitate an adoption which later falls through due to a putative father's objection. The bill should include the following amendments:

HB 4648

• Restate portions of Section 39(3) to read:

(3) If the court determines that the parental rights of the putative father shall not be terminated under subsection (1), the court shall do all of the following:

(a) Terminate the temporary placement made under section 23d of this chapter.

(b) Return custody of the child to the mother.

(c) Deny the adoption and dismiss the pending proceeding.

Q (4) The fact that the mother executed . . . [as in proposed bill].

(5) If the parental rights of the mother are terminated under this chapter or other law and if her parental rights are not restored under section 62 of this chapter, if the court awards custody of a child born out of wedlock to the putative father . . .

• Add the following to the end of (5):

If the parental rights of the mother are restored, this subsection shall not apply, rather subsections (3) and (4) shall govern manner in which the court terminates the temporary placement and places the child.

The Family Law Section supports this bill with those amendments.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.
http://legislature.mi.gov/doc.aspx?2013-HB-4648