

Third Circuit Court of Michigan: Family Division—Juvenile Section

Filing Instructions for Guardian Adoptions

Please read the entire instruction packet before beginning the guardian adoption process. If you have any questions regarding the information below, please call the Adoptions Unit at (313)-833-1880.

QUICK CHECKLIST

Before scheduling an appointment, please verify that all of the following are true:

- You, the Guardian, are a resident of Wayne County (proof of residence required).
- You have had guardianship over the minor for at least 18 months.
- You have received the Petition and Order for Authority to Adopt from Probate Court.
- You have not been convicted of any of the crimes listed on page 3, item number 9.
- You have discussed the adoption process with the child, and continue to discuss adoption as the child matures.
- You have sole guardianship of the child (no co-guardian exists).

Before scheduling an appointment, please ensure that you have ALL of the following documents/payments ready:

Each numbered item below is discussed in more detail on pages 3-4. Please review these requirements carefully.

Birth Certificates & Death Certificates

- 1. Adoptee's Birth Certificate
- 2. Petitioners' Birth Certificates
- 3. Death Certificate if the mother or father of the adoptee is deceased.
- 4. Birth or Death Certificate showing relationship if the petitioners are related to the adoptee.

Marriage Certificates & Divorce Decrees

- 5. Petitioners' Marriage Certificate
- 6. Marriage Certificates from ALL prior marriages by either petitioner.
- 7. Divorce Decrees from ALL prior marriages by either petitioner, or Death Certificate if a prior marriage ended due to the death of a spouse.

Background Check Documentation

- 8. Central Registry Clearance (child protective services) – completed under current AND maiden name if female. Completed for ALL household members 18 years of age and older.
- 9. Clearances from any past criminal conviction or any alcohol-related traffic violations that show all fines and/or conditions have been satisfied.*

Guardianship Documentation & Other Orders

- 10. Petition and Order for Authority to Adopt from Probate Court
- 11. Any/All Guardianship Orders
- 12. Any Name Change Orders
- 13. Affidavit of Parentage or Order of Filiation, if applicable.
- 14. Support Orders for any parent or guardian for any child(ren).

Non-U.S. Citizen Documentation (if applicable)

- 15. Valid Resident Alien Card, Valid Visa from Immigration & Naturalization Services, Naturalization Documentation (certified/original).

Other Documentation

- 16. Copy of Letter to Parents notifying them of your intent to adopt AND the certified return receipt card.
- 17. Medical clearances for ALL household members
- 18. Three personal references
- 19. Completed Adoption Report (MJC 1078) –attached*
- 20. Proof of Residence (Wayne County)
- 21. Letter of Explanation if guardian is married and the spouse is not adopting.

Payment of Fees

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Step 1: Understanding the Process

The mission of the Adoptions Unit is to help ensure permanently joined bonded family units through the timely completion of parental rights' termination, formal placement into approved homes, adoption finalization, and the delivery of efficient post adoption services.

- Guardians, who have had guardianship for at least two years, and who have received the Petition and Order for Authority to Adopt from either the Probate Court or Circuit Court, may file a Petition for Adoption at the Third Circuit Court of Michigan: Family Division—Juvenile Section's Adoptions Unit.
- After you have collected all of the necessary documentation, you may schedule an appointment to file your Petition for Adoption. If you do not have all of the required documentation, you will be required to re-schedule your appointment.
- Once your Petition for Adoption has been filed, the Adoptions Unit will make a referral to the Michigan Children's Law Center (MCLC) to conduct a home investigation. These investigations are conducted to assess the suitability of the home, and to determine whether granting the adoption would serve the child's best interests.
- Upon a favorable home investigation being received, where MCLC recommends that the adoption be granted, the child's parents' parental rights will need to be addressed. For a guardian to adopt, termination of parental rights of the biological parents must occur prior to the adoption being granted. This includes legal parents, putative (alleged) fathers, and/or unknown fathers. Parental rights may be terminated either voluntarily or involuntarily. When parental rights are terminated voluntarily, the parent executes a "Consent to Adoption by Parent," which can be done at any time *after* the Petition for Adoption has been filed (see step 5 for more details).
- If all documents have been properly submitted, a favorable home investigation has been received, and parental rights were successfully terminated, the assigned Judge will review the adoption file and determine whether to finalize the adoption, or hold a hearing to address any concerns he/she might have regarding the adoption. If a hearing is scheduled, the guardian, and possibly the child, will be required to attend.

Please note that guardians who adopt are not normally eligible for support subsidy through the State of Michigan. Any Medicaid and/or ADC benefits the child is receiving may terminate upon entry of an Order of Adoption. It is suggested that you contact the agency where funds are received to determine if the benefits will continue after the adoption has been granted.

Step 2: Preparing the Required Documentation

Use the checklist on page 1, along with the table below, to ensure that you have all required documentation prior to scheduling your filing appointment. Items marked with a “*” will be retained by the Court—these documents will not be returned if the adoption is granted. If the requirements indicate that a certified or true copy is required, photocopies will not be accepted.

Birth & Death Certificates		
1.	Adoptee’s Birth Certificate*	Certified or True Copy.
2.	Petitioners’ Birth Certificates	Certified or True Copy.
3.	Death Certificate(s)*	Certified or True Copy. Submitted if either legal parent is deceased.
4.	Birth/Death Certificate	Certified or True Copy. Submitted by a petitioner who is related to the child to prove the familial relationship.
Marriage Certificates & Divorce Decrees		
5.	Petitioners’ Marriage Certificate	Certified or True Copy. Required even if the spouse is not jointly adopting the child.
6.	ALL previous Marriage Certificates	Certified or True Copy/Copies. A Marriage Certificate must be submitted for any/all marriages entered into by either petitioner.
7.	ALL previous Divorce Decrees	Certified or True Copy/Copies. A Divorce Decree must be submitted for any/all divorces by either petitioner—a <i>second marriage certificate is not enough to verify that the first marriage was properly dissolved.</i>
Background Check Documentation		
8.	Central Registry Clearance(s)	Clearances may be requested at any local Department of Human Services (DHS) office, or at DHS South Central Operations, 1801 E. Canfield, Detroit, MI 48207. If the petitioner is female, clearances must be completed under both her married and maiden name, and ANY other previous names. Clearances must be obtained for ALL household members 18 years of age or older.
9.	Clearances from any Past Criminal Convictions or any Alcohol-Related Traffic Offenses*	The Court will not accept a Petition for Adoption if a petitioner has been convicted of any of the following offenses: <ul style="list-style-type: none"> <input type="checkbox"/> Accosting, Enticing, or Soliciting Children for Immoral Purposes, <input type="checkbox"/> Production of Child Pornographic Material, <input type="checkbox"/> Criminal Sexual Conduct (I-IV), or <input type="checkbox"/> Assault with Attempt to Commit Criminal Sexual Conduct. The Court, upon judicial review, may not grant a Petition for Adoption if any of the following conditions exists: <ul style="list-style-type: none"> <input type="checkbox"/> Outstanding warrants, <input type="checkbox"/> Three or more traffic convictions involving alcohol without verifiable proof of rehabilitation, <input type="checkbox"/> Any felony convictions within the past 10 years, <input type="checkbox"/> Protective service involvement with substantiated complaints within the last 5 years, <input type="checkbox"/> Support arrearages for children from previous relationships, <input type="checkbox"/> Pending criminal or child protection cases, or <input type="checkbox"/> Health or mental health problems that would restrict the petitioner from adopting.
Guardianship Documentation and Other Orders		
10.	Petition and Order for Authority to Adopt from Probate Court	Before beginning the adoption process, you will need to contact the Probate Court to obtain Authority to Adopt.
11.	Any/All Guardianship Orders	The most recent guardianship order must indicate that no co-guardian exists.
12.	Any Name Change Orders	If the child, any guardian, or any household member has ever had a legal name change, the court order authorizing the name change must be submitted.

13.	Acknowledgment of Paternity or Order of Filiation*	Certified or True Copy.
14.	Support Orders*	If the petitioner(s) have children from a previous relationship, a Friend of the Court letter/summary detailing the status of child support must be submitted. This letter/summary must include payment and arrearage information.
<i>Non-U.S. Citizen Documentation (if applicable)</i>		
15.	Resident Alien Card, Visa from Immigration & Naturalization Services, Naturalization Documentation	Certified/Originals. Documents must be valid/current (non-expired).
<i>Other Documentation</i>		
16.	Copy of Letter to Parents AND the Certified Return Receipt Card.*	You must send to the parents of the child a letter by certified mail notifying them of your intent to adopt the child. You must submit to the Adoptions Unit: <input type="checkbox"/> A copy of the letter <input type="checkbox"/> The certified return receipt card signed by the parents
17.	Medical Clearances*	Medical clearances must be: <input type="checkbox"/> provided for ALL household members <input type="checkbox"/> signed by the physician within the past 12 months (electronic signatures accepted)
18.	Three Personal References*	References must be: <input type="checkbox"/> non-family members <input type="checkbox"/> non-household members <input type="checkbox"/> signed and dated by the reference within the past 12 months.
19.	Completed Adoption Report* (MJC 1078. attached)	You must complete this entire form and sign using your FULL NAME—First, Middle, and Last.
20.	Proof of Residence	You must have current, valid identification proving that you are a resident of Wayne County.
21.	Letter of Explanation*	If you (the guardian) are married, but your spouse is not adopting the child with you, a letter must be submitted to the court explaining why the spouse is not adopting, and why adoption by one parent, rather than both, serves the child’s best interests.
<i>Payment of Fees</i>		
22.	Filing Fee(s)	A <u>\$160.00 (per adoptee)</u> filing fee payable either by cash, money order, or attorney check, must be paid at the time the Petition for Adoption is filed. PERSONAL CHECKS ARE NOT ACCEPTED. Money orders and attorney checks should be made payable to the <u>Wayne County Clerk</u> . The filing fee <i>may</i> be waived, if the petitioner is receiving public assistance or is on a fixed income. Verifiable proof of income (i.e. current Medicaid Card for the family, pay stubs, income tax returns for the prior year) must be submitted at the time of filing.
23.	Birth Certificate Fees	For adoptees born in Michigan, a check or money order payable to the <u>State of Michigan</u> in the amount of <u>\$50.00 (per adoptee)</u> , to cover the processing and issuance of the new birth certificate must be paid. Additional copies may be purchased for <u>\$16.00 per copy</u> . For adoptees born outside the State of Michigan, the fee for the new birth certificate varies from state to state. The fee for the new birth certificate(s) cannot be waived.

Step 3: Scheduling an Appointment

- The Court and Adoption Unit's Contact information is as follows:

Lincoln Hall of Justice

1025 E. Forest Avenue

Detroit, MI 48207

Adoptions Unit

(313)-833-1880

Building B, Room 414 (Fourth Floor)

Hours: 8:30am - 4:30pm

- To schedule an appointment to file your adoption petition, please call the Adoptions Unit at the number provided above. Appointments can be made between the hours of 8:30a.m. and 4:00p.m., Monday through Friday.
- If you require a language interpreter, please make this request at the time you schedule your appointment. The court will request an interpreter to be present at the appointment on your behalf.
- You must be present at the scheduled appointment time, unless being represented by an attorney. If you have retained an attorney, the attorney must review the "Attorney Instructions" packet and prepare the required forms. The packet is available by clicking [here](#), or by visiting www.3rdcc.org, and navigating to the Family Juvenile Division, Adoptions subpage.
- During the scheduled office appointment all of the required documents will be screened and clearances/record checks will be completed in the following areas:
 - Juvenile neglect/delinquency
 - LEIN system (criminal) – search conducted after the petition has been filed.
 - Friend of the Court (domestic) – search conducted after the petition has been filed.
- **Please call ahead if you have questions regarding any of the documentation required.** Failure to provide all necessary documents will require a follow-up appointment to be scheduled, where you will have to appear personally again.

Step 4: Participating in Home Assessment

All relative/guardian adoptions require that a home assessment be completed prior to an adoption being finalized. Currently, these home assessments are conducted by the Michigan Children's Law Center. Please note the following:

- You will be contacted by the agency to set up a date for the home visit.
- You must discuss the adoption process with the child(ren) before the Petition for Adoption is filed, and before the scheduled home investigation.
- **ALL members of the home—both children and adults—must be available for the home investigation.**

Step 5: Obtaining Consent and/or Petitioning the Court to Terminate Parental Rights

Parental rights may be terminated in one of three ways: voluntarily, partially voluntarily, or involuntarily. In any case, if parental rights are terminated, the parent will have 21 days to appeal the court's order terminating parental rights. In addition, if the child-adoptee is fourteen years of age or older, he or she must consent to the adoption.

1 Voluntary Termination—Consent to Adoption by Both Parents (or one parent previously terminated or deceased)

- A Consent to Adoption by Parent cannot be done until a Petition for Adoption has been filed. Parental consent is not required if parental rights have already been terminated, or if the parent is deceased.
- The Adoptions Unit will need actual verification through a conversation or mail correspondence that the parent(s) is/are willing to consent.
- A parent willing to consent who resides in Wayne County must appear personally at the **Lincoln Hall of Justice, 10 25. E. Forest Avenue, Detroit, MI 48207** to execute the Consent to Adoption by Parent before a judge or referee. Only the consenting parent needs to attend this hearing.
- A parent willing to consent who resides outside of Wayne County will be mailed a Consent to Adoption by Parent with instructions that the consent must be executed according to the laws of that county or state. Only the consenting parent needs to attend the hearing, if applicable.
- A child-adoptee who is consenting (14 years of age or older) must be accompanied by the parent or guardian when executing the consent.
- **Any person who would like to consent to an adoption must report to the Adoptions Unit no later than 8:15am. Consent hearings are held daily, but only occur at 8:30am. Photo identification is required.**

2 Partial Voluntary Termination—Consent to Adoption by Mother Only & No Legal Father

- If the mother is willing to consent, and there is no legal father (only a putative or alleged father), the biological mother must file a Petition for Hearing to Identify Father to Determine or Terminate His Rights when the Petition for Adoption is filed. Other forms may be necessary and will be determined on a case by case basis. A court hearing will be scheduled at that time, in which the biological mother must appear. ***In this scenario the biological mother must also be present with the guardian at the time of the initial adoption filing appointment.***
- This process is not appropriate if any of the following are true:
 - The father is named on the child's birth certificate, or the mother was married when the child was born;
 - There is an Affidavit of Parentage or an Order of Filiation;
 - There is a custody or support order in place for the child identifying the father; or
 - Paternity has otherwise been established.

3 Involuntary Termination—Either Legal Parent is Unwilling to Consent to the Adoption

- Involuntary termination of parental rights will only occur after the Petition for Adoption is filed, and a favorable guardian home assessment by MCLC has been received. This procedure is only used when either the mother or the legal father is unwilling to consent to the adoption.
- The Adoptions Unit will make a referral to MCLC to initiate the termination of parental rights process. A court hearing will be scheduled to determine whether or not parental rights will be terminated.
- If the court terminates parental rights, but the adoption is not granted, the termination order will be set aside and parental rights will be restored.

Step 6: Participating in Any Required Court Hearings & Finalizing the Adoption

- After the Petition for Adoption has been filed, a favorable home assessment has been received, and parental rights have been terminated, the assigned judge will review the file and do any one of the following:
 - Finalize the adoption administratively—without a hearing.
 - Order that a hearing be scheduled to address any issues or concerns.
 - If a hearing is held, the judge may, at the end of the hearing, decide to finalize the adoption, deny the adoption, or place the case in supervision for a certain period of time before finalizing or denying the adoption. If the case is placed into supervision, another hearing may be scheduled once supervision has ended.

- The Adoptions Unit will notify you if/when your adoption is finalized. The Order of Adoption will be mailed to the address you provided. The birth certificate forms and payment will be sent directly to Lansing, Michigan for processing. New birth certificates reflecting the adoptive parents' names and the child's adoptive name will be mailed directly from Lansing to the address you provided on the form.

- Once the adoption is finalized, any request for information related to the adoption may be made to the Adoption Unit's Post Adoptions Specialist, available at (313)-833-0032.

Attached Documents:

- Adoption Report (MJC 1078)

- Medical Clearance Forms
 - Physician's Report for Adoptive Applicant (Guardian)
 - Physician's Report for a Child

Notes:

STATE OF MICHIGAN THIRD CIRCUIT COURT WAYNE COUNTY	ADOPTION REPORT	FILE NO.
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Complete this entire form. Print or type the entire report. If certain areas do not apply, write or type N/A. If more space is needed, use the back side of the form.

PETITIONERS INFORMATION

	PETITIONER 1	PETITIONER 2
Name (First, Middle, Last)		
Birth Date		
Social Security Number		
Driver License Number		
Address City, State and Zip		
Telephone Number		
Petitioner's Mother's Name and Date of Birth (Parent of person adopting)		
Petitioner's Father's Name And Date of Birth (Parent of person adopting)		
Education Level (Name of School & Grade Completed)		
Employer		
Job Title		
Current Yearly Income		
Military History (if yes, indicate date of discharge)		
Chronic or Terminal Illnesses		
Date of Last Physical Exam		
All Previous Marriages (if yes, name of spouse(s))		
Has support been ordered for any other child from a previous marriage or relationship?		
List all Criminal Convictions		

Are there any pending warrants for your arrest? (If yes, list the district of the offense.)		
List all Alcohol-Related Traffic Convictions		
Child Protective Services Involvement		
Did the biological/custodial parent ever receive aid from the State? If yes, when? (Step-Parent adoptions only).		
Have you previously been approved to adopt a child? If so, when? Also, if an agency was involved, please name the agency.		
Are you currently, or have you ever been a licensed foster parent? If so, through which agency?		

ADOPTEE INFORMATION

(Child(ren) to be Adopted)

Name (First, Middle and Last)	
Date of Birth	
Social Security Number	
Place of Birth (city, county, state)	
Length of time in home	
Physical Health	
Grade in School	
Hobbies	
Adoptee's feelings regarding the Adoption	
Gender (M or F) & Race	
Is the adoptee a Native American Indian, if so, which tribe.	
Marital Status (only applicable for Adult Adoptions: single married, divorced, separated or widowed).	

**ALL OTHER ADULTS CURRENTLY
RESIDING IN THE HOME**

NAME	GENDER (Male/Female)	RACE	MARITAL STATUS	SOCIAL SECURITY NUMBER	DATE OF BIRTH

ALL OTHER CHILDREN CURRENTLY RESIDING IN THE HOME

NAME	GENDER (Male/Female)	RACE	SOCIAL SECURITY NUMBER	DATE OF BIRTH

BIRTH PARENT INFORMATION

	BIOLOGICAL FATHER	BIOLOGICAL MOTHER
Name (First, Middle, Last)		
Birth Date		
Social Security Number		
Address City, State and Zip		
Name of Mother of Biological Parent		
Name of Father of Biological Parent		
Siblings of Biological Parent		
Education Level (Name of School & Grade Completed)		
Physical Description		
Current Employment		
Current Marital Status		
Name of Spouse		
Names of other children from previous or current relationships/marriages		
Chronic or Terminal Illnesses		
Did the biological mother ever receive aid from the State? If yes, when?	N/A	
Race		

Falsification of any information on this form may result in the Petition for Adoption being denied.

Petitioner's Signature

Date

Petitioner's Signature (if two-parent adoption)

Date

PHYSICIAN'S REPORT FOR ADOPTIVE APPLICANT

Third Circuit Court of Michigan
Family Division - Juvenile Section
Adoptions Unit
1025 E. Forest Avenue
Detroit, MI 48207-1098

Re: _____
DOB: _____

Dear Dr. _____,

I hereby authorize you to release to the Third Circuit Court of Michigan Family Division - Juvenile Section, Adoptions Unit, information regarding my current and past physical and mental health.

Sincerely, _____

TO BE COMPLETED BY THE PHYSICIAN

Date of physical examination _____ Length of time know to physician _____

ANY HISTORY OF:

Alcohol or Drug Dependency	_____	Diabetes	_____
Cardiac Disease	_____	Mental Illness	_____
Cancer	_____	Depression	_____
Epilepsy	_____	Allergies	_____

Diseases, injuries, surgeries, disabilities, or medical conditions not referred to above: _____

Remarks on health history: _____

CURRENT HEALTH STATUS:

Height	_____	Blood Pressure	_____
Weight	_____	Vision	_____
Heart	_____	Hearing	_____
Lungs	_____	Abdomen	_____

Medication currently prescribed; dosage and purpose: _____

Essential findings that are deviations from normal: _____

HIV information (optional): _____

Remarks on medical examination **(on the basis of the medical history and present physical condition, please state any medical concerns you may have regarding this adoptive applicant):**

Would you like to discuss this information with a Social Worker? Yes _____ No _____

PLEASE PRINT OR TYPE

Physician's Name

PHYSICIAN'S SIGNATURE

Address

City, State, Zip Code Telephone Number

PHYSICIAN'S REPORT FOR A CHILD

Third Circuit Court of Michigan
Family Division - Juvenile Section
Adoptions Unit
1025 E. Forest Avenue
Detroit, MI 48207-1098

Re: _____
DOB: _____

Dear Dr. _____,

I hereby authorize you to release to the Third Circuit Court of Michigan Family Division - Juvenile Section, Adoptions Unit, information regarding my current and past physical and mental health.

Sincerely, _____

TO BE COMPLETED BY THE PHYSICIAN

Date of physical examination _____ Length of time know to physician _____

Diseases or illnesses known or treated by you in the last five years: _____

CURRENT HEALTH STATUS:

Height _____ Weight _____

Medications currently prescribed; dosage and purpose: _____

ANY HISTORY OF:

Allergies _____ Asthma _____
Other _____

Childhood Diseases: _____

Hospitalizations, operations, or injuries: _____

HIV information (optional): _____

IMMUNIZATIONS

DATES OF ORIGINAL SERIES

BOOSTERS

DPT	_____	_____	_____	_____
Polio	_____	_____	_____	_____
MMR	_____	_____	_____	_____
HIB	_____	_____	_____	_____
Hepatitis B	_____	_____	_____	_____
Chicken Pox	_____	_____	_____	_____

Remarks on medical examination (**on the basis of the medical history and present physical condition, please state any medical concerns you may have regarding this child**): _____

Would you like to discuss this information with a Social Worker: Yes _____ No _____

PLEASE PRINT OR TYPE

Physician's Name

PHYSICIAN'S SIGNATURE

Address

City, State, Zip Code Telephone Number