

**Report on Public Policy Position****Name of section:**

Family Law Section

**Contact person:**

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[HB 4005](#) (Calley) Children; parental rights; rights of putative father; require document notarization before termination. Amends sec. 37, ch. X of [1939 PA 288](#) (MCL [710.37](#)).

**Date position was adopted:**

May 2, 2009

**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:**

14 Voted for position

2 Voted against position

0 Abstained from vote

5 Did not vote

**Position:**

Support and Amend

**Explanation of the position, including any recommended amendments:**

HB 4005 is a reintroduction of a bill we supported last term. It requires that if a purported biological father waives his interest in termination proceedings, his signature on that waiver must be notarized. This prevents forged signatures being used to terminate parental rights. On the other hand, it may be burdensome for a father seeking to waive his rights, because he would have to find a notary before he could sign the waiver form. It is also burdensome for attorneys trying to arrange adoptions, who will have to ensure the availability of a notary. The Family Law Section renews its support for this bill, and asks that it be amended to allow the option of having an attorney witness the purported father's signature.

**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?2009-HB-4005>