Public Policy Position
HB 6424

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,489 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Family Law Section has a public policy decision-making body with 21 members. On October 17, 2026, the Section adopted its position after a discussion and vote at a scheduled meeting. 13 members voted in favor of the Section's position, 0 members voted against this position, 2 members abstained, 6 members did not vote.

Support

Explanation:
The Family Law Section supports HB 6424. This bill would emphasize the best interests of children when determining which party should be given consent to adopt a child in a competing-party adoption. Currently, the Michigan Children's Institute superintendent has near-total control over who is given consent to adopt a child who has been made a permanent state ward. This decision is reviewed for clear and convincing evidence that it was arbitrary and capricious, a standard which is almost impossible to overcome. Importantly, there is no place in this decision for the reviewing court to consider a child's best interests, which was the paramount consideration throughout the proceedings leading up to that point. This bill would not take the adoption decision away from the MCI superintendent but would eliminate the arbitrary and capricious standard and replace it with a best interests standard. This is substantially more child-focused and allows the court to weigh what is actually best for the child based on the parties' proofs rather than forcing the court to effectively rubberstamp the MCI superintendent's decision.

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