

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

Family Law Section

**Contact person:**

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[SB 1200](#) (Basham) Children; adoption; rights of putative father who objects to adoption; enact miscellaneous changes. Amends secs. 25, 33, 37 & 39, ch. X of [1939 PA 288](#) (MCL [710.25](#) et seq.).

**Date position was adopted:**

April 10, 2010

**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:**

Oppose

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

SBs 1200- 1203 arose from the facts in the case *In re MKK*, no. 292065. In that case the trial judge held a paternity proceeding in abeyance pending the resolution of the adoption. The court of appeals reversed, holding that it was essential to determine the child's father in order to decide whether the child was available for adoption. These bills seek to remedy a problem that has already been resolved by this appellate decision and in this instance the cure is worse than the disease.

SB 1200 would stay adoption proceedings once a paternity claim is made to await a determination under the paternity act, instead of dealing with the claim under the adoption code. This creates a conflict between the acts, rather working within the adoption code. The adoption code looks not only to paternity, but also to whether the putative father has established a relationship with the child or provided support for the child. The bill would amend

this focus to more technical focus. For example, if the mother did not properly contest paternity, the paternity claimant must find the claimant to be the father, has no option of ordering a blood test, and cannot apply the best interests considerations in determining custody between the parents. The Family Law Section believes that the adoption code deals with these cases more appropriately and opposes this bill.

**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?2010-SB-1200>