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3.800 Applicable Rules; Interested parties; Indian Child

(A) This is the "scope rule" for adoptions. I do not think it is necessary to list all of the statutes that govern adoption since there are more than are listed here; including many federal statutes, for example as well as the interstate compact on placement of children.

If we look to the juvenile code for guidance, the scope rule only refers to court rules that govern the proceedings, not the statutes that govern them. This would be a first. This change will create confusion when there are only some statutes listed, not others. Of course, the adoption code governs adoptions. We do not have to say that.

3.801 Papers, Execution

(A) "A waiver, affirmation, or disclaimer." is never appropriate for a father who has acknowledged paternity. The waiver is only open to those fathers who have no legal relationship to the child. Once a putative father acknowledges paternity he is no longer putative (alleged). Adding this language only makes it sound as if the court can accept a disclaimer from a father who has acknowledged paternity for a child who is not an Indian Child and the court cannot do that.

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