

INSTRUCTIONS FOR FILING FOR AN ADOPTION IN BERRIEN COUNTY

Please note: These instructions are for filing a Pro Per (Without the Assistance of an Attorney) petition for a step-parent, non-relative guardianship, or a relative adoption.

*****PLEASE BE ADVISED THAT OUR CLERKS ARE NOT ATTORNEYS AND CANNOT OFFER ANY LEGAL ADVICE. THESE INSTRUCTIONS ARE INTENDED AS GENERAL INFORMATION ONLY*****

ALSO – IF YOU OR YOUR MINOR CHILD(REN) ARE MEMBERS OR ELIGIBLE FOR MEMBERSHIP OF A RECOGNIZED NATIVE AMERICAN INDIAN TRIBE – THE TRIBAL COUNCIL NEEDS TO BE CONTACTED AND INVOLVED IN THE ADOPTION PROCEEDINGS. IT IS IMPORTANT THAT WE FOLLOW THE INDIAN CHILD WELFARE ACT (ICWA) GUIDELINES.

To begin an adoption proceeding you will need: (Each child has their own file)

- PCA 301 Adoption petition
- PCA 347 Petitioner's Verified Accounting
- PCA 346 Statement of Services Performed by Attorney (*Attorney only*)
- JC 07 Appearance of Attorney (*Attorney only*)
- Certified copy of the birth certificate of the adoptee
- Copy of the Marriage License for the petitioners – married one year!!!
- If applicable – copy of any divorce judgments – (in a step-parent adoption, the parent must have sole legal and sole custody of the minor NOT joint legal)
- If applicable – copies of any support orders or paternity papers regarding the adoptee
- If you have a guardianship or parent's rights have been terminated, those documents are needed for the file. If a parent is deceased, a copy of the death certificate must be included.
- PCA 302 Supplemental Petition and Affidavit to Terminate Parental Rights of Noncustodial Parent (if applicable) \$20 if filed separately.
- Request for Central Registry Clearance required for all adults
- LEIN for all adults in the home for Criminal Background check

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- Total Fee: **\$286.00** (For two children it is **\$372 plus \$100 home visit**).
Filing Fee: \$175
Certified Order of Adoption: \$11
Home Visit: (if petitioner is not represented by an agency) \$100
Fees must be paid at the time the petition is filed with the Court and made payable to the Berrien County Probate Court.

Once the initial paperwork has been accepted and filed, a case number will be assigned and the file will be sent to the assigned Judge for signature. After the petition has been signed, true copies will be mailed to you, along with a receipt for the filing fee.

I will arrange for a home visit – meet with the petitioners and adoptee(s). Usually, this takes 60-90 minutes. After the home study is completed, a report will be prepared which will include a criminal history report and a LEIN inquiry and fingerprinting may be required.

- If birth parent can't be located or is unknown, you must fill out Affidavit of Publication and Diligent Search, Declaration of Inability to Identify/Locate Father (PCA 315) and Petition for Hearing to Identify Father and Determine or terminate his rights. (PCA 310) and an Affidavit of efforts to locate the absent parent (JC 83)

A hearing will be scheduled (usually within 6 to 8 weeks) to take the consent of the birth parent(s).

- A Notice of Hearing on Termination of Parental Rights and also serve a copy of the petition and notice to the consenting parent(s).
- *Personal service must be done at least 7 days prior to the hearing. If service is done by mail, it must be done by certified mail, restricted delivery at least 14 days prior to the hearing (green card signed by the consenting parent must be stapled to the proof of service). Publication can be done by Order from the Judge if necessary.

VERY IMPORTANT – A copy of the Proof of service must be filed with the Court five days prior to the date of the hearing so that it may be in the file for the Judge's review.

Necessary adoption forms for taking voluntary consent of termination of parental rights after release or consent. **(It is your responsibility to fill out accurately and return these to Cindy Wigent.)**

- Consent to Adoption by Parent (PCA 308)
- Order Terminating Parental Rights after Release or Consent (PCA 318)

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- Order Placing Child (Step Parent Adoption) (PCA 319) OR (PCA 320) other adoptions.
- Advice of Rights (PCA 323)

On the day of the hearing, both petitioners and the consenting parent must be present (THE ADOPTEE DOES NOT APPEAR FOR THIS HEARING). Prior to going into Court, the consenting parent must present a picture identification which will be photocopied and placed in the court file for the Judge to review. The consent to adoption must be signed in the presence of the Judge after his/her rights have been explained to him/her.

After the consent has been signed and accepted by the Judge, an order will be entered terminating the parental rights of the consenting parent and placing the adoptee with the petitioners for a 6 month supervisory period.

A 2nd home visit will be conducted near the end of the supervisory period and prior to finalization.

Prior to finalization of the adoption – the proper paperwork must be submitted by you or the attorney one week before the final adoption hearing.

- PCA 347 Petitioner's Verified Accounting (21 day checked)
- PCA 346 Statement of Services Performed by Attorney (21 day checked) *(Attorney only)*
- PCA 341 Final Order Allowing Fees and Costs
- PCA 321 Order of Adoption
- Also complete the Adoption Report for the new birth record. The amount of this fee will depend on the state where the adoptee was born. The Adoption Report must be from the state where the child was born. The fee for Michigan is \$50 – check or money order must be written out to The State of Michigan.
- Petitioners can either have a finalization adoption hearing in front of the Judge (*which is nicely done to celebrate an adoption*) or just have the Judge sign the paperwork and we can mail all of the documents to the petitioner and attorney or agency.