

ADOPTIONS

Guidelines for Filing and Processing Adoption Petitions

Adoption petitions are processed by the Clerk's office, which works in cooperation with Tuscola County Probate Court. This page contains general information including guidelines, checklists, and forms.

General Guidelines

- The petitioners and/or the adoptee must be a resident of Tuscola County.
- This is a legal proceeding however, the court cannot give legal advice. The petitioner must determine whether or not they need the assistance of an attorney.
- Adoption packets may be requested by calling the Clerk's office at (989) 672-3783, or by vickimaguire@tuscolacounty.org, or may be obtained in person at the Clerk's office Monday through Friday, 8:00 am – 12:00 pm and 1:00 pm until 4:30 pm. Adoption checklists and most associated forms are available below.
- Filing fees must be paid at the time the petition is submitted with check or money order payable to Tuscola County Clerk's office:
 - Petition for Adoption ([PCA 301](#) or [PCA 301a](#)) \$150.00
 - [Order of Adoption](#) (no charge for the first order) \$10.00
 - Each subsequent petition or motion in a pending case \$20.00
 - Adoption Home Study Fee (assessed on all adoptions not involving an agency) \$200.00
- Court costs for providing legal notices to respondents vary depending on where the birth parent(s) reside:
 - Personal Service fees current rate charged by process server
 - Publication fees current rate charged by newspaper
- A request to waive filing fees may be made to the court by submitting an [Affidavit and Order, Suspension of Fees \(MC 20\)](#), if the petitioner is receiving public assistance or meets established poverty level guidelines.
- There are four phases in the processing of an adoption petition:
 - Acceptance and processing of an adoption petition.

- Completion of the home study investigation and supervision process for filing and processing Adoption Petitions--\$200.00 fee.
- Termination of Parental Rights (except in adult adoption cases).
- Confirmation/Finalization of adoption.

Termination of Parental Rights

- Adult, Guardian, Relative adoption cases
 - Adoptees over the age of 14 and guardians with specific authority must consent to adoptions. In relative cases, the birth parents must voluntarily consent to the adoption.
 - A consent hearing will be scheduled within 42 days of the filing of the petition (to allow enough time to complete the home study investigation).
 - Notice of hearing to adult adoptee, guardians, and birth parents in relative cases will be achieved through regular U.S. mail.
 - Upon accepting the consent of guardians or birth parents, the court will enter an order terminating parental rights and schedule a confirmation/finalation hearing or families can opt to participate in Tuscola County Adoption Day, which occurs the Tuesday before Thanksgiving.
 - In relative adoption cases, if, after diligent search, the petitioners are unable to locate the birth parents or the birth parents refuse to consent but have not provided for the welfare of the child and the Court has determined that adoption is in the best interest of the child, the Court may appoint an attorney guardian ad litem (GAL). The GAL shall investigate the matter and, if warranted, file a neglect/abuse petition seeking termination at disposition in order to determine if the presumed abandonment rises to the level of termination and thereby make the child available for adoption. In such a case, the adoption case shall be inactive pending the outcome of the neglect/abuse petition.
- Stepparent and direct placement adoption cases
 - With the initial submission, the petitioners shall file a Supplemental Petition (PCA 302) if seeking termination of a legal parent's rights or a Petition for hearing to Identify Father and Determine or Terminate His Rights (PCA 310) if seeking termination of a putative or unknown father's rights.
 - For the court to properly serve birth parents, the petitioner must provide a reliable current address for the parent whose rights the petitioner seeks to

terminate. If the petitioners are unable to locate the birth parent, they must conduct a diligent search for the parent and provide proof to the court, through declaration or affidavit, of their diligent efforts (MCR 3.802).

- Contested adoptions: If a birth parent contests the petition to terminate their parental rights, the evidentiary hearing held by the Adoption Referee will be adjourned to be heard by the judge within 22 days.
- Select the link for more information regarding [termination of parental rights](#).

Service

- Birth parents must be served with [Supplemental Petitions \(PCA 302\)](#) and [Petitions to Identify Father and Determine His Rights \(PCA 310\)](#) and notice of hearing dates on such petitions. (Except in the case of a putative father who has filed a custody statement denying interest in the child and waiving his right to notice of hearings.)
- The Court will schedule the evidentiary hearing 30 days from the filing of the petition in order to allow enough time for at least one method of service (when the birth parent resides in a state other than Michigan, additional time may be needed by the process server to achieve service).
- When attorneys or agency personnel assist petitioners, the attorney or agency will be responsible for attempting/achieving service (of petitions and notice of hearings) on birth parents, as well as notifying petitioners of hearings dates. The court will accept certified restricted mail or personal service as a first attempt. If service is not achieved by the first method, for legal parents, alternate service by publication will be ordered. The attorney or agency shall immediately inform the Court that the first attempt was not successful to receive a new date for hearing (within 30 days) and an order for publication.
- When attorneys or agency personnel do not assist petitioners, the court staff will be responsible for all facets of service. The first attempt will be personal service. If personal service is not achieved, for legal parents, alternate service by publication will be ordered. The hearing will be rescheduled within 30 days of the first failed attempt at service.
- Petitioners are required to reimburse the Court for the cost of personal service and publication prior to the entry of a final order of adoption.

Additional Information

Obtaining adoption records to secure a passport

If born in Michigan, contact [Vital Records](#) in Lansing to request a new copy of the birth certificate with the Delayed Date removed. Their office can be contacted by phone at (517) 335-8660. If only a certified copy of the Order of Adoption is required, the fee is \$10.00 and can be requested by using form [PCA 327](#). The filing fee associated with this form is \$20.00 and payment must be submitted in the form of a check or money order made payable to [Tuscola County Clerk's Office](#). A copy of a valid driver's license of the petitioner must also be submitted.

REGISTRATION OF FOREIGN BIRTHS

Residents of Tuscola County seeking to establish a State of Michigan Birth Certificate following the adoption of their child in a foreign country can do so by filing for a **Delayed Registration of Foreign Birth** with the Tuscola County Probate Court. For more information, see the links below:

- [Delayed Registration of Foreign Birth Checklist--\(PDF\)](#)
- [Application to Establish Delayed Registration of Foreign Birth--\(PDF\)](#)
- [Motion and Order for Delayed Registration of Foreign Birth--\(PDF\)](#)

ADOPTION RECORDS REQUEST

How do I get access to adoption records?

Tuscola County Probate Court does not have, store or maintain adoption records. You must contact the Adoptions Unit, which is part of the Juvenile Section of the Family Division of the Tuscola County Circuit Court.

Tuscola County Clerk's Office
Adoptions Unit
Attn: Victoria Maguire
440 N. State Street
Caro, Michigan 48723
Phone Number: (989) 672-3783
Fax Number: (989) 672-4266