

Oakland County Circuit Court - Family Division, Adoption Services

Agency Voluntary Release (MCL 710.28)

To have a release hearing scheduled, send a detailed cover letter explaining the circumstances of the case, stating who will be signing releases and the status of father(s) (legal/putative) and how all rights are to be terminated.

If parent of the adoptee is an unemancipated minor, that parent's release is not valid unless a parent, guardian, or guardian ad litem of that minor parent also signs the release (MCL 710.28(2)). Release hearings are set before a referee but may be heard by a judge.

Please submit the following:

1. *Release of Child by Parent* (PCA 305) (Please note this is a two-page form). It is to be prepared by the agency and executed (signed) in the presence of a referee or judge. A release form is required for each parent who is releasing. The court will keep the original; copies will be mailed to the agency after the hearing.

*If father is also signing at the release hearing, a *Release* and *Statement to Accompany Release* (PCA 305 and PCA 338) are to be prepared for his signature.
2. *Statement to Accompany Release* (PCA 338) completed and signed prior to the hearing. It does not have to be signed before the referee or judge. The original copy will be placed in the court file.
3. **Order Terminating Parental Rights after Release or Consent* (PCA 318) to be submitted by the agency. Persons signing the *Release* (PCA 305) at the hearing will be listed on this order. If a parent/guardian is signing the release with the unemancipated minor, both names are listed at number 2. List only birth parent's name (whose rights are being terminated) on number 4. The original is placed in the court file; the agency will receive "sealed copy."
4. *Petition for Hearing to Identify Father and Determine or Terminate His Rights* (PCA 310) is prepared by the agency when the child is "born out of wedlock" as defined in MCL 710.22(h). There is a \$20. (See separate instructions)
5. *A Declaration of Inability to Identify /Locate Father* (PCA 315) is prepared by the agency when mother does not know the name(s) of the putative father(s) or knows the father but cannot locate him. This form is signed by the birth mother and reviewed by the agency submitting the document with her. It should be carefully prepared, describing all of the steps that have been taken to identify or locate the father.
6. **Order Terminating Rights of Father Without Release or Consent* (PCA 312) to be prepared by the agency if the putative father does not come to the release hearing and his rights are terminated without his appearance. The original is placed in the court file; the agency will receive a "sealed copy".
7. *Order Committing to Agency or Department* (PCA 322) to be prepared by the agency. Parents whose rights are being terminated are listed on this Order. The original order is placed in the court file; the agency will receive a "sealed copy."

8. *Parent's or Guardian's Verified Accounting for Adoption Release or Direct Placement Adoption* (PCA 348) to be signed by parent or guardian. This form does not have to be signed in front of the referee or judge and is prepared prior to the court appearance. It should include any expenses paid on behalf of the birth mother by the adoptive parents, including counseling.
9. A complete birth family history. (MCL 710.27)
10. *Advice of Rights After Order Terminating Parental Rights (Adoption Code)*, PCA 323

Please see handout "Putative Father" tab on our website (www.oakgov.com) for further information.

*The form prepared and submitted by the agency becomes an order when the judge signs it. Sometimes the date of the hearing and the date of the order are not the same. For appeal purposes the 21-day period begins the date of the order.