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Step-Parent Adoptions Made More Difficult

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A few months back, the Michigan Supreme Court decided a case that directly impacts those families hoping to undertake a step-parent adoption. The case, *In re: AJR*, involved a family with one child wherein the biological mother and father were awarded joint legal custody after their divorce. For a period of two years, the father failed to provide substantial child support and had very little contact with the minor child. The mother remarried and the minor child had a close, loving relationship with the step-father. The mother and her new husband filed a petition for a step-parent adoption, and the biological father objected. After a two day trial, the lower court terminated his parental rights due to his failure to both support and interact with the child, and entered an order of adoption.

The Michigan Supreme Court disagreed and decided that so long as a parent has been awarded joint legal custody, his or her parental rights cannot be involuntarily terminated for purposes of a step-parent adoption. This requires families to file a motion requesting a change in custody from joint legal to sole legal prior to filing a petition for adoption. In essence, it adds a step to the process that might make it more difficult for some families to successfully complete a step-parent adoption. This decision will most likely result in a decrease in the number of step-parent adoptions that are successfully completed.