

Out of Court Consent and Release Short Summary

- Consents and releases by parent or guardian are authorized by statute (2014 PA 117) to be completed out of court 710.44(6) and (8) and 710.29(5) and (7) and accepted in lieu of a judicial consent or release
- Out of court consents are permitted only for direct placement (AD suffix) adoptions 710.44(8)(g)
 - Does not change stepparent, adult or relative consents
 - An out-of-court release may be signed in any agency adoption (direct placement or otherwise)
- Must be signed before a caseworker from a child placing agency and a lawyer representing the birth parent 710.29 (5) and 44(6)
- An out of court consent may be signed before an adoption petition is on file 710.44(8)(g)
- Cannot be signed until after a 72-hour waiting period after the child's birth 710.44(8)(a) and 710.29(5)(a)
- A parent or guardian must sign if the birth parent is a minor 710.44(8)(b) and 29(5)(b)
- Must include specific language explaining what parental rights are being waived 710.44(8)(c)(i)-(v) and 29(5)(c)(i)-(v).
- The court shall enter an order terminating parental rights not sooner than 5 [business days] after execution when the consent or release is signed out of court 710.44(6) and 29(8)
- Both the out of court consent and release must be accompanied by the verified statements that are required to be submitted with in court consents and releases 710.44(8)(c) and 29(5)(c)
- An out of court consent or release may be revoked 710.23d(10), 710.44(9), and 29(12)
- Must contain complete contact information as to the lawyer and caseworker if a revocation is to be requested 710.44(8)(e) and 29(5)(e)
- Must contain the particular verified statement that the consent or release is voluntary 710.44(8)(d)(ii) and 710.29(5)(f)

Checklist for Out-Of-Court Consents/Releases

- ☐ Out of Court Consent/Release to Direct Placement Adoption
 - ☐ Signed 72 hours after birth?
 - ☐ Lawyer and caseworker and their contact info?
 - ☐ Court contact info?
 - ☐ Is birth parent an adult (if not did their parent or guardian sign too)?
 - ☐ Parental rights listed as required in statute?
 - ☐ Does the document contain all of the necessary information regarding parental rights being waived?
 - ☐ Did parent initial all paragraphs?
 - ☐ Does it contain information for revocation?
 - ☐ Is it accompanied by a statement to accompany consent or release?
 - ☐ Is there a statement of voluntariness?
- ☐ Copy of driver's license or identification (birth parent)
- ☐ Statement to Accompany Consent (PCA 339)
- ☐ Verified Declaration re: Paternity to Accompany Consent/Release
- ☐ No Native American heritage
- ☐ Birth Verification
- ☐ Paternity Clearance (if putative)
- ☐ Petition for Adoption and accompanying documents
- ☐ 7-Day fee forms
- ☐ Follow up Report (PCA 333)
- ☐ Report on Request for Revocation of an Out-of-Court Consent
- ☐ Parent or Guardian's Verified Accounting (PCA 348)