Natural and Adoptive Parents
In re Clausen (DeBoer v. Schmidt), DeBoer v. DeBoer (1993)
442 Mich. 436

Two Michigan residents, Roberta and Jan DeBoer, filed a petition in an Iowa District Court for the adoption of the newborn daughter of Cara Clausen, an unmarried Iowa woman, after a juvenile court had terminated Clausen's parental rights as well as those of the named father. After the child was brought to Michigan, Clausen revealed that Daniel Schmidt was the father of the child, not the man who was previously named. Paternity tests revealed that this was the case, and Schmidt, who later married Clausen, sought to intervene in the adoption proceeding.

The Iowa District Court ruled that Schmidt was the rightful parent of baby Clausen and that she must be returned to him. The Washtenaw Circuit Court, however, ordered that the child remain in custody of the DeBoers, finding that it had jurisdiction to determine the best interests of the child. But on appeal, the Michigan Court of Appeals reversed the Washtenaw decision, concluding that the DeBoers lacked standing to bring the action due to the decision of the Iowa court.

Simultaneously, baby Clausen – known as Jessica DeBoer for the case – brought an action for custody through Peter Darrow against the DeBoers and the Schmidts. Again, the Washtenaw Circuit Court ruled in favor of the DeBoers, sustaining the status quo. Both cases were appealed, by the Schmidts, to the Michigan Supreme Court.

In the first case, *DeBoer v. Schmidt*, the Court affirmed the judgment of the Court of Appeals, ruling that both the Uniform Child Custody Jurisdiction Act and the federal Parental Kidnapping Prevention Act deprived the Michigan courts of any jurisdiction, thus affirming the decision of the Iowa court. They also found that the DeBoers lacked standing to bring the action under the precedent of *Bowie v. Arder*, 441 Mich. 23. In the second case, *DeBoer v. DeBoer*, the case was dismissed due to its lacking a claim upon which relief may be granted. They found that "while a child has a constitutionally protected interest in family life, that interest is not independent of its parents' in the absence of a showing that the parents are unfit." Because the Iowa courts had not ruled Daniel Schmidt to be an unfit parent, his paternity claim could not be denied.

Justice Levin, dissenting, criticized the majority's decision for treating baby Clausen like a "carload of hay." By treating the case along the lines of a property dispute, he thought the majority was ignoring a third party, the child herself. Further, Levin believed that the child was not just one party who was neglected, but the most important party to consider. He also wrote that the majority was mistaken in their interpretation of the "home state" of the child, which he believed was clearly Michigan and not Iowa. Finally, he criticized the majority's interpretation of the Parental Kidnapping Protection Act, which he believed was legislated with the best interests of the child in mind, not merely as a tool for settling jurisdiction disputes.