

**SUBSTITUTE FOR  
SENATE BILL NO. 860**

A bill to amend 1939 PA 288, entitled

"An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,"

by amending sections 27, 27a, 27b, 68, 68a, and 68b of chapter X (MCL 710.27, 710.27a, 710.27b, 710.68, 710.68a, and 710.68b), section 27 as amended and sections 27a and 27b as added by 1994 PA 208 and sections 68, 68a, and 68b as amended by 1994 PA 373.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER X

2 Sec. 27. (1) Before placement of a child for adoption, a  
3 parent or guardian, a child placing agency, the department, or  
4 the court that places the child shall compile and provide to the  
5 prospective adoptive parent a written document containing all of  
6 the following nonidentifying information that is not made confi-  
7 dential by state or federal law and that is reasonably obtainable  
8 from the CHILD'S parents, relatives, or guardian; ~~of the child;~~  
9 from any person who has had physical custody of the child for 30  
10 days or more; or from any person who has provided health, psycho-  
11 logical, educational, or other services to the child:

12 (a) ~~Date~~ THE CHILD'S DATE, time, and place of birth ~~of~~  
13 ~~the child~~ including the hospital, city, county, and state.

14 (b) An account of the CHILD'S health and genetic history,  
15 ~~of the child,~~ including an account of the child's prenatal  
16 care; THE CHILD'S medical condition at birth; any drug or medica-  
17 tion taken by the child's mother during pregnancy; any subsequent  
18 medical, psychological, psychiatric, or dental examination and  
19 diagnosis; any psychological evaluation done when the child was  
20 under the jurisdiction of the court; any neglect or physical,  
21 sexual, or emotional abuse suffered by the child; and a record of  
22 any immunizations and health care the child received while in  
23 foster or other care.

24 (c) An account of the health and genetic history of the  
25 child's biological parents and other members of the child's  
26 family, including any known hereditary condition or disease; the

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1 health of each parent at the child's birth; a summary of the  
2 findings of any medical, psychological, or psychiatric evaluation  
3 of each parent at the time of placement; and, if a parent is  
4 deceased, the cause of and the age at death.

5 (d) A description of the child and the child's family of  
6 origin, including all of the following:

7 (i) ~~Given~~ THE CHILD'S GIVEN first name ~~of the child~~ at  
8 birth.

9 (ii) The age and sex of THE CHILD'S siblings. ~~of the~~  
10 ~~child.~~

11 (iii) The child's enrollment and performance in school,  
12 results of educational testing, and any special educational  
13 needs.

14 (iv) The child's racial, ethnic, and religious background,  
15 and a general description of the child's parents, including the  
16 age of the child's parents at the time of termination of parental  
17 rights, and the length of time the parents had been married at  
18 the time of placement.

19 (v) An account of the child's past and existing relationship  
20 with any relative, foster parent, or other individual or facility  
21 with whom the child has lived or visited on a regular basis. The  
22 account shall not include names and addresses of individuals.

23 (vi) The levels of educational, occupational, professional,  
24 athletic, or artistic achievement of the child's family.

25 (vii) Hobbies, special interests, and school activities of  
26 the child's family.

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1 (viii) The circumstances of any judicial order terminating  
2 the parental rights of a parent for abuse, neglect, abandonment,  
3 or other mistreatment of the child.

4 (ix) Length of time between the termination of parental  
5 rights and adoptive placement and whether the termination was  
6 voluntary or court-ordered.

7 (x) Any information necessary to determine the child's eli-  
8 gibility for state or federal benefits, including financial, med-  
9 ical, or other assistance.

10 (2) Information required by subsection (1) that is unobtain-  
11 able before temporary placement shall be submitted by the time of  
12 formal placement if reasonably obtainable. The information  
13 required by subsection (1) shall be supplemented by other noni-  
14 dentifying background information that the parent or guardian,  
15 child placing agency, department, or court considers  
16 appropriate.

17 (3) A parent or guardian, the department, a child placing  
18 agency, or a court that places an adoptee under this chapter  
19 shall compile all of the following identifying information if  
20 reasonably obtainable:

21 (a) ~~Name of the child~~ THE CHILD'S NAME before placement in  
22 adoption.

23 (b) ~~Name of each biological parent~~ EACH BIOLOGICAL  
24 PARENT'S NAME AND ADDRESS at the time of termination of parental  
25 rights AND EACH PARENT'S DATE OF BIRTH.

26 (c) ~~The~~ EACH BIOLOGICAL PARENT'S most recent name and  
27 address. ~~of each biological parent.~~

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1       (d) ~~Names of the biological siblings~~ EACH BIOLOGICAL  
2 SIBLING'S NAME at the time of termination AND EACH SIBLING'S DATE  
3 OF BIRTH.

4       (E) EACH BIOLOGICAL SIBLING'S MOST RECENT NAME AND ADDRESS.

5       (4) The information required by subsections (1) to (3) shall  
6 be maintained by the child placing agency, department, or court  
7 that places the child or, in the case of a direct placement by a  
8 parent or guardian, by the court that approves the placement. In  
9 a direct placement, the parent or guardian shall transmit the  
10 information required under subsections (1) to (3) to the court  
11 before the termination of parental rights. An employee or agent  
12 of a child placing agency, the court, or the department who  
13 intentionally destroys information required to be maintained  
14 under this section is guilty of a misdemeanor.

15       (5) If a child placing agency ceases to operate, the  
16 agency's adoption records shall be forwarded to the department.  
17 A branch or associate agency of a child placing agency that  
18 ceases to operate shall forward its records to the central agency  
19 of the branch or associate agency.

20       (6) This section does not apply to a stepparent adoption or  
21 to the adoption of a child related to the petitioner within the  
22 fifth degree by marriage, blood, or adoption.

23       (7) This section does not prevent a parent or guardian and  
24 prospective adoptive parent from exchanging identifying informa-  
25 tion or meeting ~~pursuant to~~ AS PROVIDED IN sections 23a and 23b  
26 OF THIS CHAPTER.

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1           Sec. 27a. (1) A former parent may file with the central  
2 adoption registry a statement consenting to or denying the  
3 release of the identifying information about that parent speci-  
4 fied in section 27(3)(b) and (c) OF THIS CHAPTER. The consent or  
5 denial may be filed, updated, or revoked at any time.

6           (2) An adult former sibling may file a statement with the  
7 central adoption registry providing notice that a former parent  
8 is deceased. A copy of the former parent's death certificate or  
9 other evidence of the former parent's death shall be attached to  
10 the statement. UPON RECEIVING A CLEARANCE REPLY FORM, THE COURT,  
11 CHILD PLACING AGENCY, OR DEPARTMENT SHALL NOTIFY THE INDIVIDUAL  
12 WHO FILED THE NOTICE OF THE DEATH.

13           (3) An adult former sibling who knows the birth name of an  
14 ~~adoptee~~ ADOPTED PERSON may file with the central adoption reg-  
15 istry a statement consenting to the release OR DENYING RELEASE of  
16 the adult former sibling's name and address to the adult  
17 ~~adoptee~~ ADOPTED PERSON. The ~~statement~~ CONSENT OR DENIAL may  
18 be filed, updated, or revoked at any time.

19           (4) A DECEASED BIRTH PARENT'S PARENT WHO KNOWS THE BIRTH  
20 NAME OF HIS OR HER GRANDCHILD WHO IS AN ADOPTED PERSON MAY FILE A  
21 STATEMENT WITH THE CENTRAL ADOPTION REGISTRY PROVIDING NOTICE  
22 THAT THE FORMER PARENT IS DECEASED. A COPY OF THE FORMER  
23 PARENT'S DEATH CERTIFICATE OR OTHER EVIDENCE OF THE FORMER  
24 PARENT'S DEATH MUST BE ATTACHED TO THE STATEMENT.

25           (5) ~~-(4)-~~ At the time of termination of parental rights  
26 ~~pursuant to~~ UNDER this chapter or chapter XIIA, the court shall  
27 inform each parent of the provisions described in this section

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1 and sections 27b, 68, 68a, and 68b OF THIS CHAPTER. The court  
2 shall inform each parent that the parent's consent to the release  
3 of identifying information about that parent specified in section  
4 27(3)(b) and (c) ~~shall be~~ OF THIS CHAPTER IS presumed unless  
5 the parent files a statement with the central adoption registry  
6 denying the release of the information about that parent. The  
7 court shall explain the parent's right to file, update, or revoke  
8 the denial at any time, and shall provide each parent with the  
9 forms prescribed under section 27b OF THIS CHAPTER.

10       Sec. 27b. (1) The department shall establish and maintain a  
11 central adoption registry to control the release of identifying  
12 information described in section 27(3) OF THIS CHAPTER.

13       (2) The central adoption registry shall keep on file the  
14 statements of former parents consenting to or denying the release  
15 of identifying information and the statements of adult former  
16 siblings AND PARENTS OF DECEASED PARENTS described in section  
17 27a(2), ~~and~~ (3), AND (4) OF THIS CHAPTER.

18       (3) The department shall develop forms for former parents to  
19 use to consent to ~~—~~ OR deny, or TO revoke a consent to or  
20 denial of, the release of identifying information; and forms for  
21 adult former siblings to use to provide notice of the death of a  
22 former parent and to consent to OR DENY the release of the adult  
23 former sibling's name and address to an adult ~~adoptee~~ ADOPTED  
24 PERSON. THE DEPARTMENT SHALL DEVELOP FORMS FOR A PARENT OF A  
25 DECEASED FORMER PARENT TO USE TO PROVIDE NOTICE OF THE FORMER  
26 PARENT'S DEATH AND TO CONSENT TO OR DENY, OR TO REVOKE A CONSENT  
27 TO OR DENIAL OF, THE RELEASE OF IDENTIFYING INFORMATION TO AN

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1 ADULT ADOPTED PERSON. The department shall make the forms  
2 available to child placing agencies and the court. The forms  
3 shall include the current name and address of the former parent,  
4 DECEASED FORMER PARENT'S PARENT, or adult former sibling. The  
5 denial form shall contain a space for the former parent to indi-  
6 cate, if he or she wishes, the reason why he or she does not wish  
7 to be identified or contacted. The department shall also develop  
8 and distribute clearance request and reply forms to be used by  
9 child placing agencies, the department, and the court to request  
10 and receive information from the central adoption registry  
11 ~~pursuant to~~ UNDER section 68(5) and (8) OF THIS CHAPTER.

12 (4) Upon receipt of a clearance request form from a child  
13 placing agency or the department or court ~~pursuant to~~ UNDER  
14 section 68(5) OF THIS CHAPTER, the central adoption registry  
15 shall transmit to the requester a clearance reply form indicating  
16 whether a particular former parent has filed with the registry a  
17 statement either denying or consenting to the release of identi-  
18 fying information or whether a former parent is deceased. The  
19 central adoption registry shall attach a copy of the statement  
20 consenting to or denying the release of identifying information.  
21 Once a request for information has been received by the central  
22 adoption registry, a subsequent statement submitted by a former  
23 parent consenting to the release of identifying information or  
24 revoking a previous denial of release of identifying information  
25 shall be transmitted to the person who requested the  
26 information.

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1           (5) Upon receipt of a clearance request form from a child  
2 placing agency or the department or court ~~pursuant to~~ UNDER  
3 section 68(8) OF THIS CHAPTER, the central adoption registry  
4 shall transmit to the requester a statement from an adult former  
5 sibling OR A DECEASED PARENT'S PARENT consenting to the release  
6 OF THE NAME AND ADDRESS of the adult former ~~sibling's name and~~  
7 ~~address to an adult adoptee~~ SIBLING OR OF THE DECEASED PARENT'S  
8 PARENT TO THE ADULT ADOPTED PERSON. Once a request for informa-  
9 tion has been received by the central adoption registry, a subse-  
10 quent statement submitted by an adult former sibling OR A  
11 DECEASED FORMER PARENT'S PARENT consenting to the release of the  
12 ~~adult former sibling's~~ name and address OF THE ADULT FORMER  
13 SIBLING OR OF THE DECEASED PARENT'S PARENT shall be transmitted  
14 to the person who requested the information.

15           Sec. 68. (1) Within 63 days after a request for nonidenti-  
16 fying information is received, a child placing agency, a court,  
17 or the department shall provide in writing to ~~the~~ A MINOR  
18 ADOPTED PERSON'S adoptive parent, adult ~~adoptee~~ ADOPTED PERSON,  
19 former parent, ~~or~~ adult former sibling, OR DECEASED FORMER  
20 PARENT'S PARENT requesting the information all of the nonidenti-  
21 fying information described in section 27(1) and (2) of this  
22 chapter.

23           (2) Within 63 days after a request for identifying informa-  
24 tion about an adult ~~adoptee~~ ADOPTED PERSON is received, a child  
25 placing agency or THE court or ~~the~~ department shall provide in  
26 writing to the former parent, ~~or~~ adult former sibling, OR  
27 DECEASED FORMER PARENT'S PARENT, requesting the information the

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1 adult ~~adoptee's~~ ADOPTED PERSON'S most recent name and address  
2 if the adult ~~adoptee~~ ADOPTED PERSON has given written consent  
3 to release of the information ~~pursuant to~~ AS PROVIDED IN this  
4 chapter. If the adult ~~adoptee~~ ADOPTED PERSON has not given  
5 written consent to the release of information, the child placing  
6 agency, the court, or the department shall, upon presentation of  
7 a certified copy of the order of appointment, give the adult  
8 ~~adoptee's~~ ADOPTED PERSON'S name and address to a confidential  
9 intermediary appointed ~~pursuant to~~ UNDER section 68b of this  
10 chapter, together with any other information in its possession  
11 that would help the confidential intermediary locate the adult  
12 ~~adoptee~~ ADOPTED PERSON. At the option of agency or the depart-  
13 ment, the information may be released to the court for release to  
14 the confidential intermediary.

15 (3) If the department or a child placing agency receives a  
16 request for adoption record information in its possession from an  
17 adult ~~adoptee~~ ADOPTED PERSON, former parent, or adult former  
18 sibling, the department or child placing agency shall provide the  
19 individual requesting the information with the identity of the  
20 court that confirmed the adoption within 28 days after receipt of  
21 the request. If a court receives such a request, the court shall  
22 provide the individual requesting the information with the iden-  
23 tity of the child placing agency that handled the adoption.

24 (4) If the court that terminated parental rights receives  
25 from ~~the~~ A former ~~parents or~~ PARENT, adult former ~~siblings~~  
26 ~~of the adult adoptee~~ SIBLING, OR DECEASED FORMER PARENT'S PARENT  
27 a request for the identity of the agency, court, or department to

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1 which the child was committed, the court shall provide in writing  
2 the name of that agency, court, or department, if known, within  
3 28 days after receipt of the request.

4 (5) Upon receipt of a written request for identifying infor-  
5 mation from an adult ~~adoptee~~ ADOPTED PERSON, a child placing  
6 agency, a court, or the department, if it maintains the adoption  
7 file for that ~~adoptee~~ ADOPTED PERSON, shall submit a clearance  
8 request form to the central adoption registry. Within 28 days  
9 after receipt of a clearance reply form from the central adoption  
10 registry, the child placing agency, court, or department shall  
11 notify the ~~adoptee~~ ADOPTED PERSON in writing of the identifying  
12 information to which the ~~adoptee~~ ADOPTED PERSON is entitled  
13 under subsection (6) or (7), or, if the identifying information  
14 cannot be released ~~pursuant to~~ UNDER those subsections, the  
15 reason why the information cannot be released. The child placing  
16 agency, court, or department shall retain a copy of the notice  
17 sent to the adult ~~adoptee~~ ADOPTED PERSON.

18 (6) ~~For adoptions in which the former parents' rights were~~  
19 THIS SUBSECTION APPLIES TO AN ADULT ADOPTED PERSON IF HIS OR HER  
20 FORMER PARENTS RELEASED THEIR PARENTAL RIGHTS, VOLUNTARILY CON-  
21 SENTED TO THE ADOPTED PERSON'S ADOPTION, OR HAD THEIR PARENTAL  
22 RIGHTS terminated on or after May 28, 1945 and before September  
23 12, 1980, ~~a child placing agency, a court, or the department~~  
24 ~~shall release to an adult adoptee or~~ AND to a confidential  
25 intermediary appointed under section 68b of this chapter. A  
26 CHILD PLACING AGENCY, A COURT, OR THE DEPARTMENT SHALL RELEASE TO  
27 A PERSON TO WHOM THIS SUBSECTION APPLIES the identifying

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1 information described in section 27(3) of this chapter and other  
2 identifying information on file with the central adoption regis-  
3 try as specified in section 27b of this chapter, in the following  
4 manner:

5       (a) All of the identifying information described in  
6 section 27(3) of this chapter shall be released to the adult  
7 ~~adoptee~~ ADOPTED PERSON, if both former parents have on file  
8 with the central adoption registry a statement consenting to  
9 release of the identifying information.

10       (b) The identifying information described in  
11 section 27(3)(b) and (c) of this chapter about 1 of the former  
12 parents and the identifying information described in  
13 section 27(3)(a) and (d) of this chapter shall be released to the  
14 adult ~~adoptee~~ ADOPTED PERSON if that former parent has on file  
15 with the central adoption registry a statement consenting to  
16 release of identifying information.

17       (c) The identifying information described in  
18 section 27(3)(b) and (c) of this chapter about 1 of the former  
19 parents and the identifying information described in  
20 section 27(3)(a) and (d) of this chapter shall be released to the  
21 adult ~~adoptee~~ ADOPTED PERSON if that parent is deceased.

22       (d) All of the identifying information described in  
23 section 27(3) of this chapter on both former parents shall be  
24 released to the adult ~~adoptee~~ ADOPTED PERSON, if both former  
25 parents are deceased.

26       (e) Upon presentation of a certified copy of the order of  
27 appointment, all of the identifying information described in

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1 section 27(3) of this chapter shall be released to a confidential  
2 intermediary appointed ~~pursuant to~~ UNDER section 68b of this  
3 chapter, together with additional information to assist the con-  
4 fidential intermediary to locate former family members. At the  
5 option of the agency or the department, the information may be  
6 released to the court for release to the confidential  
7 intermediary.

8 (7) For all adoptions IN WHICH THE FORMER PARENTS RELEASED  
9 THEIR PARENTAL RIGHTS OR VOLUNTARILY CONSENTED TO THEIR CHILD'S  
10 ADOPTION, OR in which the former parents' rights were terminated,  
11 before May 28, 1945 or on or after September 12, 1980, a child  
12 placing agency, a court, or the department shall release to an  
13 adult ~~adoptee~~ ADOPTED PERSON the identifying information  
14 described in section 27(3) of this chapter and any additional  
15 information on file with the central adoption registry as speci-  
16 fied in section 27b of this chapter, except that if a former  
17 parent has filed a statement currently in effect with the central  
18 adoption registry denying consent to have identifying information  
19 released, the identifying information specified in  
20 section 27(3)(b) and (c) of this chapter shall not be released  
21 about that parent. For purposes of this subsection, a denial of  
22 consent is not effective after the death of the former parent.

23 (8) Upon receipt of a written request from an adult  
24 ~~adoptee~~ ADOPTED PERSON for the name and address of an adult  
25 former sibling, a child placing agency, a court, or the depart-  
26 ment, if it maintains the adoption file for that ~~adoptee~~  
27 ADOPTED PERSON, shall submit a clearance request form to the

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1 central adoption registry. Within 28 days after receipt of a  
2 clearance reply form from the central adoption registry, the  
3 child placing agency, court, or department shall notify the  
4 ~~adoptee~~ ADOPTED PERSON in writing of the name and address of an  
5 adult former sibling whose statement was forwarded by the central  
6 adoption registry. IF AN ADULT FORMER SIBLING CURRENTLY HAS ON  
7 FILE A STATEMENT TO DENY RELEASE OF THE IDENTIFYING INFORMATION  
8 SPECIFIED IN SECTION 27(3)(B), (C), AND (E) OF THIS CHAPTER, THAT  
9 INFORMATION SHALL NOT BE RELEASED.

10 (9) AN ADULT ADOPTED PERSON WHO RECEIVES A CLEARANCE REPLY  
11 FORM UNDER SUBSECTION (10) OR (11) MAY USE THE CLEARANCE REPLY  
12 FORM TO OBTAIN A COPY OF HIS OR HER ORIGINAL CERTIFICATE OF LIVE  
13 BIRTH AS PROVIDED IN SECTION 2882 OF THE PUBLIC HEALTH CODE, 1978  
14 PA 368, MCL 333.2882.

15 (10) ~~(9)~~ If a child placing agency or court or the depart-  
16 ment requests information from the central adoption registry and  
17 if the clearance reply form from the central adoption registry  
18 indicates that neither of the former parents has on file with the  
19 central adoption registry a statement currently in effect denying  
20 consent to have identifying information released, the child plac-  
21 ing agency, court, or department shall deliver to the adult  
22 ~~adoptee~~ ADOPTED PERSON a copy of the clearance reply form it  
23 received from the central adoption registry. ~~The clearance~~  
24 ~~reply form may be used by the adult adoptee to obtain a copy of~~  
25 ~~his or her original certificate of live birth pursuant to~~  
26 ~~section 2882 of the public health code, Act No. 368 of the Public~~  
27 ~~Acts of 1978, being section 333.2882 of the Michigan Compiled~~

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1 ~~Laws.~~ This subsection applies to all adoptions IN WHICH THE  
2 FORMER PARENTS RELEASED THEIR PARENTAL RIGHTS OR VOLUNTARILY CON-  
3 SENTED TO THEIR CHILD'S ADOPTION, OR in which the parents' rights  
4 were terminated, before May 28, 1945 or on or after September 12,  
5 1980.

6 (11) THIS SUBSECTION APPLIES TO ALL ADOPTIONS IN WHICH THE  
7 FORMER PARENTS RELEASED THEIR PARENTAL RIGHTS OR VOLUNTARILY CON-  
8 SENTED TO THEIR CHILD'S ADOPTION ON OR AFTER MAY 28, 1945 OR  
9 BEFORE SEPTEMBER 12, 1980. IF A CHILD PLACING AGENCY, THE COURT,  
10 OR THE DEPARTMENT REQUESTS INFORMATION FROM THE CENTRAL ADOPTION  
11 REGISTRY, THE CHILD PLACING AGENCY, THE COURT, OR THE DEPARTMENT  
12 SHALL DELIVER TO AN ADULT ADOPTED PERSON A COPY OF A CLEARANCE  
13 REPLY FORM RECEIVED FROM THE CENTRAL ADOPTION REGISTRY IF THE  
14 FORM INDICATES THAT THE REGISTRY HAS ON FILE ANY OF THE  
15 FOLLOWING:

16 (A) CURRENTLY EFFECTIVE STATEMENTS FROM BOTH FORMER PARENTS  
17 CONSENTING TO THE RELEASE OF IDENTIFYING INFORMATION.

18 (B) IF ONLY 1 FORMER PARENT IS LISTED ON THE REGISTRY AS  
19 KNOWN, A CURRENTLY EFFECTIVE STATEMENT FROM THAT PARENT CONSENT-  
20 ING TO THE RELEASE OF IDENTIFYING INFORMATION.

21 (C) A STATEMENT CONSENTING TO THE RELEASE OF IDENTIFYING  
22 INFORMATION FROM AN ADULT FORMER SIBLING OR FROM A FORMER  
23 PARENT'S PARENT ALONG WITH NOTICE AND EVIDENCE OF THE FORMER  
24 PARENT'S DEATH.

25 (12) ~~(10)~~ If a child placing agency, a court, or the  
26 department receives written information concerning a  
27 physician-verified medical or genetic condition of an individual

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1 biologically related to an ~~adoptee~~ ADOPTED PERSON and a request  
2 that the information be transmitted to the ~~adoptee~~ ADOPTED  
3 PERSON because of the serious threat it poses to the ~~adoptee's~~  
4 ADOPTED PERSON'S life, the child placing agency, court, or  
5 department shall send a written copy of the information by  
6 first-class mail within 7 days after the request is received to  
7 the ~~adoptee~~ ADOPTED PERSON at his or her last known address.  
8 If the ~~adoptee~~ ADOPTED PERSON is less than 18 years of age, the  
9 information shall be sent by first-class mail within 7 days after  
10 the request is received to the adoptive parents at their last  
11 known address.

12       (13) ~~(11)~~ If the information described in subsection  
13 ~~(10)~~ (12) is returned undelivered, the agency, court, or  
14 department shall make a reasonable effort to find the most recent  
15 address of the ~~adoptee~~ ADOPTED PERSON or minor ~~adoptee's~~  
16 ADOPTED PERSON'S parents and shall again send the information by  
17 first-class mail within 21 days after receiving the returned  
18 letter.

19       (14) ~~(12)~~ If a child placing agency, a court, or the  
20 department receives written information concerning a  
21 physician-verified medical or genetic condition of a person bio-  
22 logically related to an ~~adoptee~~ ADOPTED PERSON, and the condi-  
23 tion is not life-threatening to the ~~adoptee~~ ADOPTED PERSON OR  
24 RECEIVES A FORMER SIBLING'S OR FORMER PARENT'S DEATH CERTIFICATE,  
25 the child placing agency, court, or department shall place the  
26 information in its adoption files. If the child placing agency,  
27 court, or department receives a written request for the

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1 information from the adult ~~adoptee~~ ADOPTED PERSON or minor  
2 ~~adoptee's~~ ADOPTED PERSON'S adoptive parents, it shall release a  
3 written copy of the information to the adult ~~adoptee~~ ADOPTED  
4 PERSON or to the minor ~~adoptee's~~ ADOPTED PERSON'S adoptive par-  
5 ents within 63 days after the request for the information was  
6 made.

7       (15) ~~(13)~~ If a child placing agency, a court, or the  
8 department receives written information concerning a  
9 physician-verified medical or genetic condition that threatens  
10 the life of an ~~adoptee~~ ADOPTED PERSON and for which a biologi-  
11 cally related person could give life-saving aid, and receives a  
12 request from or on behalf of the ~~adoptee~~ ADOPTED PERSON that  
13 the information be transmitted, the child placing agency, court,  
14 or department shall send a written copy of the information by  
15 first-class mail within 7 days after the request is received to  
16 the ADOPTED PERSON'S biological parents or adult biological sib-  
17 lings ~~of the adoptee~~ at their last known address.

18       (16) ~~(14)~~ If the information described in subsection  
19 ~~(13)~~ (15) is returned undelivered, the agency, court, or  
20 department shall make a reasonable effort to find the most recent  
21 address of the biological parents or adult biological siblings  
22 and shall again send the information by first-class mail within  
23 21 days after receiving the returned letter.

24       (17) ~~(15)~~ If a child placing agency, a court, or the  
25 department provides an ~~adoptee~~ ADOPTED PERSON with the name of  
26 1 of the ~~adoptee's~~ ADOPTED PERSON'S former parents, that child  
27 placing agency, court, or department shall notify the department

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1 of ~~public~~ COMMUNITY health of that fact. Upon receipt of  
2 notification by the child placing agency, court, or department,  
3 the department of ~~public~~ COMMUNITY health shall insure that the  
4 original birth certificate on file for the ~~adoptee~~ ADOPTED  
5 PERSON has been sealed and that a new birth certificate has been  
6 prepared in conformance with section 67 of this chapter.

7 (18) ~~(16)~~ An employee or agent of a child placing agency,  
8 a court, or the department, who intentionally releases identify-  
9 ing information in violation of this section, is guilty of a  
10 misdemeanor.

11 (19) ~~(17)~~ This section also applies to a stepparent adop-  
12 tion and to the adoption of a child related to the petitioner  
13 within the fifth degree by marriage, blood, or adoption.

14 (20) ~~(18)~~ As used in this section, "adult ~~adoptee~~  
15 ADOPTED PERSON" means an individual who was adopted as a child  
16 who is now 18 years of age or older or an individual who was 18  
17 years of age or older at the time of adoption.

18 (21) ~~(19)~~ A child placing agency, a court, and the depart-  
19 ment may require a fee for supplying information under this  
20 section. ~~The fee shall be \$60.00 or the actual cost of supply-~~  
21 ~~ing the information, whichever is less.~~ The child placing  
22 agency, court, or department may waive a part or all of the fee  
23 in case of indigency or hardship. THE SUPREME COURT SHALL ESTAB-  
24 LISH THE MAXIMUM AMOUNT OF THE FEE A CHILD PLACING AGENCY OR  
25 COURT, OR THE DEPARTMENT, MAY CHARGE FOR SUPPLYING INFORMATION  
26 UNDER THIS SECTION BASED UPON A SURVEY OF THOSE ENTITIES  
27 CONDUCTED NOT LESS THAN ONCE EVERY 3 YEARS TO DETERMINE THE

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1 AVERAGE COST TO SUPPLY THE INFORMATION. A CHILD PLACING AGENCY  
2 OR COURT, OR THE DEPARTMENT, SHALL NOT CHARGE A FEE GREATER THAN  
3 THE MAXIMUM AMOUNT THE SUPREME COURT ESTABLISHES OR THAT EXCEEDS  
4 THE ACTUAL COST OF SUPPLYING THE INFORMATION, WHICHEVER IS LESS.

5 (22) ~~(20)~~ A direct descendant of a deceased adult  
6 ~~adoptee~~ ADOPTED PERSON may request information ~~pursuant to~~ AS  
7 PROVIDED IN this section. All information to which an adult  
8 ~~adoptee~~ ADOPTED PERSON is entitled ~~pursuant to~~ UNDER this  
9 section shall be released to the adult ~~adoptee's~~ ADOPTED  
10 PERSON'S direct descendants if the adult ~~adoptee~~ ADOPTED PERSON  
11 is deceased. UPON RECEIVING NOTICE AND A DEATH CERTIFICATE, OR  
12 OTHER EVIDENCE OF DEATH, FOR AN ADOPTED PERSON, THE COURT OR  
13 CHILD PLACING AGENCY SHALL CONTACT THE CENTRAL ADOPTION REGISTRY  
14 TO INQUIRE IF A STATEMENT IS ON FILE FOR A FORMER PARENT, FORMER  
15 ADULT SIBLING, OR PARENT OF A DECEASED BIRTH PARENT. THE COURT  
16 OR CHILD PLACING AGENCY SHALL NOTIFY IN WRITING EACH OF THESE  
17 INDIVIDUALS WHO HAS A STATEMENT ON FILE REGARDING THE ADOPTED  
18 PERSON'S DEATH, WHICH NOTICE SHALL INCLUDE THE CAUSE OF DEATH AND  
19 THE ADOPTED PERSON'S FIRST NAME.

20 (23) ~~(21)~~ A child placing agency, a court or the depart-  
21 ment shall permit the children's ombudsman to inspect adoption  
22 records in its possession in connection with an investigation  
23 authorized under the children's ombudsman act, ~~Act No. 204 of~~  
24 ~~the Public Acts of 1994, being sections 722.921 to 722.935 of the~~  
25 ~~Michigan Compiled Laws~~ 1994 PA 204, MCL 722.921 TO 722.935. The  
26 ombudsman shall not disclose information obtained by an  
27 inspection under this section. If the children's ombudsman

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1 requires further information from an individual whose identity is  
2 protected in closed adoption records, the ombudsman shall contact  
3 the individual discreetly and confidentially. The ombudsman  
4 shall inform the individual that his or her participation in the  
5 ombudsman's investigation is confidential, is strictly voluntary,  
6 and will not alter or constitute a challenge to the adoption.  
7 The ombudsman shall honor the individual's request not to be con-  
8 tacted further. As used in this subsection, "children's  
9 ombudsman" or "ombudsman" means the ombudsman appointed ~~pursuant~~  
10 ~~to~~ AS PROVIDED IN section 3 of ~~Act No. 204 of the Public Acts~~  
11 ~~of 1994, being section 722.923 of the Michigan Compiled Laws~~ THE  
12 CHILDREN'S OMBUDSMAN ACT, 1994 PA 204, MCL 722.923, or his or her  
13 designee.

14       Sec. 68a. (1) The department, in cooperation with adoption  
15 support groups, shall develop and publish an information pamphlet  
16 explaining the release of information from adoption records  
17 ~~pursuant to~~ UNDER this act.

18       (2) Within 14 days after it is contacted by an ~~adoptee~~  
19 ADOPTED PERSON, adult former sibling, former parent, DECEASED  
20 FORMER PARENT'S PARENT, or adoptive parent, a child placing  
21 agency or court or the department shall provide ~~the adoptee,~~  
22 ~~adult former sibling, former parent, or adoptive parent~~ THAT  
23 PERSON with all of the following:

24       (a) A copy of the information pamphlet described in subsec-  
25 tion (1).

26       (b) ~~A~~ AN UP-TO-DATE list of adoption support groups.

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1 (c) Information about the provisions described in this  
2 section and sections 27a, 27b, 68, and 68b of this chapter.

3 (3) If a child placing agency, a court, or the department  
4 receives a written request from an ~~adoptee~~ ADOPTED PERSON,  
5 adult former ~~sibling, former parent~~ FAMILY MEMBER, adoptive  
6 parent, or any other person biologically related to an ~~adoptee~~  
7 ADOPTED PERSON that the requester's current address be placed in  
8 its adoption files, the child placing agency, court, or depart-  
9 ment shall place the information in its adoption files.

10 Sec. 68b. (1) As used in this section:

11 (a) "Former family member" means a parent, ALLEGED PARENT,  
12 grandparent, or adult sibling related to ~~the~~ AN adult ~~adoptee~~  
13 ADOPTED PERSON through birth or adoption by at least 1 common  
14 parent, regardless of whether the adult ~~adoptee~~ ADOPTED PERSON  
15 ever lived in the same household as the former family member.

16 (b) "Petitioner" means an individual on whose behalf a con-  
17 fidential intermediary is appointed ~~pursuant to~~ UNDER  
18 subsection (2).

19 (2) An adult ~~adoptee~~ ADOPTED PERSON, an adoptive parent of  
20 a minor ~~adoptee~~ ADOPTED PERSON, or an adult child of a deceased  
21 ~~adoptee~~ ADOPTED PERSON may petition the court in which the  
22 final order of adoption was entered to appoint a confidential  
23 intermediary to search for and contact a former family member. A  
24 former family member may petition the court in which the final  
25 order of adoption was entered to appoint a confidential interme-  
26 diary to search for and contact an adult ~~adoptee~~ ADOPTED PERSON  
27 or an adult child of a deceased ~~adoptee~~ ADOPTED PERSON. Upon

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1 receipt of a petition under this section, the court shall contact  
2 the central adoption registry to determine whether there is cur-  
3 rently on file a statement from the individual being sought that  
4 denies consent to the release of identifying information. If no  
5 denial of consent is currently on file for that individual, the  
6 court shall by written order appoint as confidential intermediary  
7 an individual who meets the requirements of subsection (3). The  
8 court shall provide the confidential intermediary with a certi-  
9 fied copy of the order of appointment. The court may dismiss an  
10 intermediary if the intermediary engages in conduct that violates  
11 professional or ethical standards.

12 (3) An individual may serve as a confidential intermediary  
13 if he or she is approved by the court after completing training  
14 and files an oath of confidentiality with the court. The oath of  
15 confidentiality shall be substantially as follows:

16 "I, ....., signing under penalty of perjury, affirm  
17 all of the following:

18 (a) I will not disclose to a petitioner, directly or indi-  
19 rectly, any identifying information in sealed records without  
20 written consent of the individual to whom the information  
21 pertains.

22 (b) I will conduct a reasonable search for an individual  
23 being sought. I will make a discreet and confidential inquiry as  
24 to whether the individual consents to the release of information  
25 to the petitioner, or to meeting or communicating with the peti-  
26 tioner, and I will report to the petitioner and the court the  
27 results of my search and inquiry.

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1 (c) If the petitioner and the individual being sought  
2 consent in writing to meet or communicate with each other, I will  
3 act in accordance with the instructions of those persons and, if  
4 applicable, the instructions of the court to facilitate any meet-  
5 ing or communication between them.

6 (d) I will not charge or accept any fee for my services  
7 except for reimbursement from the petitioner for actual expenses  
8 incurred in performing my services, or as authorized by the  
9 court.

10 (e) I recognize that I may be subject to contempt of court  
11 sanctions and dismissal by the court if I permit the release of  
12 confidential information without authorization."

13 (4) A confidential intermediary shall make a reasonable  
14 search for an individual whose identity is sought by a petitioner  
15 under this section. The confidential intermediary shall first  
16 search the court records. If it is necessary to obtain informa-  
17 tion from an agency or the department, the confidential interme-  
18 diary shall provide a certified copy of the order of appointment  
19 to the agency or the department before requesting the records.  
20 If the confidential intermediary locates the individual being  
21 sought, the intermediary shall discreetly and confidentially con-  
22 tact the individual to ascertain whether the individual is will-  
23 ing to release information to the petitioner or to meet or commu-  
24 nicate with the petitioner. If the individual consents in writ-  
25 ing to the release of information, the intermediary shall release  
26 the information to the petitioner. Upon the mutual written  
27 consent of the petitioner and the individual, the intermediary

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1 may facilitate a meeting or other communication between the  
2 petitioner and the individual. If the individual refuses to  
3 authorize the release of information sought by the petitioner,  
4 the intermediary shall report the refusal to the petitioner and  
5 the court. If an individual sought under this section is  
6 deceased, the intermediary shall report that fact to the peti-  
7 tioner and the court.

8 (5) Except for a reasonable fee approved by the court and  
9 reimbursement for actual expenses incurred in performing serv-  
10 ices, a confidential intermediary shall not request or accept any  
11 money or other thing of value for serving as a confidential  
12 intermediary.

13 (6) If a confidential intermediary appointed under this sec-  
14 tion has failed to contact ~~a former family member~~ THE INDIVID-  
15 UAL WHOSE IDENTITY IS SOUGHT BY THE PETITIONER within 6 months  
16 after his or her appointment, the ~~adult adoptee~~ PETITIONER may  
17 petition the court for release of information described in sec-  
18 tion 27(3) OF THIS CHAPTER and any additional information  
19 obtained by the confidential intermediary. Before a hearing on  
20 the petition, the confidential intermediary shall submit a writ-  
21 ten report to the court describing all efforts made to locate the  
22 ~~former family member~~ INDIVIDUAL WHOSE IDENTITY IS SOUGHT and  
23 all information obtained. After the hearing, the court shall do  
24 1 of the following:

25 (a) Order the confidential intermediary to search for  
26 another 6-month period.

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1 (b) Appoint a new confidential intermediary to search for a  
2 6-month period.

3 (c) Release to the ~~adult adoptee~~ PETITIONER the identify-  
4 ing information described in section 27(3) OF THIS CHAPTER and  
5 any other information that the court considers appropriate, if  
6 the court finds that a diligent search has been made and that  
7 there is good cause to release the information. The court's  
8 finding shall be made on the record.