

SENATE BILL NO. 860

February 4, 1998, Introduced by Senator BOUCHARD and referred to the Committee on Families, Mental Health and Human Services.

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

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.

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.~~

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.

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 XIIIA, the court shall
27 inform each parent of the provisions described in this section

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

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.

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

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

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 ~~terminated on or after May 28, 1945 and before September 12,~~
20 ~~1980, a~~ A child placing agency, a court, or the department shall
21 release to an adult ~~adoptee~~ ADOPTED PERSON or to a confidential
22 intermediary appointed under section 68b of this chapter the
23 identifying information described in section 27(3) of this chap-
24 ter and other identifying information on file with the central
25 adoption registry as specified in section 27b of this chapter, in
26 the following manner:

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

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

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

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

22 (e) Upon presentation of a certified copy of the order of
23 appointment, all of the identifying information described in
24 section 27(3) of this chapter shall be released to a confidential
25 intermediary appointed ~~pursuant to~~ UNDER section 68b of this
26 chapter, together with additional information to assist the
27 confidential intermediary to locate former family members. At

1 the option of the agency or the department, the information may
2 be released to the court for release to the confidential
3 intermediary.

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

19 (8) Upon receipt of a written request from an adult
20 ~~adoptee~~ ADOPTED PERSON for the name and address of an adult
21 former sibling, a child placing agency, a court, or the depart-
22 ment, if it maintains the adoption file for that ~~adoptee~~
23 ADOPTED PERSON, shall submit a clearance request form to the cen-
24 tral adoption registry. Within 28 days after receipt of a clear-
25 ance reply form from the central adoption registry, the child
26 placing agency, court, or department shall notify the ~~adoptee~~
27 ADOPTED PERSON in writing of the name and address of an adult

1 former sibling whose statement was forwarded by the central
2 adoption registry. IF AN ADULT FORMER SIBLING CURRENTLY HAS ON
3 FILE A STATEMENT TO DENY RELEASE OF THE IDENTIFYING INFORMATION
4 SPECIFIED IN SECTION 27(3)(B) AND (C) OF THIS CHAPTER, THAT
5 INFORMATION SHALL NOT BE RELEASED.

6 (9) If a child placing agency or court or the department
7 requests information from the central adoption registry and if
8 the clearance reply form from the central adoption registry indi-
9 cates that neither of the former parents has on file with the
10 central adoption registry a statement currently in effect denying
11 consent to have identifying information released, the child plac-
12 ing agency, court, or department shall deliver to the adult
13 ~~adoptee~~ ADOPTED PERSON a copy of the clearance reply form it
14 received from the central adoption registry. The clearance reply
15 form may be used by the adult ~~adoptee~~ ADOPTED PERSON to obtain
16 a copy of his or her original certificate of live birth ~~pursuant~~
17 ~~to~~ AS PROVIDED IN section 2882 of the public health code, ~~Act~~
18 ~~No. 368 of the Public Acts of 1978, being section 333.2882 of the~~
19 ~~Michigan Compiled Laws~~ 1978 PA 368, MCL 333.2882. This subsec-
20 tion applies to all adoptions IN WHICH THE FORMER PARENTS
21 RELEASED THEIR PARENTAL RIGHTS OR VOLUNTARILY CONSENTED TO THEIR
22 CHILD'S ADOPTION, OR in which the parents' rights were
23 terminated, before May 28, 1945 or on or after September 12,
24 1980.

25 (10) IF A CHILD PLACING AGENCY OR THE COURT OR DEPARTMENT
26 REQUESTS INFORMATION FROM THE CENTRAL ADOPTION REGISTRY AND IF
27 THE CLEARANCE REPLY FORM FROM THE CENTRAL ADOPTION REGISTRY

1 INDICATES THAT IT HAS ON FILE CURRENTLY EFFECTIVE STATEMENTS FROM
2 BOTH FORMER PARENTS CONSENTING TO RELEASE OF IDENTIFYING INFORMA-
3 TION, OR HAS ON FILE SUCH A STATEMENT FROM A FORMER ADULT SIBLING
4 OR DECEASED FORMER PARENT'S PARENT ALONG WITH A NOTICE AND EVI-
5 DENCE OF THE FORMER PARENT'S DEATH, THE CHILD PLACING AGENCY OR
6 THE COURT OR DEPARTMENT SHALL DELIVER TO THE ADULT ADOPTED PERSON
7 A COPY OF THE CLEARANCE REPLY FORM RECEIVED FROM THE CENTRAL
8 ADOPTION REGISTRY. THE CLEARANCE REPLY FORM MAY BE USED BY THE
9 ADULT ADOPTED PERSON TO OBTAIN A COPY OF HIS OR HER ORIGINAL CER-
10 TIFICATE OF LIVE BIRTH AS PROVIDED IN SECTION 2882 OF THE PUBLIC
11 HEALTH CODE, 1978 PA 368, MCL 333.2882. THIS SUBSECTION APPLIES
12 TO ALL ADOPTIONS IN WHICH THE FORMER PARENTS RELEASED THEIR
13 PARENTAL RIGHTS OR VOLUNTARILY CONSENTED TO THEIR CHILD'S ADOP-
14 TION ON OR AFTER MAY 28, 1945 OR BEFORE SEPTEMBER 12, 1980.

15 (11) ~~(10)~~ If a child placing agency, a court, or the
16 department receives written information concerning a
17 physician-verified medical or genetic condition of an individual
18 biologically related to an ~~adoptee~~ ADOPTED PERSON and a request
19 that the information be transmitted to the ~~adoptee~~ ADOPTED
20 PERSON because of the serious threat it poses to the ~~adoptee's~~
21 ADOPTED PERSON'S life, the child placing agency, court, or
22 department shall send a written copy of the information by
23 first-class mail within 7 days after the request is received to
24 the ~~adoptee~~ ADOPTED PERSON at his or her last known address.
25 If the ~~adoptee~~ ADOPTED PERSON is less than 18 years of age, the
26 information shall be sent by first-class mail within 7 days after

1 the request is received to the adoptive parents at their last
2 known address.

3 (12) ~~-(11)-~~ If the information described in subsection
4 ~~-(10)-~~ (11) is returned undelivered, the agency, court, or
5 department shall make a reasonable effort to find the most recent
6 address of the ~~adoptee~~ ADOPTED PERSON or minor ~~adoptee's~~
7 ADOPTED PERSON'S parents and shall again send the information by
8 first-class mail within 21 days after receiving the returned
9 letter.

10 (13) ~~-(12)-~~ If a child placing agency, a court, or the
11 department receives written information concerning a
12 physician-verified medical or genetic condition of a person bio-
13 logically related to an ~~adoptee~~ ADOPTED PERSON, and the condi-
14 tion is not life-threatening to the ~~adoptee~~ ADOPTED PERSON OR
15 RECEIVES A FORMER SIBLING'S OR FORMER PARENT'S DEATH CERTIFICATE,
16 the child placing agency, court, or department shall place the
17 information in its adoption files. If the child placing agency,
18 court, or department receives a written request for the informa-
19 tion from the adult ~~adoptee~~ ADOPTED PERSON or minor ~~adoptee's~~
20 ADOPTED PERSON'S adoptive parents, it shall release a written
21 copy of the information to the adult ~~adoptee~~ ADOPTED PERSON or
22 to the minor ~~adoptee's~~ ADOPTED PERSON'S adoptive parents within
23 63 days after the request for the information was made.

24 (14) ~~-(13)-~~ If a child placing agency, a court, or the
25 department receives written information concerning a
26 physician-verified medical or genetic condition that threatens
27 the life of an ~~adoptee~~ ADOPTED PERSON and for which a

1 biologically related person could give life-saving aid, and
2 receives a request from or on behalf of the ~~adoptee~~ ADOPTED
3 PERSON that the information be transmitted, the child placing
4 agency, court, or department shall send a written copy of the
5 information by first-class mail within 7 days after the request
6 is received to the ADOPTED PERSON'S biological parents or adult
7 biological siblings ~~of the adoptee~~ at their last known
8 address.

9 (15) ~~(14)~~ If the information described in subsection
10 ~~(13)~~ (14) is returned undelivered, the agency, court, or
11 department shall make a reasonable effort to find the most recent
12 address of the biological parents or adult biological siblings
13 and shall again send the information by first-class mail within
14 21 days after receiving the returned letter.

15 (16) ~~(15)~~ If a child placing agency, a court, or the
16 department provides an ~~adoptee~~ ADOPTED PERSON with the name of
17 1 of the ~~adoptee's~~ ADOPTED PERSON'S former parents, that child
18 placing agency, court, or department shall notify the department
19 of public health of that fact. Upon receipt of notification by
20 the child placing agency, court, or department, the department of
21 public health shall insure that the original birth certificate on
22 file for the ~~adoptee~~ ADOPTED PERSON has been sealed and that a
23 new birth certificate has been prepared in conformance with sec-
24 tion 67 of this chapter.

25 (17) ~~(16)~~ An employee or agent of a child placing agency,
26 a court, or the department, who intentionally releases

1 identifying information in violation of this section, is guilty
2 of a misdemeanor.

3 (18) ~~(17)~~ This section also applies to a stepparent adop-
4 tion and to the adoption of a child related to the petitioner
5 within the fifth degree by marriage, blood, or adoption.

6 (19) ~~(18)~~ As used in this section, "adult ~~adoptee~~
7 ADOPTED PERSON" means an individual who was adopted as a child
8 who is now 18 years of age or older or an individual who was 18
9 years of age or older at the time of adoption.

10 (20) ~~(19)~~ A child placing agency, a court, and the depart-
11 ment may require a fee for supplying information under this
12 section. ~~The fee shall be \$60.00 or the actual cost of supply-~~
13 ~~ing the information, whichever is less.~~ The child placing
14 agency, court, or department may waive a part or all of the fee
15 in case of indigency or hardship. THE AMOUNT OF THE FEE IS GOV-
16 ERNED BY THE SUPREME COURT.

17 (21) ~~(20)~~ A direct descendant of a deceased adult
18 ~~adoptee~~ ADOPTED PERSON may request information ~~pursuant to~~ AS
19 PROVIDED IN this section. All information to which an adult
20 ~~adoptee~~ ADOPTED PERSON is entitled ~~pursuant to~~ UNDER this
21 section shall be released to the adult ~~adoptee's~~ ADOPTED
22 PERSON'S direct descendants if the adult ~~adoptee~~ ADOPTED PERSON
23 is deceased. IF AN ADOPTIVE FAMILY MEMBER NOTIFIES THE COURT OF
24 FINALIZATION OR A CHILD PLACING AGENCY RECEIVES NOTICE THAT AN
25 ADOPTED PERSON IS DECEASED, THE COURT OR CHILD PLACING AGENCY
26 SHALL SUBMIT A COPY OF THE ADOPTED PERSON'S DEATH CERTIFICATE OR
27 ATTACH OTHER EVIDENCE OF THE ADOPTED PERSON'S DEATH TO THE

1 NOTICE. UPON RECEIVING NOTICE AND A DEATH CERTIFICATE, OR OTHER
2 EVIDENCE OF DEATH, FOR AN ADOPTED PERSON, THE COURT OR CHILD
3 PLACING AGENCY SHALL CONTACT THE CENTRAL ADOPTION REGISTRY TO
4 INQUIRE IF A STATEMENT IS ON FILE FOR A FORMER PARENT, FORMER
5 ADULT SIBLING, OR PARENT OF A DECEASED BIRTH PARENT.

6 (22) ~~(21)~~ A child placing agency, a court or the depart-
7 ment shall permit the children's ombudsman to inspect adoption
8 records in its possession in connection with an investigation
9 authorized under the children's ombudsman act, ~~Act No. 204 of~~
10 ~~the Public Acts of 1994, being sections 722.921 to 722.935 of the~~
11 ~~Michigan Compiled Laws~~ 1994 PA 204, MCL 722.921 TO 722.935. The
12 ombudsman shall not disclose information obtained by an inspec-
13 tion under this section. If the children's ombudsman requires
14 further information from an individual whose identity is pro-
15 tected in closed adoption records, the ombudsman shall contact
16 the individual discreetly and confidentially. The ombudsman
17 shall inform the individual that his or her participation in the
18 ombudsman's investigation is confidential, is strictly voluntary,
19 and will not alter or constitute a challenge to the adoption.
20 The ombudsman shall honor the individual's request not to be con-
21 tacted further. As used in this subsection, "children's
22 ombudsman" or "ombudsman" means the ombudsman appointed ~~pursuant~~
23 ~~to~~ AS PROVIDED IN section 3 of ~~Act No. 204 of the Public Acts~~
24 ~~of 1994, being section 722.923 of the Michigan Compiled Laws~~ THE
25 CHILDREN'S OMBUDSMAN ACT, 1994 PA 204, MCL 722.923, or his or her
26 designee.

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

5 (2) Within 14 days after it is contacted by an ~~adoptee~~
6 ADOPTED PERSON, adult former sibling, former parent, DECEASED
7 FORMER PARENT'S PARENT, or adoptive parent, a child placing
8 agency or court or the department shall provide ~~the adoptee,~~
9 ~~adult former sibling, former parent, or adoptive parent~~ THAT
10 PERSON with all of the following:

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

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

14 (c) Information about the provisions described in this sec-
15 tion and sections 27a, 27b, 68, and 68b of this chapter.

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

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

24 (a) "Former family member" means a parent, ALLEGED PARENT,
25 grandparent, or adult sibling related to ~~the~~ AN adult ~~adoptee~~
26 ADOPTED PERSON through birth or adoption by at least 1 common

1 parent, regardless of whether the adult ~~adoptee~~ ADOPTED PERSON
2 ever lived in the same household as the former family member.

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

6 (2) An adult ~~adoptee~~ ADOPTED PERSON, an adoptive parent of
7 a minor ~~adoptee~~ ADOPTED PERSON, or an adult child of a deceased
8 ~~adoptee~~ ADOPTED PERSON may petition the court in which the
9 final order of adoption was entered to appoint a confidential
10 intermediary to search for and contact a former family member. A
11 former family member may petition the court in which the final
12 order of adoption was entered to appoint a confidential interme-
13 diary to search for and contact an adult ~~adoptee~~ ADOPTED PERSON
14 or an adult child of a deceased ~~adoptee~~ ADOPTED PERSON. Upon
15 receipt of a petition under this section, the court shall contact
16 the central adoption registry to determine whether there is cur-
17 rently on file a statement from the individual being sought that
18 denies consent to the release of identifying information. If no
19 denial of consent is currently on file for that individual, the
20 court shall by written order appoint as confidential intermediary
21 an individual who meets the requirements of subsection (3). The
22 court shall provide the confidential intermediary with a certi-
23 fied copy of the order of appointment. The court may dismiss an
24 intermediary if the intermediary engages in conduct that violates
25 professional or ethical standards.

26 (3) An individual may serve as a confidential intermediary
27 if he or she is approved by the court after completing training

1 and files an oath of confidentiality with the court. The oath of
2 confidentiality shall be substantially as follows:

3 "I,, signing under penalty of perjury, affirm
4 all of the following:

5 (a) I will not disclose to a petitioner, directly or indi-
6 rectly, any identifying information in sealed records without
7 written consent of the individual to whom the information
8 pertains.

9 (b) I will conduct a reasonable search for an individual
10 being sought. I will make a discreet and confidential inquiry as
11 to whether the individual consents to the release of information
12 to the petitioner, or to meeting or communicating with the peti-
13 tioner, and I will report to the petitioner and the court the
14 results of my search and inquiry.

15 (c) If the petitioner and the individual being sought con-
16 sent in writing to meet or communicate with each other, I will
17 act in accordance with the instructions of those persons and, if
18 applicable, the instructions of the court to facilitate any meet-
19 ing or communication between them.

20 (d) I will not charge or accept any fee for my services
21 except for reimbursement from the petitioner for actual expenses
22 incurred in performing my services, or as authorized by the
23 court.

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

1 (4) A confidential intermediary shall make a reasonable
2 search for an individual whose identity is sought by a petitioner
3 under this section. The confidential intermediary shall first
4 search the court records. If it is necessary to obtain informa-
5 tion from an agency or the department, the confidential interme-
6 diary shall provide a certified copy of the order of appointment
7 to the agency or the department before requesting the records.
8 If the confidential intermediary locates the individual being
9 sought, the intermediary shall discreetly and confidentially con-
10 tact the individual to ascertain whether the individual is will-
11 ing to release information to the petitioner or to meet or commu-
12 nicate with the petitioner. If the individual consents in writ-
13 ing to the release of information, the intermediary shall release
14 the information to the petitioner. Upon the mutual written con-
15 sent of the petitioner and the individual, the intermediary may
16 facilitate a meeting or other communication between the peti-
17 tioner and the individual. If the individual refuses to autho-
18 rize the release of information sought by the petitioner, the
19 intermediary shall report the refusal to the petitioner and the
20 court. If an individual sought under this section is deceased,
21 the intermediary shall report that fact to the petitioner and the
22 court.

23 (5) Except for a reasonable fee approved by the court and
24 reimbursement for actual expenses incurred in performing serv-
25 ices, a confidential intermediary shall not request or accept any
26 money or other thing of value for serving as a confidential
27 intermediary.

1 (6) If a confidential intermediary appointed under this
2 section has failed to contact ~~a former family member~~ THE INDI-
3 VIDUAL WHOSE IDENTITY IS SOUGHT BY THE PETITIONER within 6 months
4 after his or her appointment, the ~~adult adoptee~~ PETITIONER may
5 petition the court for release of information described in sec-
6 tion 27(3) OF THIS CHAPTER and any additional information
7 obtained by the confidential intermediary. Before a hearing on
8 the petition, the confidential intermediary shall submit a writ-
9 ten report to the court describing all efforts made to locate the
10 ~~former family member~~ INDIVIDUAL WHOSE IDENTITY IS SOUGHT and
11 all information obtained. After the hearing, the court shall do
12 1 of the following:

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

15 (b) Appoint a new confidential intermediary to search for a
16 6-month period.

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