

**SENATE BILL NO. 1001**

March 10, 1998, Introduced by Senator VAN REGENMORTER 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 section 68b of chapter X (MCL 710.68b), as amended by 1994 PA 373.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

## CHAPTER X

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

(a) "Former family member" means a parent, grandparent, or adult sibling related to the adult adoptee through birth or adoption by at least 1 common parent, regardless of whether the adult adoptee ever lived in the same household as the former family member.

(b) "Petitioner" means an individual on whose behalf a confidential intermediary is appointed pursuant to subsection (2).

(2) An adult adoptee, an adoptive parent of a minor adoptee, or an adult child of a deceased adoptee may petition the court in which the final order of adoption was entered to appoint a confidential intermediary to search for and contact a former family member. A former family member may petition the court in which the final order of adoption was entered to appoint a confidential intermediary to search for and contact an adult adoptee or an adult child of a deceased adoptee. Upon receipt of a petition under this section, the court shall contact the central adoption registry to determine whether there is currently on file a statement from the individual being sought that denies consent to the release of identifying information. If no denial of consent is currently on file for that individual, the court shall by written order appoint as confidential intermediary an individual who meets the requirements of subsection (3), UNLESS THE PETITIONER IS AN INDIVIDUAL WHOSE PARENTAL RIGHTS TO THE ADOPTEE HAVE BEEN TERMINATED, IN WHICH CASE THE COURT MAY BY WRITTEN ORDER APPOINT AS CONFIDENTIAL INTERMEDIARY AN INDIVIDUAL WHO MEETS THE

1 REQUIREMENTS OF SUBSECTION (3). The court shall provide the  
2 confidential intermediary with a certified copy of the order of  
3 appointment. The court may dismiss an intermediary if the inter-  
4 mediary engages in conduct that violates professional or ethical  
5 standards.

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

10 "I, ....., signing under penalty of perjury, affirm  
11 all of the following:

12 (a) I will not disclose to a petitioner, directly or indi-  
13 rectly, any identifying information in sealed records without  
14 written consent of the individual to whom the information  
15 pertains.

16 (b) I will conduct a reasonable search for an individual  
17 being sought. I will make a discreet and confidential inquiry as  
18 to whether the individual consents to the release of information  
19 to the petitioner, or to meeting or communicating with the peti-  
20 tioner, and I will report to the petitioner and the court the  
21 results of my search and inquiry.

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

1 (d) I will not charge or accept any fee for my services  
2 except for reimbursement from the petitioner for actual expenses  
3 incurred in performing my services, or as authorized by the  
4 court.

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

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

1 the intermediary shall report that fact to the petitioner and the  
2 court.

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

8 (6) If a confidential intermediary appointed under this sec-  
9 tion has failed to contact a former family member within 6 months  
10 after his or her appointment, the adult adoptee may petition the  
11 court for release of information described in section 27(3) and  
12 any additional information obtained by the confidential  
13 intermediary. Before a hearing on the petition, the confidential  
14 intermediary shall submit a written report to the court describ-  
15 ing all efforts made to locate the former family member and all  
16 information obtained. After the hearing, the court shall do 1 of  
17 the following:

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

20 (b) Appoint a new confidential intermediary to search for a  
21 6-month period.

22 (c) Release to the adult adoptee the identifying information  
23 described in section 27(3) and any other information that the  
24 court considers appropriate, if the court finds that a diligent  
25 search has been made and that there is good cause to release the  
26 information. The court's finding shall be made on the record.