

HOUSE BILL No. 6287

June 26, 2008, Introduced by Rep. Wojno and referred to the Committee on Families and Children's Services.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 27b and 68 of chapter X (MCL 710.27b and 710.68), section 27b as added by 1994 PA 208 and section 68 as amended by 1994 PA 373.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER X

Sec. 27b. (1) The department shall establish and maintain a central adoption registry to control the release of identifying information described in section 27(3) **OF THIS CHAPTER AND THE CONTACT PREFERENCE FORM DESCRIBED IN SUBSECTION (6)**.

(2) The central adoption registry shall keep on file the statements of former parents consenting to or denying the release

1 of identifying information, **THE CONTACT PREFERENCE FORMS DESCRIBED**
2 **IN SUBSECTION (6)**, and the statements of adult former siblings
3 described in section 27a(2) and (3) **OF THIS CHAPTER**.

4 (3) The department shall develop forms for former parents to
5 use to consent to, deny, or revoke a consent to or denial of, the
6 release of identifying information, **CONTACT PREFERENCE FORMS**
7 **DESCRIBED IN SUBSECTION (6)**, and forms for adult former siblings to
8 use to provide notice of the death of a former parent and to
9 consent to the release of the adult former sibling's name and
10 address to an adult adoptee. The department shall make the forms
11 available to child placing agencies and the court. The forms shall
12 include the current name and address of the former parent or adult
13 former sibling. The denial form shall contain a space for the
14 former parent to indicate, if he or she wishes, the reason why he
15 or she does not wish to be identified or contacted. The department
16 shall also develop and distribute clearance request and reply forms
17 to be used by child placing agencies, the department, and the court
18 to request and receive information from the central adoption
19 registry ~~pursuant to~~ **UNDER** section 68(5) and ~~(8)~~ **(7) OF THIS**
20 **CHAPTER**.

21 (4) Upon receipt of a clearance request form from a child
22 placing agency or the department or court ~~pursuant~~ **ACCORDING** to
23 section 68(5) **OF THIS CHAPTER**, the central adoption registry shall
24 transmit to the requester a clearance reply form indicating whether
25 a particular former parent has filed with the registry a statement
26 either denying or consenting to the release of identifying
27 information **OR A CONTACT PREFERENCE FORM** or whether a former parent

1 is deceased. The central adoption registry shall attach a copy of
2 the statement consenting to or denying the release of identifying
3 information **AND THE CONTACT PREFERENCE FORM**. Once a request for
4 information has been received by the central adoption registry, a
5 subsequent statement submitted by a former parent consenting to the
6 release of identifying information or revoking a previous denial of
7 release of identifying information **OR A REVISED CONTACT PREFERENCE**
8 **FORM** shall be transmitted to the person who requested the
9 information.

10 (5) Upon receipt of a clearance request form from a child
11 placing agency or the department or court ~~pursuant to~~ **UNDER** section
12 ~~68(8)~~ **68(7) OF THIS CHAPTER**, the central adoption registry shall
13 transmit to the requester a statement from an adult former sibling
14 consenting to the release of the adult former sibling's name and
15 address to an adult adoptee. Once a request for information has
16 been received by the central adoption registry, a subsequent
17 statement **OR REVISED CONTACT PREFERENCE FORM** submitted by an adult
18 former sibling consenting to the release of the adult former
19 sibling's name and address shall be transmitted to the person who
20 requested the information.

21 (6) **AT ANY TIME, A FORMER PARENT OF AN ADOPTED INDIVIDUAL WHO**
22 **WAS BORN IN THIS STATE MAY SUBMIT TO THE CENTRAL ADOPTION REGISTRY**
23 **A CONTACT PREFERENCE FORM. UPON RECEIPT OF A CONTACT PREFERENCE**
24 **FORM FROM A FORMER PARENT UNDER THIS SUBSECTION, THE CENTRAL**
25 **ADOPTION REGISTRY SHALL MATCH THE CONTACT PREFERENCE FORM WITH THE**
26 **ADOPTED INDIVIDUAL'S CENTRAL ADOPTION REGISTRY RECORD IF THERE IS**
27 **SUCH A RECORD ON FILE AND SHALL FILE THE CONTACT PREFERENCE FORM**

1 WITH THE RECORD. IF THERE IS NO CENTRAL ADOPTION REGISTRY RECORD ON
2 FILE FOR THE INDIVIDUAL, THE CONTACT PREFERENCE FORM SHALL BE
3 MAINTAINED BY THE CENTRAL ADOPTION REGISTRY IN THE SAME MANNER AS A
4 CENTRAL ADOPTION REGISTRY RECORD. A CONTACT PREFERENCE FORM THAT
5 HAS BEEN SUBMITTED BY A FORMER PARENT TO THE CENTRAL ADOPTION
6 REGISTRY UNDER THIS SUBSECTION IS CONFIDENTIAL AND SHALL BE PLACED
7 IN THE ADOPTED INDIVIDUAL'S CENTRAL ADOPTION REGISTRY RECORD UNTIL
8 ISSUED AS PROVIDED IN THIS SUBSECTION. IF A CLEARANCE REPLY FORM
9 REGARDING AN ADOPTED INDIVIDUAL IS ISSUED UNDER THIS SECTION, THE
10 CENTRAL ADOPTION REGISTRY SHALL ALSO ISSUE TO THE ADOPTED
11 INDIVIDUAL A COPY OF THE CONTACT PREFERENCE FORMS IN THE FILE AT
12 THE TIME OF ISSUANCE. IF A FORMER PARENT HAS SUBMITTED A CONTACT
13 PREFERENCE FORM THAT HAS THE PREFERENCE DESCRIBED IN SUBDIVISION
14 (D) SELECTED, THE CENTRAL ADOPTION REGISTRY SHALL ISSUE TO THE
15 ADOPTED INDIVIDUAL A COPY OF THE CONTACT PREFERENCE FORM IN THE
16 FILE AT THE TIME OF ISSUANCE WITH ANY PERSONAL IDENTIFYING
17 INFORMATION OF THE FORMER PARENT REDACTED FROM THE FORM. THE
18 DEPARTMENT SHALL PRESCRIBE THE CONTACT PREFERENCE FORM, WHICH SHALL
19 INCLUDE THE FOLLOWING INFORMATION TO BE COMPLETED AT THE OPTION OF
20 THE FORMER PARENT:

21 (A) I WOULD LIKE TO BE CONTACTED.

22 (B) I WOULD PREFER TO BE CONTACTED ONLY THROUGH A CONFIDENTIAL
23 INTERMEDIARY AS PROVIDED IN SECTION 68B OF CHAPTER X OF THE PROBATE
24 CODE OF 1939, MCL 710.68.

25 (C) I PREFER NOT TO BE CONTACTED AT THIS TIME. HOWEVER, I HAVE
26 COMPLETED AN UPDATED MEDICAL HISTORY AS PART OF THIS CONTACT
27 PREFERENCE FORM THAT MAY BE RELEASED TO THE ADOPTED INDIVIDUAL

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1 ALONG WITH THE CERTIFIED COPY OF THE ORIGINAL CERTIFICATE OF LIVE
2 BIRTH. [I UNDERSTAND THAT THE CERTIFIED COPY OF THE ORIGINAL CERTIFICATE
3 OF LIVE BIRTH WILL INCLUDE THE PARENT'S NAME(S).]

4 (D) I PREFER NOT TO BE CONTACTED AT THIS TIME AND REQUEST THAT
5 A CERTIFIED COPY OF THE ORIGINAL CERTIFICATE OF LIVE BIRTH NOT BE
6 RELEASED TO THE ADOPTED INDIVIDUAL. HOWEVER, I HAVE COMPLETED AN
7 UPDATED MEDICAL HISTORY AS PART OF THIS CONTACT PREFERENCE FORM
8 THAT MAY BE RELEASED TO THE ADOPTED INDIVIDUAL.

9 Sec. 68. (1) Within 63 days after a request for nonidentifying
10 information is received, a child placing agency, a court, or the
11 department shall provide in writing to the adoptive parent, adult
12 adoptee, former parent, or adult former sibling requesting the
13 information all of the nonidentifying information described in
14 section 27(1) and (2) of this chapter.

15 (2) Within 63 days after a request for identifying information
16 about an adult adoptee is received, a child placing agency, ~~or~~ **A**
17 court, or the department shall provide in writing to the former
18 parent or adult former sibling requesting the information the adult
19 adoptee's most recent name and address if the adult adoptee has
20 given written consent to release of the information ~~pursuant to~~
21 **UNDER** this chapter. If the adult adoptee has not given written
22 consent to the release of information, the child placing agency,
23 the court, or the department shall, upon presentation of a
24 certified copy of the order of appointment, give the adult
25 adoptee's name and address to a confidential intermediary appointed
26 ~~pursuant to~~ **UNDER** section 68b of this chapter, together with any
27 other information in its possession that would help the
confidential intermediary locate the adult adoptee. At the option

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

3 (3) If the department or a child placing agency receives a
4 request for adoption record information in its possession from an
5 adult adoptee, former parent, or adult former sibling, the
6 department or child placing agency shall provide the individual
7 requesting the information with the identity of the court that
8 confirmed the adoption within 28 days after receipt of the request.
9 If a court receives such a request, the court shall provide the
10 individual requesting the information with the identity of the
11 child placing agency that handled the adoption.

12 (4) If the court that terminated parental rights receives from
13 the former parents or adult former siblings of the adult adoptee a
14 request for the identity of the agency, court, or department to
15 which the child was committed, the court shall provide in writing
16 the name of that agency, court, or department, if known, within 28
17 days after receipt of the request.

18 (5) Upon receipt of a written request for identifying
19 information from an adult adoptee, a child placing agency, a court,
20 or the department, if it maintains the adoption file for that
21 adoptee, shall submit a clearance request form to the central
22 adoption registry. Within 28 days after receipt of a clearance
23 reply form from the central adoption registry, the child placing
24 agency, court, or department shall notify the adoptee in writing of
25 the identifying information to which the adoptee is entitled under
26 subsection (6) ~~or (7), or~~, or, if the identifying information cannot be
27 released ~~pursuant to those subsections~~ **UNDER THAT SUBSECTION**, the

1 reason why the information cannot be released. The child placing
2 agency, court, or department shall retain a copy of the notice sent
3 to the adult adoptee.

4 ~~—— (6) For adoptions in which the former parents' rights were~~
5 ~~terminated on or after May 28, 1945 and before September 12, 1980,~~
6 ~~a child placing agency, a court, or the department shall release to~~
7 ~~an adult adoptee or to a confidential intermediary appointed under~~
8 ~~section 68b of this chapter the identifying information described~~
9 ~~in section 27(3) of this chapter and other identifying information~~
10 ~~on file with the central adoption registry as specified in section~~
11 ~~27b of this chapter, in the following manner:~~

12 ~~—— (a) All of the identifying information described in section~~
13 ~~27(3) of this chapter shall be released to the adult adoptee, if~~
14 ~~both former parents have on file with the central adoption registry~~
15 ~~a statement consenting to release of the identifying information.~~

16 ~~—— (b) The identifying information described in section 27(3) (b)~~
17 ~~and (c) of this chapter about 1 of the former parents and the~~
18 ~~identifying information described in section 27(3) (a) and (d) of~~
19 ~~this chapter shall be released to the adult adoptee if that former~~
20 ~~parent has on file with the central adoption registry a statement~~
21 ~~consenting to release of identifying information.~~

22 ~~—— (c) The identifying information described in section 27(3) (b)~~
23 ~~and (c) of this chapter about 1 of the former parents and the~~
24 ~~identifying information described in section 27(3) (a) and (d) of~~
25 ~~this chapter shall be released to the adult adoptee if that parent~~
26 ~~is deceased.~~

27 ~~—— (d) All of the identifying information described in section~~

1 ~~27(3) of this chapter on both former parents shall be released to~~
2 ~~the adult adoptee, if both former parents are deceased.~~

3 ~~—— (c) Upon presentation of a certified copy of the order of~~
4 ~~appointment, all of the identifying information described in~~
5 ~~section 27(3) of this chapter shall be released to a confidential~~
6 ~~intermediary appointed pursuant to section 68b of this chapter,~~
7 ~~together with additional information to assist the confidential~~
8 ~~intermediary to locate former family members. At the option of the~~
9 ~~agency or the department, the information may be released to the~~
10 ~~court for release to the confidential intermediary.~~

11 (6) ~~(7)~~ For all adoptions, in which the former parents' rights
12 were terminated before May 28, 1945 or on or after September 12,
13 1980, a child placing agency, a court, or the department shall
14 release to an adult adoptee the identifying information described
15 in section 27(3) of this chapter and any additional information on
16 file with the central adoption registry as specified in section 27b
17 of this chapter, except that if a former parent has filed a
18 statement currently in effect with the central adoption registry
19 denying consent to have identifying information released, the
20 identifying information specified in section 27(3)(b) and (c) of
21 this chapter shall not be released about that parent. For purposes
22 of this subsection, a denial of consent is not effective after the
23 death of the former parent.

24 (7) ~~(8)~~ Upon receipt of a written request from an adult
25 adoptee for the name and address of an adult former sibling, a
26 child placing agency, a court, or the department, if it maintains
27 the adoption file for that adoptee, shall submit a clearance

1 request form to the central adoption registry. Within 28 days after
2 receipt of a clearance reply form from the central adoption
3 registry, the child placing agency, court, or department shall
4 notify the adoptee in writing of the name and address of an adult
5 former sibling whose statement was forwarded by the central
6 adoption registry.

7 (8) ~~(9)~~—If a child placing agency or court or the department
8 requests information from the central adoption registry and if the
9 clearance reply form from the central adoption registry indicates
10 that neither of the former parents has on file with the central
11 adoption registry a statement currently in effect denying consent
12 to have identifying information released, the child placing agency,
13 court, or department shall deliver to the adult adoptee a copy of
14 the clearance reply form it received from the central adoption
15 registry. The clearance reply form may be used by the adult adoptee
16 to obtain a copy of his or her original certificate of live birth
17 ~~pursuant to~~ **UNDER** section 2882 of the public health code, ~~Act No.~~
18 ~~368 of the Public Acts of 1978, being section 333.2882 of the~~
19 ~~Michigan Compiled Laws 1978 PA 368, MCL 333.2882.~~ This subsection
20 applies to all adoptions. ~~in which the parents' rights were~~
21 ~~terminated before May 28, 1945 or on or after September 12, 1980.~~

22 (9) ~~(10)~~—If a child placing agency, a court, or the department
23 receives written information concerning a physician-verified
24 medical or genetic condition of an individual biologically related
25 to an adoptee and a request that the information be transmitted to
26 the adoptee because of the serious threat it poses to the adoptee's
27 life, the child placing agency, court, or department shall send a

1 written copy of the information by first-class mail within 7 days
2 after the request is received to the adoptee at his or her last
3 known address. If the adoptee is less than 18 years of age, the
4 information shall be sent by first-class mail within 7 days after
5 the request is received to the adoptive parents at their last known
6 address.

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

13 (11) ~~(12)~~—If a child placing agency, a court, or the
14 department receives written information concerning a physician-
15 verified medical or genetic condition of a person biologically
16 related to an adoptee, and the condition is not life-threatening to
17 the adoptee, the child placing agency, court, or department shall
18 place the information in its adoption files. If the child placing
19 agency, court, or department receives a written request for the
20 information from the adult adoptee or minor adoptee's adoptive
21 parents, it shall release a written copy of the information to the
22 adult adoptee or to the minor adoptee's adoptive parents within 63
23 days after the request for the information was made.

24 (12) ~~(13)~~—If a child placing agency, a court, or the
25 department receives written information concerning a physician-
26 verified medical or genetic condition that threatens the life of an
27 adoptee and for which a biologically related person could give

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

7 (13) ~~(14)~~—If the information described in subsection ~~(13)~~—(12)
8 is returned undelivered, the agency, court, or department shall
9 make a reasonable effort to find the most recent address of the
10 biological parents or adult biological siblings and shall again
11 send the information by first-class mail within 21 days after
12 receiving the returned letter.

13 (14) ~~(15)~~—If a child placing agency, a court, or the
14 department provides an adoptee with the name of 1 of the adoptee's
15 former parents, that child placing agency, court, or department
16 shall notify the department of public health of that fact. Upon
17 receipt of notification by the child placing agency, court, or
18 department, the department of public health shall insure that the
19 original birth certificate on file for the adoptee has been sealed
20 and that a new birth certificate has been prepared in conformance
21 with section 67 of this chapter.

22 (15) ~~(16)~~—An employee or agent of a child placing agency, a
23 court, or the department, who intentionally releases identifying
24 information in violation of this section, is guilty of a
25 misdemeanor.

26 (16) ~~(17)~~—This section also applies to a stepparent adoption
27 and to the adoption of a child related to the petitioner within the

1 fifth degree by marriage, blood, or adoption.

2 (17) ~~(18)~~—As used in this section, "adult adoptee" means an
3 individual who was adopted as a child who is now 18 years of age or
4 older or an individual who was 18 years of age or older at the time
5 of adoption.

6 (18) ~~(19)~~—A child placing agency, a court, and the department
7 may require a fee for supplying information under this section. The
8 fee shall be \$60.00 or the actual cost of supplying the
9 information, whichever is less. The child placing agency, court, or
10 department may waive a part or all of the fee in case of indigency
11 or hardship.

12 (19) ~~(20)~~—A direct descendant of a deceased adult adoptee may
13 request information ~~pursuant to~~ **UNDER** this section. All information
14 to which an adult adoptee is entitled ~~pursuant to~~ **UNDER** this
15 section shall be released to the adult adoptee's direct descendants
16 if the adult adoptee is deceased.

17 (20) ~~(21)~~—A child placing agency, a court or the department
18 shall permit the children's ombudsman to inspect adoption records
19 in its possession in connection with an investigation authorized
20 under the children's ombudsman act, ~~Act No. 204 of the Public Acts~~
21 ~~of 1994, being sections 722.921 to 722.935 of the Michigan Compiled~~
22 ~~Laws 1994 PA 204, MCL 722.921 TO 722.932~~. The ombudsman shall not
23 disclose information obtained by an inspection under this section.
24 If the children's ombudsman requires further information from an
25 individual whose identity is protected in closed adoption records,
26 the ombudsman shall contact the individual discreetly and
27 confidentially. The ombudsman shall inform the individual that his

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1 or her participation in the ombudsman's investigation is
2 confidential, is strictly voluntary, and will not alter or
3 constitute a challenge to the adoption. The ombudsman shall honor
4 the individual's request not to be contacted further. As used in
5 this subsection, "children's ombudsman" or "ombudsman" means the
6 ombudsman appointed ~~pursuant to~~ **UNDER** section 3 of ~~Act No. 204 of~~
7 ~~the Public Acts of 1994, being section 722.923 of the Michigan~~
8 ~~Compiled Laws~~ **THE CHILDREN'S OMBUDSMAN ACT, 1994 PA 204, MCL**
9 **722.923**, or his or her designee.

[Enacting section 1. This amendatory act does not take effect unless House Bill No. 4896 of the 94th Legislature is enacted into law.

Enacting section 2. This amendatory act takes effect 6 months after the date it is enacted into law.]