



House
Legislative
Analysis
Section
Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

AMEND ADOPTION CODE

House Bill 4611
Sponsor: Rep. David Gubow
Committee: Judiciary and Civil Rights

Complete to 4-28-95

A SUMMARY OF HOUSE BILL 4611 (SUBSTITUTE H-2)

The bill would amend the adoption code (MCL 710.23d et al.) to change the manner in which the required criminal record check of a prospective adoptive parent is performed, as part of the preplacement assessment. Current language requires the child placing agency to provide a document from the Michigan State Police and the Federal Bureau of Investigation, which either describes all of the prospective adoptive parent's criminal convictions contained in the agency's files or indicates that the records contain no criminal history for that individual. The law also provides that a prospective adoptive parent may obtain a copy of his or her criminal record through the child placing agency.

The bill would rewrite this provision. The prospective adoptive parent would be required, upon payment of the appropriate fee, to have two sets of fingerprints taken by a law enforcement agency on forms provided by the Department of State Police and the Federal Bureau of Investigation. These forms would then be submitted to the Department of State Police. The department would use the state form compare the prospective adoptive parent's fingerprints with state records and forward the FBI fingerprint form to the FBI for comparison with its records.

Upon completion of these comparisons, the state police would prepare a statement based upon both sets of findings, indicating whether the individual may or may not be suitable to become an adoptive parent. The department would be required to find that an individual who had no record of any criminal convictions at either the federal or state level may be suitable to be an adoptive parent. If, on the other hand, the findings indicated that the person had a criminal conviction at either the state or federal level, then the department's statement would indicate that the individual may not be suitable to become an adoptive parent. The department would also be required to provide the child placing agency with a copy of the results of the state's record comparison.

If a records check performed under the bill resulted in a finding that the individual may not be suitable to be an adoptive parent, the child placing agency would be required to notify the individual that he or she has a right to challenge the accuracy of the records, and a right to obtain a copy of the FBI's record from the FBI.

The bill would also make several technical amendments related to direct placement adoptions.

House Bill 4611 (4-28-95)