

Legislative Analysis



ADOPTED CHILDREN & FORMER PARENTS

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House Bills 4006 and 4015

Sponsor: Rep. Lesia Liss

Committee: Families and Children's Services

Complete to 3-16-10

A SUMMARY OF HOUSE BILLS 4006 & 4015 AS INTRODUCED 1-22-09

House Bill 4015 would amend the sections of the Probate Code (MCL 710.27b & 710.68) that deal with the release of identifying information of former parents to adopted children. Former parents can file statements consenting to or denying the release of identifying information while they are alive.

The bill adds provisions that allow a former parent of an adopted individual born in Michigan to submit a "contract preference form" to the Central Adoption Registry. The bill specifies the content of the form.

House Bill 4015 also deletes the current language that spells out separate treatment for those adoptions where former parents' rights were terminated between May 28, 1945, and September 12, 1980. Under those provisions, identifying information about former parents is not released unless those former parents file a statement of consent. If no such form is filed and a child wishes to contact a former parent, a confidential intermediary is used to inquire if the former parent wants to be contacted. Under the bill, those cases apparently would now be treated like all other cases (e.g., those where parental rights were terminated on or after September 12, 1980). Identifying information would be released unless a former parent had filed a statement denying consent to the release of the information. If no form denying consent is on file, an adult adoptee can obtain a copy of the original certificate of live birth.

A more detailed explanation of the contract preference form provisions of House Bill 4015 follows.

Contact Preference Form Procedure. At any time, a birth parent of an adopted individual born in this state could submit to the Central Adoption Registry a contact preference form. Upon receipt of the form from a former parent, the Registry would be required to match the contact preference form with the adopted individual's Registry record, if there is one, and file the form with the record. If there is no Registry record on file for the individual, the contact preference form would be maintained by the Registry in the same manner as a Registry record.

A contact preference form that has been submitted by a former parent to the Central Adoption Registry would be confidential and would be placed in the adopted individual's Registry record until issued as provided under this section.

If a clearance reply form regarding an adopted individual is issued, the Registry would also be required to issue to the adopted individual a copy of the contact preference forms in the

file at the time of issuance. If a former parent had submitted a contact preference form indicating a preference not to be contacted and for an original certificate of live birth not to be released to the adopted individual, then the Registry would issue to the adopted individual a copy of the contract preference form with personal identifying information about the former parent redacted. (Medical history information would be released.)

Contact Preference Form. The Department of Human Services would be required to prescribe the contact preference form to be completed at the option of the former parent. The form would include the following to be completed by the birth parent:

(a) I would like to be contacted.

(b) I would prefer to be contacted only through a confidential intermediary as provided in the Probate Code.

(c) I prefer not to be contacted at this time. However, I have completed an updated medical history as part of this contact preference form that may be released to the adopted individual along with the certified copy of the original certificate of live birth.

(d) I prefer not to be contacted at this time and request that a certified copy of the original certificate of live birth not be released to the adopted individual. However, I have completed an updated medical history as part of the contact preference form that may be released to the adopted individual.

House Bill 4006 makes a complementary amendment to the Public Health Code (MCL 333.2882).

FISCAL IMPACT:

House Bill 4015 would have an indeterminate, but likely negligible fiscal impact on the judicial branch and the Department of Human Services. Any fiscal impact would come from administrative changes adopted to implement the provisions of the bill.

The bills may have a fiscal impact on the Department of Community Health if an increased number of adopted persons seek to obtain an original birth certificate. The costs to the Department for vital records program services are supported by fees. The current standard fee pursuant to statute is \$26. At this time we do not have information indicating the total number of adopted persons affected by the change in access to birth certificates proposed by the bills.

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