

# Legislative Analysis

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**House Bill 5626 as introduced**  
**House Bill 5627 as introduced**  
**Sponsor: Rep. Thomas B. Hooker**  
**Committee: Judiciary**  
**Complete to 9-19-16**

Analysis available at  
<http://www.legislature.mi.gov>

## SUMMARY:

House Bill 5626 updates a provision that allows a prospective adoptive parent to solicit biological parents or guardians of potential adoptees for the purposes of adoptions and that allows a biological parent, guardian, the DHHS, or an adoption agency to solicit adoptive parents by also allowing advertising and recruiting. The bill also revises the definition of "solicit."

House Bill 5627 revises the sentencing guidelines to conform to the changes by House Bill 5626.

The bills are tie-barred to each other, meaning that both must be enacted in order for either to become law. The bills will take effect 90 days after enactment.

House Bill 5626 would amend the Michigan Adoption Code (MCL 710.55). Under the Code, only a prospective adoptive parent may solicit biological parents or guardians of potential adoptees for the purposes of adoption. The bill will allow a prospective adoptive parent to also *advertise for* or *recruit*, in addition to solicit, a biological parent or guardian of a potential adoptee for the purposes of a *court-supervised* adoption.

The code also allows only the following to solicit potential adoptive parents for adoption of a child: a biological parent or guardian, the court, Department of Health and Human Services, or a child placing agency with authority to place the child. The bill allows each of these persons or entities to also *advertise* or *recruit* potential adoptive parents *only to fulfill the purposes of a court-supervised* adoption of that child.

Further, the bill specifies that no other person or entity may advertise for, solicit, or recruit prospective parents for the purpose of facilitating the transfer, adoption, or other permanent placement of a child.

The term "advertise for, solicit, or recruit" (instead of "solicit") will mean to communicate in person, in writing, or via any medium, public or private, for the purpose of locating a previously unknown person or entity with whom to temporarily or permanently place a child. (Currently, "solicit" means contact in person, by telephone or telegraph, by letter or other writing, or by other communication directed to a specific recipient. Solicit does not currently include public communication that is not directed to specific individuals.)

**House Bill 5627** would amend the Code of Criminal Procedure (MCL777.15f). A second or subsequent violation of MCL 710.55(1), a non-authorized person soliciting for adoption, is a felony with a maximum term of imprisonment of four years. The bill revises the description of MCL 710.55(1) to conform to the changes to Section 55 by House Bill 5526 by including advertising for, soliciting, or recruiting for adoption.

**FISCAL IMPACT:**

House Bill 5626 would have an indeterminate fiscal impact on the state and on local units of government. The fiscal impact would depend on the number of convictions for violations and whether violations were first-time violations or second and subsequent violations. For first time violations, misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction.

For second and subsequent violations, felony convictions would result in increased costs related to state prisons and state probation supervision. The average cost of prison incarceration in a state facility is roughly \$34,900 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision average about \$3,400 per supervised offender per year. The fiscal impact on local court funding units would depend on how the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

House Bill 5627 amends sentencing guidelines and does not have a direct fiscal impact on the state or on local units of government.

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