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House Bill 5148 (as passed by the House)
Sponsor: Representative Brenda Carter
House Committee: Families, Children, and Seniors
Judiciary
Senate Committee: Families, Seniors, and Veterans

Date Completed: 7-21-20

CONTENT

The bill would amend the Probate Code to specify that the definition of "advertise for, solicit, or recruit" would not include disseminating information about the availability of an attorney's legal service, including an advertisement or website as allowed under the Michigan Rules of Professional Conduct.

Under the Code, only a person specified in the Code may place a child for adoption. A prospective adoptive parent may advertise for, solicit, or recruit biological parents or guardians of potential adoptees for the purpose of a court-supervised adoption. A biological parent or guardian, the court, the Department of Health and Human Services, or child placing agency with authority to place a child may advertise for, solicit, or recruit potential adoptive parents only to fulfill the purpose of a court-supervised adoption for that child. No other person or entity may advertise for, solicit, or recruit prospective parents for the purpose of facilitating the transfer, adoption, or the permanent placement of a child. A person who violates this prohibition is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100 for a first violation, and a felony punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both for a subsequent violation.

Currently, "advertise for, solicit, or recruit" means to communicate in person, in writing, or via a medium, public or private, for the purpose of locating a previously unknown person or entity with whom to temporarily or permanently place a child. The bill specifies that the term would not include disseminating information about the availability of an attorney's legal service, including an advertisement or website as allowed under the Michigan Rules of Professional Conduct, which generally regulate the conduct of lawyers in Michigan.

MCL 710.55

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.