

# HOUSE BILL NO. 5148

October 24, 2019, Introduced by Reps. Brenda Carter, LaFave and Wozniak and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 55 of chapter X (MCL 710.55), as amended by 2016 PA 481.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER X  
2 Sec. 55. (1) Only a person specified in sections 23a(1),  
3 23b(1), and 23c of this chapter may place a child for adoption. A  
4 prospective adoptive parent may advertise for, solicit, or recruit  
5 biological parents or guardians of potential adoptees for the



1 purposes of a court-supervised adoption. A biological parent or  
2 guardian, the court, department, or child placing agency with  
3 authority to place a child may advertise for, solicit, or recruit  
4 potential adoptive parents only to fulfill the purposes of a court-  
5 supervised adoption of that child. No other person or entity may  
6 advertise for, solicit, or recruit prospective parents for the  
7 purpose of facilitating the transfer, adoption, or other permanent  
8 placement of a child.

9 (2) A person who violates this section is guilty of a  
10 misdemeanor punishable by imprisonment for not more than 90 days or  
11 a fine of not more than \$100.00, or both, for the first violation,  
12 and of a felony punishable by imprisonment for not more than 4  
13 years or a fine of not more than \$2,000.00, or both, for each  
14 subsequent violation. The court may enjoin from further violations  
15 any person who violates this section.

16 (3) As used in this section, "advertise for, solicit, or  
17 recruit" means to communicate in person, in writing, or via any  
18 medium, public or private, for the purpose of locating a previously  
19 unknown person or entity with whom to temporarily or permanently  
20 place a child. **Advertise for, solicit, or recruit does not include**  
21 **disseminating information about the availability of an attorney's**  
22 **legal services, including an advertisement or website as allowed**  
23 **under the Michigan rules of professional conduct.**

