

HOUSE BILL NO. 5148

October 17, 2023, Introduced by Reps. Grant, Neeley, McKinney, MacDonell, Hood, O'Neal, Glanville, Brabec, Stone, Martus, Outman, Wilson, Young and Tsernoglou and referred to the Committee on Families, Children and Seniors.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2829 and 2882 (MCL 333.2829 and 333.2882),
section 2829 as amended by 1992 PA 248 and section 2882 as amended
by 2020 PA 209.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2829. (1) For each adoption ordered by the probate court
2 in this state, the court shall prepare a report of adoption on a
3 form prescribed and furnished by the state registrar. The report
4 shall:

1 (a) Include the facts necessary to locate and identify the
2 certificate of live birth of the individual adopted.

3 (b) Provide information necessary to establish a new
4 certificate of live birth of the individual adopted.

5 (c) Identify the adoption order.

6 (d) Be certified by the probate register or clerk.

7 (2) When an adoption order is amended, annulled, or rescinded,
8 the court shall prepare a report ~~which shall include~~ **that includes**
9 the facts necessary to identify the original adoption report and
10 the facts amended in the adoption order necessary to properly amend
11 the birth record. The report of a rescission of adoption ~~shall~~ **must**
12 include the current names and addresses of the petitioners.

13 (3) Not later than the tenth day of the calendar month, the
14 probate register or clerk shall forward:

15 (a) To the state registrar, reports of adoption orders, and
16 amendments, annulments, and rescissions of the orders, entered
17 during the preceding month for individuals born in this state.

18 (b) To the appropriate registration authority in another
19 state, the United States ~~department of state,~~ **Department of State,**
20 or the United States ~~immigration and naturalization service,~~
21 **Citizenship and Immigration Services,** reports of adoption orders,
22 and amendments, annulments, and rescissions of the orders, entered
23 during the preceding month for individuals born outside this state.

24 (4) ~~A Subject to section 27c of the Michigan adoption code,~~
25 **chapter X of the probate code of 1939, 1939 PA 288, MCL 710.27c, a**
26 birth certificate issued to an adopted individual ~~shall~~ **must**
27 conform to the requirements of sections 67 and 68 of **the Michigan**
28 **adoption code,** chapter X ~~of Act No. 288 of the Public Acts of~~
29 **probate code of 1939, as amended, being sections 1939 PA 288, MCL**

1 710.67 and 710.68. ~~of the Michigan Compiled Laws.~~

2 Sec. 2882. (1) Except as otherwise provided in section 2890,
3 on receipt of a written request and payment of the prescribed fee,
4 if any, the state registrar or local registrar shall issue the
5 appropriate 1 of the following:

6 (a) A certified copy of a live birth record, an affidavit of
7 parentage filed after June 1, 1997, or a certificate or other
8 record of stillbirth filed after June 1, 2003 to 1 of the
9 following:

10 (i) The individual who is the subject of the record.

11 (ii) A parent named in the record.

12 (iii) ~~An heir,~~ **A descendent**, a legal representative, or a legal
13 guardian of the individual who is the subject of the record.

14 (iv) A court of competent jurisdiction.

15 (b) If the live birth record is 100 or more years old, a
16 certified copy of the live birth record to any applicant.

17 (c) A certified copy of a death record, including the cause of
18 death, to any applicant.

19 (d) A certified copy of a marriage or divorce record to any
20 applicant, except as provided by rule.

21 (e) A certified copy of a fetal death record that was filed
22 before September 30, 1978, to any applicant.

23 (2) ~~On receipt of a written request of an adult who has been~~
24 ~~adopted and payment of the prescribed fee, the~~ **The** state registrar
25 shall issue to ~~that individual a~~ **an adult adoptee an unredacted**
26 copy of ~~his or her~~ **that individual's** original certificate of live
27 birth, ~~if the~~ **adult adoptee provides a** written request **that**
28 identifies the name of the adult adoptee and **the written request** is
29 accompanied by ~~a copy of a central adoption registry clearance~~

1 ~~reply form that was completed by the department and delivered to~~
2 ~~that individual as required under section 68(9) of the Michigan~~
3 ~~adoption code, chapter X of the probate code of 1939, 1939 PA 288,~~
4 ~~MCL 710.68.~~ **payment of the required fee.**

5 (3) ~~On receipt of a written request of a confidential~~
6 ~~intermediary appointed under section 68b of the Michigan adoption~~
7 ~~code, chapter X of the probate code of 1939, 1939 PA 288, MCL~~
8 ~~710.68b, presentation of a certified copy of the order of~~
9 ~~appointment, identification of the name of the adult adoptee, and~~
10 ~~payment of the required fee, the state registrar shall issue to the~~
11 ~~confidential intermediary a~~ **The state registrar shall issue to a**
12 **descendent or legal representative of an adult adoptee an**
13 **unredacted** copy of the original certificate of live birth of the
14 adult adoptee, ~~on whose behalf the intermediary was appointed.~~ **if**
15 **the descendent or legal representative provides a written request**
16 **that identifies the name of the adult adoptee and the written**
17 **request is accompanied by payment of the required fee.**

18 (4) If the state registrar provides a copy of a certificate of
19 live birth under subsection (2) or (3), the state registrar shall
20 also provide all of the following documents:

21 (a) Any contact preference form prescribed by the state
22 registrar that was filed with the original certificate of live
23 birth or any updated contact preference form filed with the
24 department at any other time.

25 (b) A notice that the individual may request identifying
26 information as provided under the Michigan adoption code, chapter X
27 of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70.

28 (5) ~~(4)~~ A copy of the original certificate of live birth
29 provided under subsection (2) or (3) must have the following phrase

1 marked on the face of the copy: "This document is a copy of a
2 sealed record and is not the active birth certificate of the
3 individual whose name appears on this document".

4 **(6) The state registrar shall prescribe and furnish a contact**
5 **preference form that a parent named on an original certificate of**
6 **live birth may file with the state registrar or the department to**
7 **provide an individual receiving a copy of an original certificate**
8 **of live birth with the former parent's wishes concerning contact,**
9 **including, but not limited to, no contact, direct contact, or**
10 **contact through an intermediary.**

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.

13 Enacting section 2. This amendatory act does not take effect
14 unless Senate Bill No. ____ or House Bill No. 5149 (request no.
15 03439'23) of the 102nd Legislature is enacted into law.

16 Enacting section 3. This amendatory act may be known as
17 "Deborah's law".