

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

***** 710.67.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 13, 2024 *****

710.67.amended Disposition of adoption records; copying or inspecting records; petition; notice and hearing; granting or denying petition; disclosing names of biological or adoptive parents; certified copy of new birth certificate; powers and duties of children's ombudsman.

Sec. 67. (1) Except as otherwise provided in subsection (4) or in section 68 of this chapter, records of proceedings in adoption cases, including a notice filed under section 33(1) of this chapter, and a petition filed under section 34(1) of this chapter, and the papers and books relating to the proceedings shall be kept in separate locked files and are not open to inspection or copy except upon order of a court of record for good cause shown expressly permitting inspection or copy. Except as otherwise provided in subsection (4) or in section 68 of this chapter, the court, after 21 days following entry of the final order of adoption, shall not permit copy or inspection of the adoption proceedings, except upon a sworn petition setting forth the purpose of the inspection or copy. The court may order notice and a hearing on the petition. The court shall grant or deny the petition in writing within 63 days after the petition is filed, except that for good cause the court may grant or deny the petition after the 63-day period but not later than 182 days after the petition is filed.

(2) A person in charge of adoption records shall not disclose the names of the biological or adoptive parents of an adopted person, unless ordered to do so by a court of record or as provided in subsection (4) or in section 68 of this chapter, except to meet requirements of the director of health and human services for the purpose of creating a new certificate of birth in the adoptive name and sealing the original certificate of birth.

(3) The director of health and human services shall furnish to the adopting parent or parents a certified copy of the new birth certificate that shall not disclose the adoption of the person. A birth certificate issued to an adopted person shall not refer to adoption and shall conform as nearly as possible to the appearance of birth certificates issued in other cases.

(4) After an order of adoption has been entered under section 56 of this chapter, the court shall permit the child advocate to inspect closed adoption records in connection with an investigation authorized under the office of the child advocate act, 1994 PA 204, MCL 722.921 to 722.932. The child advocate shall not disclose information obtained by an inspection under this subsection. If the child advocate requires further information from an individual whose identity is protected in closed adoption records, the child advocate shall contact the individual discreetly and confidentially. The child advocate shall inform the individual that the individual's participation in the child advocate's investigation is confidential, is strictly voluntary, and will not alter or constitute a challenge to the adoption. The child advocate shall honor the individual's request not to be contacted further. As used in this subsection, "child advocate" means the child advocate appointed pursuant to section 3 of the child advocate act, 1994 PA 204, MCL 722.923.

History: Add. 1974, Act 296, Eff. Jan. 1, 1975;—Am. 1980, Act 116, Eff. Sept. 12, 1980;—Am. 1988, Act 505, Eff. Mar. 30, 1989;—Am. 1994, Act 373, Eff. Jan. 1, 1995;—Am. 2023, Act 295, Eff. Feb. 13, 2024.

Popular name: Probate Code