



**House
Legislative
Analysis
Section**

Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

ADOPTION: IDENTIFYING INFO.

House Bills 4772 and 4778
Sponsor: Rep. Nate Jonker
Committee: Judiciary

Complete to 7-22-91

A SUMMARY OF HOUSE BILLS 4772 AS INTRODUCED 5-1-91 AND 4778 AS INTRODUCED 5-2-91

The adoption code requires the Department of Social Services (DSS), a child placing agency, or the court that places an adoptee to maintain certain identifying and nonidentifying information on the parties to an adoption. "Identifying" information includes the child's birth name and the names of biological parents and siblings; "nonidentifying" information includes the date, time, and place of the adoptee's birth, whether the termination of parental rights was voluntary or court-ordered, and information on the ethnic and religious background of the biological parents. Nonidentifying information is relatively freely available to affected parties, while various restrictions apply to the release of identifying information. Those restrictions vary according to the time the adoption occurred; a major revision of the adoption code occurred in 1980, and the law carries a presumption in favor of release of information on adoptions occurring after that time. (For simplicity, this summary generally refers to when an adoption happened, but it should be noted that the various provisions on release of information depend on the date parental rights were terminated.)

Nonidentifying information is available upon request to an adoptive parent, adult adoptee, biological parent, or adult biological sibling. Identifying information is available to a biological parent or adult biological sibling if an adult adoptee has filed written consent with the DSS. Identifying information on adoptions made before 1980 is available to an adult adoptee if the DSS has on file written consent from the affected biological parent(s); identifying information also is available when the biological parent(s) are deceased. Identifying information on a post-1980 adoption is available to an adult adoptee if there is no denial on file from the affected biological parent(s). Irrespective of these limits on providing information, medically important information can be exchanged through an intermediary in the form of the child placing agency, court, or DSS.

House Bill 4772 (MCL 710.27 et al.) would amend the adoption code to, as of January 1, 1993, grant adults adopted before 1980 the right to obtain identifying information, along with any other information on the biological family on file; a biological parent could, however, file a statement denying the release of information on that parent. The definition of identifying information would be expanded, thus giving both pre- and post-1980 adoptees the right to obtain this additional information, if it is on file. For adoptions in which parental rights were terminated after January 1, 1993, the bill would give biological parents, adult biological siblings, and adoptive parents the right to identifying information about each other and the adoptee once the adoptee involved had reached 18 years of age, and providing that the affected party had not filed a statement denying release of the information.

House Bills 4772 and 4778 (7-22-91)

House Bill 4778 (MCL 333.2832 and 333.2882) would amend the Public Health Code to allow an adult adoptee to obtain a copy of his or her original birth certificate, upon payment of the prescribed fee, and as long as the request was in writing and accompanied by a DSS statement (provided under House Bill 4772) that neither biological parent had filed a statement denying the release of information. The bill could not take effect unless House Bill 4772 was enacted.

A more detailed explanation of House Bill 4772 follows.

Nonidentifying information. The definition of nonidentifying information would be expanded to include the given first name of the adoptee at birth; the names and addresses of all foster parents of the adoptee (except any that adopted the adoptee); the names and addresses of all institutions or facilities in which the adoptee was placed prior to adoption; the length of time between termination of parental rights and adoptive placement; the occupations and marital status of biological and adoptive parents; the biological parents' ages when parental rights were terminated, and the adoptive parents' ages at the time of adoption; the length of time biological and adoptive parents had been married; the age and sex of adoptive siblings; the ethnicity, religious background, medical history, and educational level of adoptive parents (such matters relative to biological parents are already included); and hobbies, special interests, and school activities of the biological and adoptive parents.

Identifying information. The definition of identifying information would be expanded to include the date, time, place of birth and name at birth of biological siblings, and all known adoptive names of biological siblings (names of biological siblings at the time of termination of parental rights are already included). All known names and addresses of the biological parents would also be included (names of biological parents at the time parental rights are terminated are included now), as would be all known names of the adopted child before and after adoption (only the name of the child before adoptive placement is included now).

Adoption investigation reports. A child placing agency, court employee, or the DSS must conduct an adoption investigation into the best interests of the child and the reasons for the child's placement away from his or her parents, and prepare a written report for the court overseeing the adoption. The bill would require the investigation and report to include identifying and nonidentifying information, if obtainable. The bill would explicitly require that the report be made a part of the court record, and that it be maintained by both the court entering the order of adoption and the court, child placing agency, or DSS that placed a child for adoption.

Release of information to adoptee; pre-1980 adoptions. Beginning January 1, 1993, for all adoptions in which the biological parents' rights were terminated before 1980, an adult adoptee would have the right to obtain identifying information and any additional information on file with the DSS, except that if a biological parent had filed a statement currently in effect with the DSS denying consent, identifying information would not be released about that parent. As with other requests for information under the code, the information would have to be provided within 63 days after the date of the request.

Release of information to adoptee; post-1980 adoptions. Provisions on release of identifying information to adoptees adopted after 1980 would be unchanged. However, the content of that information could include information on biological family members that is not available under current law.

Release of information to family; adoptions after 1993. For all adoptions in which the biological parents' rights were terminated on or after January 1, 1993, and after an adoptee had reached age 18, a biological parent, adult biological sibling, or adoptive parent would generally have the right to obtain identifying information and any other information on file on the adoptee, a biological parent, adult biological sibling, or adoptive parent. However, if an adoptee, biological parent or sibling, or adoptive parent had filed a denial, information on that person could not be released. In addition, identifying information could not be released to a biological parent whose parental rights had been terminated for abuse or neglect or failure to comply a limited guardianship plan. Any information released would have to be provided within 63 days of the request.

Release denials; files. The code requires the DSS to have a form for biological parents to use in denying or revoking a denial of release of identifying information. As of January 1, 1993, the form would have to include a space for a biological parent to provide an optional written statement of why he or she wishes not to be contacted. The child placing agency, court, or department would have to provide this statement verbatim to an adult adoptee requesting identifying information.

The DSS must keep on file each statement submitted by a biological parent or adult biological sibling that denies or consents to the release of identifying information. Under the bill, when a check against the file indicated no denials on file from either biological parent, the child placing agency, court, or department would have to deliver to the adult adoptee a copy of the written response it received from the department file.

Notice to biological parents. Beginning January 1, 1993, the court would inform each biological parent at the time of termination of parental rights that once an adoptee reaches age 18, identifying information would be given upon request to the adoptee, a biological parent, an adult biological sibling, or an adoptive parent as provided by the bill.

Publicizing the bill. Between the bill's effective date and January 1, 1993, the DSS, in cooperation with child placing agencies, the court, and the legislature, would conduct a comprehensive statewide publicity program to explain the provisions on release of identifying information to the adoption community, including adoptees, biological parents and siblings, adoptive parents, and prospective adoptive parents.