

HOUSE BILL No. 4778

May 2, 1991, Introduced by Rep. Jonker and referred to the Committee on Judiciary.

A bill to amend sections 2832 and 2882 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," section 2882 as amended by Act No. 83 of the Public Acts of 1987, being sections 333.2832 and 333.2882 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2832 and 2882 of Act No. 368 of the
2 Public Acts of 1978, section 2882 as amended by Act No. 83 of the
3 Public Acts of 1987, being sections 333.2832 and 333.2882 of the
4 Michigan Compiled Laws, are amended to read as follows:

5 Sec. 2832. (1) When a new certificate of live birth is
6 established, the actual place and date of birth shall be shown.
7 The new certificate shall be substituted for the original
8 certificate of live birth. Thereafter, the original certificate

1 and the evidence of adoption, paternity, legitimation, or sex
2 designation are not subject to inspection except AS OTHERWISE
3 PROVIDED IN SECTION 2882(2) OR upon a court order.

4 (2) Upon receipt of notice of annulment of adoption, the
5 original certificate of live birth shall be restored to its place
6 in the files. The certificate created under subsection (1) is
7 not subject to inspection except upon a court order.

8 (3) If a certificate of live birth is not on file for the
9 individual for whom a new live birth certificate is to be estab-
10 lished under section 2831, a new live birth certificate may be
11 prepared on the delayed birth certificate form in use at the time
12 of adoption, legitimation, or paternity determination.

13 (4) When a new certificate of live birth is established by
14 the state registrar, all copies of the original certificate of
15 birth in the custody of a custodian of permanent records in this
16 state shall be sealed from inspection or forwarded to the state
17 registrar, as the state registrar directs.

18 Sec. 2882. (1) Except as otherwise provided in
19 section 2890, upon written request and payment of the prescribed
20 fee, the state registrar or local registrar shall issue:

21 (a) A certified copy of a live birth record or a certificate
22 of registration containing the items indicated in section 2881(2)
23 to the individual who is the subject of the live birth record, a
24 parent named in the birth record, an heir, legal representative,
25 or legal guardian of that individual, or a court of competent
26 jurisdiction.

1 (b) A certified copy of a death record, including the cause
2 of death, to any applicant.

3 (c) A certified copy of a marriage or divorce record to any
4 applicant, except as provided by rule.

5 (2) UPON WRITTEN REQUEST OF AN ADULT WHO HAS BEEN ADOPTED,
6 AND PAYMENT OF THE PRESCRIBED FEE, THE STATE REGISTRAR SHALL
7 ISSUE TO THAT INDIVIDUAL A COPY OF HIS OR HER ORIGINAL CERTIFI-
8 CATE OF LIVE BIRTH CONTAINING THE ITEMS INDICATED IN
9 SECTION 2881(2), IF THE WRITTEN REQUEST IS ACCOMPANIED BY A COPY
10 OF AN ADOPTION CENTRAL REGISTRY CLEARANCE REQUEST AND REPLY FORM
11 THAT WAS COMPLETED BY THE DEPARTMENT OF SOCIAL SERVICES AND
12 DELIVERED TO THAT INDIVIDUAL PURSUANT TO SECTION 68(11) OF
13 CHAPTER X OF ACT NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SEC-
14 TION 710.68 OF THE MICHIGAN COMPILED LAWS. THE STATE REGISTRAR
15 MAY REQUEST THE DEPARTMENT OF SOCIAL SERVICES TO CONFIRM THAT
16 WHEN THE DEPARTMENT COMPLETED THE ADOPTION CENTRAL REGISTRY
17 CLEARANCE REQUEST AND REPLY FORM, BOTH BIOLOGICAL PARENTS OF THE
18 REQUESTER DID NOT HAVE ON FILE WITH THE DEPARTMENT A STATEMENT
19 THAT WAS THEN IN EFFECT DENYING CONSENT TO HAVE IDENTIFYING
20 INFORMATION RELEASED. A COPY PROVIDED UNDER THIS SUBSECTION
21 SHALL HAVE THE FOLLOWING PHRASE MARKED ON THE FACE OF THE COPY:
22 "THIS DOCUMENT IS A COPY OF A SEALED RECORD AND IS NOT THE ACTIVE
23 BIRTH CERTIFICATE OF THE INDIVIDUAL WHOSE NAME APPEARS ON THIS
24 DOCUMENT".

25 Section 2. This amendatory act shall not take effect unless
26 Senate Bill No. _____ or House Bill No. 4772 (request
27 no. 00743'91) of the 86th Legislature is enacted into law.