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ADOPTION AGENCY DONATIONS

House Bill 4202 as enrolled
Second Analysis (8-8-94)

Sponsor: Rep. David M. Gubow
House Committee: Judiciary
Senate Committee: Family Law, Mental
Health, and Corrections

THE APPARENT PROBLEM:

Private adoption agencies sometimes solicit contributions or volunteer labor from prospective adoptive parents. For example, one agency is reported to have offered a raffle, with chances for the raffle to be earned by prospective adoptive parents through fundraising activities. Raffle prizes were a free home study and initiation of a home study regardless of where the family was on the waiting list. The agency also is reported to have offered to move to the top of the waiting list prospective adoptive parents who made a birth mother referral. Without adequate statutory protection, there is a great potential for undue coercion of would-be adoptive parents whose prospects for adoption depend on the good will of the agency. Legislation has been proposed to explicitly forbid adoption agencies from making certain solicitations.

THE CONTENT OF THE BILL:

The bill would amend the child care licensing act, Public Act 116 of 1973, to forbid a child placing agency from soliciting or accepting a contribution from a prospective adoptive parent; contributions made as payment for the cost of an adoption service that had been rendered would be allowed. A child placing agency could not offer preferential treatment in connection with an adoption service in return for a contribution. (A "contribution" under the bill would include the payment of money or the donation of goods or services.)

The bill could not take effect unless Senate Bill 725, which deals with various foster care matters, also was enacted.

MCL 722.120a

FISCAL IMPLICATIONS:

The Senate Fiscal Agency says that the bill would have no fiscal impact on state or local government. (3-15-94)

ARGUMENTS:

For:

The bill would explicitly forbid adoption agencies from making coercive or improper solicitations of donations from prospective adoptive parents. Such solicitations smack of extortion, and a person's willingness or ability to comply with such extortion has no bearing on his or her fitness as a parent.