



# HOUSE BILL No. 4637

April 22, 1993, Introduced by Reps. Gubow, Anthony, Yokich, Dobb and Pitoniak and referred to the Committee on Judiciary.

A bill to amend sections 27, 46, 68, and 68a of chapter X of Act No. 288 of the Public Acts of 1939, entitled as amended

"An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,"

sections 27, 68, and 68a as amended by Act No. 175 of the Public Acts of 1990 and section 46 as amended by Act No. 72 of the Public Acts of 1982, being sections 710.27, 710.46, 710.68, and

710.68a of the Michigan Compiled Laws; and to add sections 27a, 27b, and 68b to chapter X.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 27, 46, 68, and 68a of chapter X of Act  
2 No. 288 of the Public Acts of 1939, sections 27, 68, and 68a as  
3 amended by Act No. 175 of the Public Acts of 1990 and section 46  
4 as amended by Act No. 72 of the Public Acts of 1982, being sec-  
5 tions 710.27, 710.46, 710.68, and 710.68a of the Michigan  
6 Compiled Laws, are amended and sections 27a, 27b, and 68b are  
7 added to chapter X to read as follows:

8 CHAPTER X

9 Sec. 27. (1) ~~Nonidentifying information shall be main-~~  
10 ~~tained by a child placing agency, the department, or a court that~~  
11 ~~places an adoptee under this chapter. The following nonidenti-~~  
12 ~~fying information shall be maintained, if obtainable:~~ BEFORE  
13 PLACEMENT OF A CHILD FOR ADOPTION, A PARENT OR GUARDIAN, A CHILD  
14 PLACING AGENCY, THE DEPARTMENT, OR THE COURT THAT PLACES THE  
15 CHILD SHALL COMPILE AND PROVIDE TO THE PROSPECTIVE ADOPTIVE  
16 PARENT A WRITTEN DOCUMENT CONTAINING ALL OF THE NONIDENTIFYING  
17 INFORMATION DESCRIBED IN THIS SUBSECTION THAT IS REASONABLY  
18 OBTAINABLE FROM THE PARENTS, RELATIVES, OR GUARDIAN OF THE CHILD;  
19 ANY PERSON WHO HAS HAD PHYSICAL CUSTODY OF THE CHILD FOR 30 DAYS  
20 OR MORE; OR ANY PERSON WHO HAS PROVIDED HEALTH, PSYCHOLOGICAL,  
21 EDUCATIONAL, OR OTHER SERVICES TO THE CHILD. INFORMATION THAT IS  
22 UNOBTAINABLE BEFORE TEMPORARY PLACEMENT SHALL BE SUBMITTED BY THE  
23 TIME OF FORMAL PLACEMENT IF REASONABLY OBTAINABLE. THE  
24 INFORMATION SHALL BE SUPPLEMENTED BY OTHER NONIDENTIFYING

1 INFORMATION THAT THE PARENT OR GUARDIAN, CHILD PLACING AGENCY,  
2 DEPARTMENT, OR COURT CONSIDERS APPROPRIATE. THE NONIDENTIFYING  
3 INFORMATION REQUIRED BY THIS SUBSECTION INCLUDES ALL OF THE  
4 FOLLOWING:

5 (a) Date, time, and place of birth of the ~~adoptee~~ CHILD  
6 including the hospital, city, county, and state.

7 ~~(b) Medical history of the adoptee and biological parents.~~

8 ~~(c) Ethnicity of the biological parents.~~

9 ~~(d) Status of termination voluntary or court ordered.~~

10 ~~(e) Religious background of biological parents.~~

11 ~~(f) Age and sex of siblings of the adoptee known at the time~~  
12 ~~of the adoption.~~

13 ~~(g) Educational level of biological parents.~~

14 (B) AN ACCOUNT OF THE HEALTH AND GENETIC HISTORY OF THE  
15 CHILD, INCLUDING AN ACCOUNT OF THE CHILD'S PRENATAL CARE; MEDICAL  
16 CONDITION AT BIRTH; ANY DRUG OR MEDICATION TAKEN BY THE CHILD'S  
17 MOTHER DURING PREGNANCY; ANY SUBSEQUENT MEDICAL, PSYCHOLOGICAL,  
18 PSYCHIATRIC, OR DENTAL EXAMINATION AND DIAGNOSIS; ANY PSYCHOLOGI-  
19 CAL EVALUATIONS DONE WHEN THE CHILD WAS UNDER THE JURISDICTION OF  
20 THE COURT; ANY PHYSICAL, SEXUAL, OR EMOTIONAL ABUSE SUFFERED BY  
21 THE CHILD; ANY REPORTS CONCERNING THE CHILD PREPARED BY PROTEC-  
22 TIVE SERVICE WORKERS, FOSTER CARE WORKERS, OR ADOPTION WORKERS  
23 BEFORE THE PLACEMENT; AND A RECORD OF ANY IMMUNIZATIONS AND  
24 HEALTH CARE THE CHILD RECEIVED WHILE IN FOSTER OR OTHER CARE.  
25 THIS SUBDIVISION DOES NOT REQUIRE THE DISCLOSURE OF MATERIAL MADE  
26 CONFIDENTIAL BY STATE OR FEDERAL LAW.

1 (C) AN ACCOUNT OF THE HEALTH AND GENETIC HISTORY OF THE  
2 CHILD'S BIOLOGICAL PARENTS AND OTHER MEMBERS OF THE CHILD'S  
3 FAMILY, INCLUDING ANY KNOWN HEREDITARY CONDITION OR DISEASE; THE  
4 HEALTH OF EACH PARENT AT THE CHILD'S BIRTH; A SUMMARY OF THE  
5 FINDINGS OF ANY MEDICAL, PSYCHOLOGICAL, OR PSYCHIATRIC EVALUATION  
6 OF EACH PARENT AT THE TIME OF PLACEMENT; AND IF A PARENT IS  
7 DECEASED, THE CAUSE OF AND THE AGE AT DEATH.

8 (D) A DESCRIPTION OF THE CHILD AND THE CHILD'S FAMILY OF  
9 ORIGIN, INCLUDING ALL OF THE FOLLOWING:

10 (i) GIVEN FIRST NAME OF THE CHILD AT BIRTH.

11 (ii) THE AGE AND SEX OF SIBLINGS OF THE CHILD.

12 (iii) THE CHILD'S ENROLLMENT AND PERFORMANCE IN SCHOOL,  
13 RESULTS OF EDUCATIONAL TESTING, AND ANY SPECIAL EDUCATIONAL  
14 NEEDS.

15 (iv) THE CHILD'S RACIAL, ETHNIC, AND RELIGIOUS BACKGROUND,  
16 AND A GENERAL DESCRIPTION OF THE CHILD'S PARENTS, INCLUDING THE  
17 AGE OF THE CHILD'S PARENTS AT THE TIME OF TERMINATION OF PARENTAL  
18 RIGHTS, AND THE LENGTH OF TIME THE PARENTS HAD BEEN MARRIED AT  
19 THE TIME OF PLACEMENT.

20 (v) AN ACCOUNT OF THE CHILD'S PAST AND EXISTING RELATIONSHIP  
21 WITH ANY RELATIVE, FOSTER PARENT, OR OTHER INDIVIDUAL WITH WHOM  
22 THE CHILD HAS LIVED OR VISITED ON A REGULAR BASIS, AND THE NAMES  
23 AND ADDRESSES OF ALL FOSTER PARENTS, RELATIVES, INSTITUTIONS, AND  
24 FACILITIES WITH WHOM OR IN WHICH THE CHILD WAS PLACED BEFORE  
25 ADOPTIVE PLACEMENT.

26 (vi) THE LEVELS OF EDUCATIONAL, OCCUPATIONAL, PROFESSIONAL,  
27 ATHLETIC, OR ARTISTIC ACHIEVEMENT OF THE CHILD'S FAMILY.

1 (vii) HOBBIES, SPECIAL INTERESTS, AND SCHOOL ACTIVITIES OF  
2 THE CHILD'S FAMILY.

3 (viii) ANY CRIMINAL CONVICTION OF A PARENT OF THE CHILD FOR  
4 A FELONY AND THE CIRCUMSTANCES OF ANY JUDICIAL ORDER TERMINATING  
5 THE PARENTAL RIGHTS OF A PARENT FOR ABUSE, NEGLECT, ABANDONMENT,  
6 OR OTHER MISTREATMENT OF THE CHILD.

7 (ix) LENGTH OF TIME BETWEEN THE TERMINATION OF PARENTAL  
8 RIGHTS AND ADOPTIVE PLACEMENT AND WHETHER THE TERMINATION WAS  
9 VOLUNTARY OR COURT-ORDERED.

10 (x) ANY INFORMATION NECESSARY TO DETERMINE THE CHILD'S ELI-  
11 GIBILITY FOR STATE OR FEDERAL BENEFITS, INCLUDING FINANCIAL, MED-  
12 ICAL, OR OTHER ASSISTANCE.

13 (2) ~~The information required by subsection (1) shall be~~  
14 ~~supplemented by other nonidentifying background information that~~  
15 ~~the child placing agency, department, or court considers~~  
16 ~~appropriate.~~ A CHILD PLACING AGENCY, THE DEPARTMENT, THE COURT  
17 THAT PLACES AN ADOPTEE UNDER THIS CHAPTER, OR, IN THE CASE OF A  
18 DIRECT PLACEMENT, THE PROSPECTIVE ADOPTIVE PARENT SHALL COMPILE  
19 ALL OF THE NONIDENTIFYING INFORMATION PERTAINING TO THE ADOPTIVE  
20 PARENT DESCRIBED IN THIS SUBSECTION. THE INFORMATION SHALL BE  
21 SUPPLEMENTED BY OTHER NONIDENTIFYING BACKGROUND INFORMATION THAT  
22 THE CHILD PLACING AGENCY, DEPARTMENT, COURT, OR PROSPECTIVE ADOP-  
23 TIVE PARENT CONSIDERS APPROPRIATE. THE NONIDENTIFYING INFORMA-  
24 TION REQUIRED BY THIS SUBSECTION INCLUDES ALL OF THE FOLLOWING:  
25 (A) THE NUMBER OF CHILDREN OF THE ADOPTIVE PARENT AT THE  
26 TIME OF PLACEMENT.

1 (B) THE EDUCATIONAL LEVEL OF THE ADOPTIVE PARENT AT THE TIME  
2 OF PLACEMENT.

3 (C) THE RACIAL, ETHNIC, AND RELIGIOUS BACKGROUND OF THE  
4 ADOPTIVE PARENT.

5 (D) THE LENGTH OF TIME THAT EXPIRED BETWEEN TERMINATION OF  
6 PARENTAL RIGHTS AND ADOPTIVE PLACEMENT.

7 (E) THE MARITAL STATUS OF THE ADOPTIVE PARENT AT THE TIME OF  
8 PLACEMENT.

9 (F) ANY INFORMATION PROVIDED BY THE ADOPTIVE PARENT CONCERN-  
10 ING THE CHILD'S ADJUSTMENT IN THE ADOPTIVE HOME.

11 (3) ~~The~~ A PARENT OR GUARDIAN, THE department, a child  
12 placing agency, or a court that places an adoptee under this  
13 chapter shall ~~maintain~~ COMPILE all of the following identifying  
14 information if REASONABLY obtainable:

15 (a) ~~Name~~ ALL KNOWN NAMES of the child before AND AFTER  
16 placement in adoption.

17 (b) ~~Names~~ ALL KNOWN NAMES AND ADDRESSES of EACH biological  
18 ~~parents at the time of termination of parental rights~~ PARENT.

19 (c) ~~The most recent names and addresses of the biological~~  
20 ~~parents.~~ DATE, TIME, PLACE OF BIRTH, AND NAME AT BIRTH OF THE  
21 BIOLOGICAL SIBLINGS, INCLUDING THE HOSPITAL, CITY, COUNTY, AND  
22 STATE.

23 (d) Names of the biological siblings at the time of  
24 termination.

25 (E) ALL KNOWN ADOPTIVE NAMES OF THE BIOLOGICAL SIBLINGS.

26 ~~(4) The court shall inform each biological parent at the~~  
27 ~~time of termination of parental rights pursuant to this chapter~~

~~1 or chapter 12A, that the biological parent may file a denial of  
2 release of the identifying information specified in subsection  
3 (3) with the department at any time and that the denial may be  
4 revoked at any time. The department shall develop a form for  
5 biological parents to deny or revoke a denial of release of iden-  
6 tifying information and shall make the form available to the  
7 court. The court shall inform both biological parents, if known,  
8 of the provisions described in sections 68 and 68a.~~

~~9 (5) The department shall keep on file each statement con-  
10 cerning a child believed to be adopted that is submitted by a  
11 biological parent or adult biological sibling consenting to or  
12 denying release of identifying information, and shall transmit  
13 that statement to the proper child placing agency, department, or  
14 court upon request of the child placing agency, department, or  
15 court. The statement may be rescinded at any time by the biolog-  
16 ical parent or adult biological sibling. A statement made by a  
17 biological parent or adult biological sibling consenting to the  
18 release of identifying information shall include the current name  
19 and address of the biological parent or adult biological  
20 sibling. Once a request for information from the file has been  
21 received by the department, a subsequent statement submitted by a  
22 biological parent or adult biological sibling consenting to the  
23 release of identifying information or revoking a previous denial  
24 to release of identifying information, shall be transmitted to  
25 the requesting child placing agency, department, or court upon  
26 receipt.~~

1       (4) THE INFORMATION REQUIRED BY SUBSECTIONS (1) TO (3) SHALL  
2 BE MAINTAINED BY THE CHILD PLACING AGENCY, DEPARTMENT, OR COURT  
3 THAT PLACES THE CHILD OR, IN THE CASE OF A DIRECT PLACEMENT BY A  
4 PARENT OR GUARDIAN, BY THE COURT THAT APPROVES THE PLACEMENT. IN  
5 A DIRECT PLACEMENT, THE PARENT OR GUARDIAN SHALL TRANSMIT THE  
6 INFORMATION REQUIRED UNDER SUBSECTIONS (1) AND (3) TO THE COURT  
7 BEFORE THE TERMINATION OF PARENTAL RIGHTS AND THE PROSPECTIVE  
8 ADOPTIVE PARENT SHALL TRANSMIT THE INFORMATION REQUIRED UNDER  
9 SUBSECTION (2) TO THE COURT AT THE TIME OF PLACEMENT UNDER SEC-  
10 TION 51. AN EMPLOYEE OR AGENT OF A CHILD PLACING AGENCY, THE  
11 COURT, OR THE DEPARTMENT WHO INTENTIONALLY DESTROYS INFORMATION  
12 REQUIRED TO BE MAINTAINED UNDER THIS SECTION IS GUILTY OF A  
13 MISDEMEANOR.

14       (5) ~~(6)~~ If a child placing agency ceases to operate, the  
15 agency's adoption records shall be forwarded to the department.  
16 A branch or associate agency of a child placing agency ~~which~~  
17 THAT ceases to operate shall forward its records to the central  
18 agency of the branch or associate agency.

19       (6) ~~(7)~~ This section ~~also applies~~ DOES NOT APPLY to a  
20 stepparent adoption ~~and~~ OR to the adoption of a child related  
21 to the petitioner within the fifth degree by marriage, blood, or  
22 adoption.

23       (7) ~~(8)~~ ~~The information required by subsections (1) through~~  
24 ~~(3) shall be maintained by the child placing agency, department,~~  
25 ~~or court. An employee or agent of a child placing agency, the~~  
26 ~~court, or the department, who intentionally destroys information~~  
27 ~~required to be maintained under this section, is guilty of a~~

1 ~~misdemeanor.~~ THIS SECTION DOES NOT PREVENT A PARENT OR GUARDIAN  
2 AND PROSPECTIVE ADOPTIVE PARENT FROM EXCHANGING IDENTIFYING  
3 INFORMATION OR MEETING PURSUANT TO SECTIONS 23A AND 23B.

4 SEC. 27A. (1) A FORMER PARENT MAY FILE WITH THE CENTRAL  
5 ADOPTION REGISTRY A STATEMENT CONSENTING TO OR DENYING THE  
6 RELEASE OF THE IDENTIFYING INFORMATION ABOUT THAT PARENT SPECI-  
7 FIED IN SECTION 27(3)(B). THE CONSENT OR DENIAL MAY BE FILED,  
8 UPDATED, OR REVOKED AT ANY TIME.

9 (2) AN ADULT FORMER SIBLING MAY FILE A STATEMENT WITH THE  
10 CENTRAL ADOPTION REGISTRY PROVIDING NOTICE THAT A FORMER PARENT  
11 IS DECEASED. A COPY OF THE FORMER PARENT'S DEATH CERTIFICATE OR  
12 OTHER EVIDENCE OF THE FORMER PARENT'S DEATH SHALL BE ATTACHED TO  
13 THE STATEMENT.

14 (3) AN ADULT FORMER SIBLING WHO KNOWS THE BIRTH NAME OF AN  
15 ADOPTEE MAY FILE WITH THE CENTRAL ADOPTION REGISTRY A STATEMENT  
16 CONSENTING TO THE RELEASE OF THE ADULT FORMER SIBLING'S NAME AND  
17 ADDRESS TO THE ADULT ADOPTEE. THE STATEMENT MAY BE FILED, UPDAT-  
18 ED, OR REVOKED AT ANY TIME.

19 (4) AT THE TIME OF TERMINATION OF PARENTAL RIGHTS PURSUANT  
20 TO THIS CHAPTER OR CHAPTER XIIA, THE COURT SHALL INFORM EACH  
21 PARENT OF THE PROVISIONS DESCRIBED IN THIS SECTION AND SECTIONS  
22 27B, 68, AND 68A. THE COURT SHALL INFORM EACH PARENT THAT THE  
23 PARENT'S CONSENT TO THE RELEASE OF IDENTIFYING INFORMATION ABOUT  
24 THAT PARENT SPECIFIED IN SECTION 27(3)(B) SHALL BE PRESUMED  
25 UNLESS THE PARENT FILES A STATEMENT WITH THE CENTRAL ADOPTION  
26 REGISTRY DENYING THE RELEASE OF THE INFORMATION ABOUT THAT  
27 PARENT. THE COURT SHALL EXPLAIN THE PARENT'S RIGHT TO FILE,

1 UPDATE, OR REVOKE THE DENIAL AT ANY TIME, AND SHALL PROVIDE EACH  
2 PARENT WITH THE FORMS PRESCRIBED UNDER SECTION 27B.

3 SEC. 27B. (1) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A  
4 CENTRAL ADOPTION REGISTRY TO CONTROL THE RELEASE OF IDENTIFYING  
5 INFORMATION DESCRIBED IN SECTION 27(3).

6 (2) THE CENTRAL ADOPTION REGISTRY SHALL KEEP ON FILE THE  
7 STATEMENTS OF FORMER PARENTS CONSENTING TO OR DENYING THE RELEASE  
8 OF IDENTIFYING INFORMATION AND THE STATEMENTS OF ADULT FORMER  
9 SIBLINGS DESCRIBED IN SECTION 27A(2) AND (3).

10 (3) THE DEPARTMENT SHALL DEVELOP FORMS FOR FORMER PARENTS TO  
11 USE TO CONSENT TO, DENY, OR REVOKE A CONSENT TO OR DENIAL OF, THE  
12 RELEASE OF IDENTIFYING INFORMATION AND FORMS FOR ADULT FORMER  
13 SIBLINGS TO USE TO PROVIDE NOTICE OF THE DEATH OF A FORMER PARENT  
14 AND TO CONSENT TO THE RELEASE OF THE ADULT FORMER SIBLING'S NAME  
15 AND ADDRESS TO AN ADULT ADOPTEE. THE DEPARTMENT SHALL MAKE THE  
16 FORMS AVAILABLE TO CHILD PLACING AGENCIES AND THE COURT. THE  
17 FORMS SHALL INCLUDE THE CURRENT NAME AND ADDRESS OF THE FORMER  
18 PARENT OR ADULT FORMER SIBLING. THE DENIAL FORM SHALL CONTAIN A  
19 SPACE FOR THE FORMER PARENT TO INDICATE, IF HE OR SHE WISHES, THE  
20 REASON WHY HE OR SHE DOES NOT WISH TO BE IDENTIFIED OR  
21 CONTACTED. THE DEPARTMENT SHALL ALSO DEVELOP AND DISTRIBUTE  
22 CLEARANCE REQUEST AND REPLY FORMS TO BE USED BY CHILD PLACING  
23 AGENCIES, THE DEPARTMENT, AND THE COURT TO REQUEST AND RECEIVE  
24 INFORMATION FROM THE CENTRAL ADOPTION REGISTRY PURSUANT TO SEC-  
25 TION 68(6) AND (10).

26 (4) UPON RECEIPT OF A CLEARANCE REQUEST FORM FROM A CHILD  
27 PLACING AGENCY OR THE DEPARTMENT OR COURT PURSUANT TO

1 SECTION 68(6), THE CENTRAL ADOPTION REGISTRY SHALL TRANSMIT TO  
2 THE REQUESTER A CLEARANCE REPLY FORM INDICATING WHETHER A PARTIC-  
3 ULAR FORMER PARENT HAS FILED WITH THE REGISTRY A STATEMENT EITHER  
4 DENYING OR CONSENTING TO THE RELEASE OF IDENTIFYING INFORMATION  
5 OR WHETHER A FORMER PARENT IS DECEASED. THE CENTRAL ADOPTION  
6 REGISTRY SHALL INCLUDE A COPY OF THE STATEMENT CONSENTING TO OR  
7 DENYING THE RELEASE OF IDENTIFYING INFORMATION. ONCE A REQUEST  
8 FOR INFORMATION HAS BEEN RECEIVED BY THE CENTRAL ADOPTION REGIS-  
9 TRY, A SUBSEQUENT STATEMENT SUBMITTED BY A FORMER PARENT CONSENT-  
10 ING TO THE RELEASE OF IDENTIFYING INFORMATION OR REVOKING A PRE-  
11 VIOUS DENIAL OF RELEASE OF IDENTIFYING INFORMATION SHALL BE  
12 TRANSMITTED TO THE PERSON WHO REQUESTED THE INFORMATION.

13 (5) UPON RECEIPT OF A CLEARANCE REQUEST FORM FROM A CHILD  
14 PLACING AGENCY OR THE DEPARTMENT OR COURT PURSUANT TO  
15 SECTION 68(10), THE CENTRAL ADOPTION REGISTRY SHALL TRANSMIT TO  
16 THE REQUESTER A STATEMENT FROM AN ADULT FORMER SIBLING CONSENTING  
17 TO THE RELEASE OF THE ADULT FORMER SIBLING'S NAME AND ADDRESS TO  
18 AN ADULT ADOPTEE. ONCE A REQUEST FOR INFORMATION HAS BEEN  
19 RECEIVED BY THE CENTRAL ADOPTION REGISTRY, A SUBSEQUENT STATEMENT  
20 SUBMITTED BY AN ADULT FORMER SIBLING CONSENTING TO THE RELEASE OF  
21 THE ADULT FORMER SIBLING'S NAME AND ADDRESS SHALL BE TRANSMITTED  
22 TO THE PERSON WHO REQUESTED THE INFORMATION.

23 Sec. 46. (1) In an adoption proceeding, the court shall  
24 direct a full investigation by an employee or agent of the court,  
25 a child placing agency, or the department. The following shall  
26 be considered in the investigation AND INCLUDED IN THE WRITTEN  
27 REPORT OF THE INVESTIGATION:

1 (a) The best interests of the adoptee.

2 (b) The adoptee's family background, including names and  
3 identifying data regarding the parent or parents, if obtainable.

4 (c) The reasons for the adoptee's placement away from his or  
5 her parent or parents.

6 (2) A written report of the investigation shall be filed  
7 within 3 months of the order for investigation.

8 (3) A WRITTEN REPORT OF INVESTIGATION PREPARED PURSUANT TO  
9 THIS SECTION SHALL BE MADE PART OF THE COURT RECORD, AND SHALL BE  
10 MAINTAINED BY BOTH OF THE FOLLOWING:

11 (A) THE COURT THAT ENTERS THE ORDER OF ADOPTION.

12 (B) A COURT, A CHILD PLACING AGENCY, OR THE DEPARTMENT THAT  
13 PLACES AN ADOPTEE UNDER THIS CHAPTER OR, IN A DIRECT PLACEMENT,  
14 THE COURT THAT APPROVES THE PLACEMENT UNDER SECTION 51.

15 Sec. 68. (1) ~~All of the nonidentifying information~~  
16 ~~required by section 27(1) and (2) of this chapter shall be made~~  
17 ~~available in writing to the adoptive parents at the time of~~  
18 ~~placement and thereafter within 63 days after receipt of a~~  
19 ~~request for information, and shall be made available in writing~~  
20 ~~to an adult adoptee within 63 days after receipt of a request for~~  
21 ~~information. (2) Within 63 days after a request for~~  
22 NONIDENTIFYING information DESCRIBED IN SECTION 27(1) is  
23 received, a child placing agency ~~—~~ OR court ~~—~~ or the depart-  
24 ment shall provide THE INFORMATION in writing to the ~~biological~~  
25 ~~parent or adult biological sibling~~ ADOPTIVE PARENT OR ADULT  
26 ADOPTEE requesting the information. ~~all of the nonidentifying~~  
27 ~~information described in section 27(1) and (2) of this chapter.~~

1 (2) WITHIN 63 DAYS AFTER A REQUEST FOR NONIDENTIFYING  
2 INFORMATION DESCRIBED IN SECTION 27(2) IS RECEIVED FROM A FORMER  
3 PARENT, A CHILD PLACING AGENCY OR THE COURT OR THE DEPARTMENT  
4 SHALL PROVIDE THE INFORMATION IN WRITING TO THE FORMER PARENT  
5 REQUESTING THE INFORMATION.

6 (3) Within 63 days after a request for identifying informa-  
7 tion ABOUT AN ADULT ADOPTEE is received, a child placing agency  
8 ~~OR~~ court ~~OR~~ or the department shall provide in writing to  
9 the ~~biological~~ FORMER parent or adult ~~biological~~ FORMER sib-  
10 ling requesting the information the adult adoptee's most recent  
11 name and address ~~and the identifying information described in~~  
12 ~~section 27(3) of this chapter~~ if the adult adoptee has given  
13 written consent to release of the information pursuant to this  
14 chapter.

15 (4) If the department or a child placing agency receives a  
16 request for adoption record information in ~~their~~ ITS possession  
17 from an adult adoptee, ~~biological~~ FORMER parent, or adult  
18 ~~biological~~ FORMER sibling, the department or child placing  
19 agency shall provide the ~~person~~ INDIVIDUAL requesting the  
20 information with the identity of the court that confirmed the  
21 adoption within 28 days after receipt of the request. If a court  
22 receives such a request, the court shall provide the ~~person~~  
23 INDIVIDUAL requesting the information with the identity of the  
24 child placing agency that handled the adoption.

25 (5) If the court that terminated parental rights receives  
26 from the ~~biological~~ FORMER parents or adult ~~biological~~ FORMER  
27 siblings of the adult adoptee a request for the identity of the

1 agency, court, or department to which the child was committed,  
2 the court shall provide in writing the name of that agency,  
3 court, or department, if known, within 28 days after receipt of  
4 the request.

5 (6) UPON RECEIPT OF A WRITTEN REQUEST FOR IDENTIFYING INFOR-  
6 MATION FROM AN ADULT ADOPTEE, A CHILD PLACING AGENCY OR COURT OR  
7 THE DEPARTMENT, IF IT MAINTAINS THE ADOPTION FILE FOR THAT ADOPT-  
8 EE, SHALL SUBMIT A CLEARANCE REQUEST FORM TO THE CENTRAL ADOPTION  
9 REGISTRY. UPON RECEIPT OF A CLEARANCE REPLY FORM FROM THE CEN-  
10 TRAL ADOPTION REGISTRY, THE CHILD PLACING AGENCY, THE COURT, OR  
11 THE DEPARTMENT SHALL NOTIFY THE ADOPTEE IN WRITING, WITHIN 28  
12 DAYS AFTER THE RECEIPT OF THE RESPONSE, OF THE IDENTIFYING INFOR-  
13 MATION TO WHICH THE ADOPTEE IS ENTITLED PURSUANT TO  
14 SUBSECTION (7), (8), OR (9), OR, IF THE IDENTIFYING INFORMATION  
15 CANNOT BE RELEASED PURSUANT TO THOSE SUBSECTIONS, THE REASON WHY  
16 THE INFORMATION CANNOT BE RELEASED. THE COURT, A CHILD PLACING  
17 AGENCY, OR THE DEPARTMENT SHALL PROVIDE TO THE ADOPTEE A WRITTEN  
18 VERBATIM TRANSCRIPTION OF ANY WRITTEN STATEMENT THAT THE ADULT  
19 ADOPTEE'S BIOLOGICAL PARENT INCLUDED ON A DENIAL OF RELEASE OF  
20 IDENTIFYING INFORMATION INDICATING WHY HE OR SHE FILED THE DENIAL  
21 OF IDENTIFYING INFORMATION AND WISHES NOT TO BE CONTACTED. THE  
22 CHILD PLACING AGENCY, THE COURT, OR THE DEPARTMENT SHALL RETAIN A  
23 COPY OF THE NOTICE SENT TO THE ADULT ADOPTEE.

24 (7) ~~(6) For~~ UNTIL JANUARY 1, 1995, FOR adoptions in which  
25 the ~~biological~~ FORMER parents' rights were terminated before  
26 September 12, 1980, a child placing agency ~~or~~ OR court, or the  
27 department ~~having the records of an adoptee and having received~~

1 ~~a written request from that adoptee as an adult for information~~  
2 ~~identifying the adoptee's biological parents,~~ shall release TO  
3 AN ADULT ADOPTEE the identifying information described in section  
4 27(3) of this chapter and other identifying information on file  
5 with the ~~department~~ CENTRAL ADOPTION REGISTRY as specified in  
6 section ~~27(5)~~ 27B of this chapter, in the following manner:

7 (a) All OF THE IDENTIFYING information ~~on both biological~~  
8 ~~parents~~ DESCRIBED IN SECTION 27(3) OF THIS CHAPTER shall be  
9 released to the adult adoptee, if both ~~biological~~ FORMER par-  
10 ents have on file with the ~~department~~ CENTRAL ADOPTION REGISTRY  
11 a statement consenting to release of THE identifying  
12 information.

13 (b) ~~Information pertaining to~~ THE IDENTIFYING INFORMATION  
14 DESCRIBED IN SECTION 27(3)(B) OF THIS CHAPTER ABOUT 1 of the  
15 ~~biological~~ FORMER parents AND THE IDENTIFYING INFORMATION  
16 DESCRIBED IN SECTION 27(3)(A), (C), (D), AND (E) OF THIS CHAPTER  
17 shall be released to the adult adoptee if that ~~biological~~  
18 FORMER parent has on file with the ~~department~~ CENTRAL ADOPTION  
19 REGISTRY a statement consenting to release of identifying  
20 information.

21 (c) ~~Information pertaining to~~ THE IDENTIFYING INFORMATION  
22 DESCRIBED IN SECTION 27(3)(B) OF THIS CHAPTER ABOUT 1 of the  
23 ~~biological~~ FORMER parents AND THE IDENTIFYING INFORMATION  
24 DESCRIBED IN SECTION 27(3)(A), (C), (D), AND (E) OF THIS CHAPTER  
25 shall be released to the adult adoptee if that parent is  
26 deceased. ~~, or if a child of that parent who is now an adult~~  
27 ~~and who is a sibling of the adoptee has on file with the~~

1 ~~department a consent to the release of identifying information of~~  
2 ~~that deceased parent.~~

3 (d) All OF THE IDENTIFYING information DESCRIBED IN  
4 SECTION 27(3) OF THIS CHAPTER on both ~~biological~~ FORMER parents  
5 shall be released to the adult adoptee, if both ~~biological~~  
6 FORMER parents are deceased.

7 (8) BEGINNING JANUARY 1, 1995, FOR ALL ADOPTIONS IN WHICH  
8 THE BIOLOGICAL PARENTS' RIGHTS WERE TERMINATED BEFORE  
9 SEPTEMBER 12, 1980, A CHILD PLACING AGENCY, A COURT, OR THE  
10 DEPARTMENT SHALL RELEASE TO AN ADULT ADOPTEE THE IDENTIFYING  
11 INFORMATION DESCRIBED IN SECTION 27(3) OF THIS CHAPTER AND ANY  
12 ADDITIONAL INFORMATION ON FILE WITH THE DEPARTMENT AS SPECIFIED  
13 IN SECTION 27B OF THIS CHAPTER, EXCEPT THAT IF A FORMER PARENT  
14 HAS FILED A STATEMENT CURRENTLY IN EFFECT WITH THE DEPARTMENT  
15 DENYING CONSENT TO HAVE IDENTIFYING INFORMATION RELEASED, IDENTI-  
16 FYING INFORMATION SHALL NOT BE RELEASED ABOUT THAT PARENT. FOR  
17 PURPOSES OF THIS SUBSECTION, A DENIAL IS NOT EFFECTIVE AFTER THE  
18 DEATH OF THE FORMER PARENT.

19 (9) ~~(7)~~ For all adoptions in which the ~~biological~~ FORMER  
20 parents' rights were terminated after September 12, 1980, ~~an~~  
21 ~~adoptee not less than 18 years of age shall have the right to~~  
22 ~~obtain~~ A CHILD PLACING AGENCY OR COURT OR THE DEPARTMENT SHALL  
23 RELEASE TO AN ADULT ADOPTEE the identifying information described  
24 in section 27(3) of this chapter and any additional information  
25 on file with the ~~department~~ CENTRAL ADOPTION REGISTRY as speci-  
26 fied in section ~~27(5)~~ 27B of this chapter, except that if a  
27 ~~biological~~ FORMER parent has filed a statement currently in

1 effect with the ~~department~~ CENTRAL ADOPTION REGISTRY denying  
2 consent to have identifying information released, THE identifying  
3 information SPECIFIED IN SECTION 27(3)(B) OF THIS CHAPTER shall  
4 not be released about that parent. ~~The information shall be~~  
5 ~~provided within 63 days after the date of the request.~~ FOR PUR-  
6 POSES OF THIS SUBSECTION, A DENIAL IS NOT EFFECTIVE AFTER THE  
7 DEATH OF THE FORMER PARENT.

8 (10) ~~(8) Upon receipt of a written request for identifying~~  
9 ~~information from an adult adoptee, a child placing agency, court,~~  
10 ~~or the department, if it maintains that adoption file, shall~~  
11 ~~request information from the department file as specified in sec-~~  
12 ~~tion 27(5) of this chapter, pursuant to the requirements of this~~  
13 ~~section. Upon receipt of a response from the department file, a~~  
14 ~~child placing agency, court, or the department shall notify the~~  
15 ~~adoptee in writing, within 28 days after the receipt of the~~  
16 ~~response, of the identifying information to which the adoptee is~~  
17 ~~entitled, or, if the identifying information cannot be released~~  
18 ~~pursuant to this section, the reason why the information cannot~~  
19 ~~be released. The child placing agency, court, or the department~~  
20 ~~shall retain a copy of the notice sent to the adult adoptee.~~  
21 ~~Once the identifying information is released to the adult adopt-~~  
22 ~~ee, and upon the request of the adult adoptee, biological parent,~~  
23 ~~adult biological sibling, or adoptive parent, the child placing~~  
24 ~~agency, court, or the department shall provide for counseling or~~  
25 ~~shall provide a list of adoption support groups to that person.~~  
26 UPON RECEIPT OF A WRITTEN REQUEST FROM AN ADULT ADOPTEE FOR THE  
27 NAME AND ADDRESS OF AN ADULT FORMER SIBLING, A CHILD PLACING

1 AGENCY OR COURT OR THE DEPARTMENT, IF IT MAINTAINS THE ADOPTION  
 2 FILE FOR THAT ADOPTEE, SHALL SUBMIT A CLEARANCE REQUEST FORM TO  
 3 THE CENTRAL ADOPTION REGISTRY. UPON RECEIPT OF A CLEARANCE REPLY  
 4 FORM FROM THE CENTRAL ADOPTION REGISTRY, THE CHILD PLACING  
 5 AGENCY, THE COURT, OR THE DEPARTMENT SHALL NOTIFY THE ADOPTEE IN  
 6 WRITING, WITHIN 28 DAYS AFTER THE RECEIPT OF THE RESPONSE, OF THE  
 7 NAME AND ADDRESS OF AN ADULT FORMER SIBLING WHOSE STATEMENT WAS  
 8 FORWARDED BY THE CENTRAL ADOPTION REGISTRY.

9 (11) IF A CHILD PLACING AGENCY OR COURT OR THE DEPARTMENT  
 10 REQUESTS INFORMATION FROM THE CENTRAL ADOPTION REGISTRY AND IF  
 11 THE CLEARANCE REPLY FORM FROM THE CENTRAL ADOPTION REGISTRY INDI-  
 12 CATES THAT NEITHER OF THE FORMER PARENTS HAS ON FILE WITH THE  
 13 CENTRAL ADOPTION REGISTRY A STATEMENT CURRENTLY IN EFFECT DENYING  
 14 CONSENT TO HAVE IDENTIFYING INFORMATION RELEASED, THE CHILD PLAC-  
 15 ING AGENCY, COURT, OR DEPARTMENT SHALL DELIVER TO THE ADULT  
 16 ADOPTEE A COPY OF THE CLEARANCE REPLY FORM IT RECEIVED FROM THE  
 17 CENTRAL ADOPTION REGISTRY. THE CLEARANCE REPLY FORM MAY BE USED  
 18 BY THE ADULT ADOPTEE TO OBTAIN AN ORIGINAL CERTIFICATE OF LIVE  
 19 BIRTH PURSUANT TO SECTION 2882 OF THE PUBLIC HEALTH CODE, ACT  
 20 NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTION 333.2882 OF THE  
 21 MICHIGAN COMPILED LAWS. UNTIL JANUARY 1, 1995, THIS SUBSECTION  
 22 APPLIES TO ALL ADOPTIONS IN WHICH THE PARENTS' RIGHTS WERE TERMI-  
 23 NATED ON OR AFTER SEPTEMBER 12, 1980. BEGINNING JANUARY 1, 1995,  
 24 THIS SUBSECTION APPLIES TO ALL ADOPTIONS IN THIS STATE.

25 (12) ~~(9)~~ If a child placing agency ~~—~~ OR court ~~—~~ or the  
 26 department receives written information concerning a  
 27 physician-verified medical or genetic condition of ~~a person~~ AN

1-INDIVIDUAL biologically related to an adoptee and a request that  
 2 the information be transmitted to the adoptee because of the  
 3 serious threat it poses to the adoptee's life, the child placing  
 4 agency, court, or department shall send a written copy of the  
 5 information by first-class mail within 7 days after the request  
 6 is received to the adoptee at his or her last known address. If  
 7 the adoptee is less than 18 years of age, the information shall  
 8 be sent by first-class mail within 7 days after the request is  
 9 received to the adoptive parents at their last known address.

10 (13) ~~-(10)-~~ If the letter described in subsection ~~-(9)-~~ (12)  
 11 is returned undelivered, the agency, court, or department shall  
 12 make a reasonable effort to find the most recent address of the  
 13 adoptee or minor adoptee's parents and shall again send the  
 14 information by first-class mail within 21 days after receiving  
 15 the returned letter.

16 (14) ~~-(11)-~~ If a child placing agency ~~-~~ OR court ~~-~~ or  
 17 the department receives written information concerning a  
 18 physician-verified medical or genetic condition of a person bio-  
 19 logically related to an adoptee, and the condition is not  
 20 life-threatening to the adoptee, the child placing agency, court,  
 21 or department shall place the information in its adoption files.  
 22 If the child placing agency, court, or department receives a  
 23 written request for the information from the adult adoptee or  
 24 minor adoptee's adoptive parents, it shall release a written copy  
 25 of the information to the adult adoptee or to the minor adoptee's  
 26 adoptive parents within 63 days after the request for the  
 27 information was made.

1       (15) ~~(+2)~~ If a child placing agency ~~—~~ OR court ~~—~~ or  
 2 the department receives written information concerning a  
 3 physician-verified medical or genetic condition that threatens  
 4 the life of an adoptee and for which a biologically related  
 5 person could give life-saving aid, and receives a request from or  
 6 on behalf of the adoptee that the information be transmitted, the  
 7 child placing agency, court, or department shall send a written  
 8 copy of the information by first-class mail within 7 days after  
 9 the request is received to the biological parents or adult bio-  
 10 logical siblings of the adoptee at their last known address.

11       (16) ~~(+3)~~ If the information described in subsection  
 12 ~~(+2)~~ (15) is returned undelivered, the agency, court, or  
 13 department shall make a reasonable effort to find the most recent  
 14 address of the biological parents or adult biological siblings  
 15 and shall again send the information by first-class mail within  
 16 21 days after receiving the returned letter.

17       (17) ~~(+4)~~ If a child placing agency ~~—~~ OR court ~~—~~ or  
 18 the department provides an adoptee with the name of ~~either~~ 1 of  
 19 the adoptee's ~~biological~~ FORMER parents, that child placing  
 20 agency, court, or department shall notify the department of  
 21 public health of that fact. Upon receipt of notification by the  
 22 child placing agency, court, or department, the department of  
 23 public health shall insure that the original birth certificate on  
 24 file for the adoptee has been sealed and that a new birth certif-  
 25 icate has been prepared in conformance with section 67 of this  
 26 chapter.

1 (18) ~~(15)~~ An employee or agent of a child placing agency,  
 2 the court, or the department, who intentionally releases  
 3 identifying information in violation of this section, is guilty  
 4 of a misdemeanor.

5 (19) ~~(16)~~ This section also applies to a stepparent adop-  
 6 tion and to the adoption of a child related to the petitioner  
 7 within the fifth degree by marriage, blood, or adoption.

8 (20) ~~(17)~~ As used in this section, "adult adoptee" means a  
 9 person who was adopted as a child who is now 18 years of age or  
 10 older or a person who was 18 years of age or older at the time of  
 11 adoption.

12 (21) ~~(18)~~ A child placing agency, a court, and the depart-  
 13 ment may require a fee ~~of~~ FOR SUPPLYING INFORMATION UNDER THIS  
 14 SECTION. THE FEE SHALL BE \$60.00 or the actual cost of supplying  
 15 the information, whichever is less. ~~, for supplying information~~  
 16 ~~under this section.~~ The child placing agency, the court, and the  
 17 department may waive a part or all of the fee in case of indi-  
 18 gency or hardship.

19 (22) ALL INFORMATION TO WHICH AN ADULT ADOPTTEE IS ENTITLED  
 20 PURSUANT TO THIS SECTION SHALL BE RELEASED TO THE ADULT ADOPTTEE'S  
 21 DIRECT DESCENDANTS IF THE ADULT ADOPTTEE IS DECEASED.

22 Sec. 68a. (1) The department, IN COOPERATION WITH ADOPTION  
 23 SUPPORT GROUPS, shall develop and publish an information pamphlet  
 24 explaining the release of information from adoption records pur-  
 25 suant to this act AND OUTLINING A MODEL SEARCH AND CONTACT  
 26 PROCEDURE.

1 (2) If the department, a child placing agency, or the court  
 2 is contacted by an adoptee, adult ~~biological~~ FORMER sibling,  
 3 ~~biological~~ FORMER parent, or adoptive parent, within 14 days  
 4 after the date of the contact, it shall provide the adoptee,  
 5 adult ~~biological~~ FORMER sibling, ~~biological~~ FORMER parent, or  
 6 adoptive parent with all of the following:

7 (a) A copy of the information pamphlet described in subsec-  
 8 tion (1).

9 (b) A list of adoption support groups.

10 (c) Information about the provisions described in this sec-  
 11 tion and ~~section~~ SECTIONS 27, 27A, 27B, AND 68.

12 (3) If a child placing agency ~~—~~ OR court ~~—~~ or the  
 13 department receives a written request from an adoptee, adult  
 14 ~~biological~~ FORMER sibling, ~~biological~~ FORMER parent, adoptive  
 15 parent, or any other person biologically related to an adoptee  
 16 that the requester's current address be placed in its adoption  
 17 files, the child placing agency ~~—~~ OR court ~~—~~ or the depart-  
 18 ment shall place the information in its adoption files.

19 SEC. 68B. BETWEEN THE EFFECTIVE DATE OF THIS SECTION AND  
 20 JANUARY 1, 1995, THE DEPARTMENT IN COOPERATION WITH CHILD PLACING  
 21 AGENCIES, THE COURT, AND THE LEGISLATURE SHALL DEVELOP AND CARRY  
 22 OUT A COMPREHENSIVE STATEWIDE PUBLICITY PROGRAM TO EXPLAIN THE  
 23 PROVISIONS DESCRIBED IN SECTIONS 27, 27A, 27B, AND 68 OF THIS  
 24 CHAPTER REGARDING THE RELEASE OF IDENTIFYING INFORMATION TO THE  
 25 ADOPTION COMMUNITY. AS USED IN THIS SECTION, "ADOPTION  
 26 COMMUNITY" INCLUDES, BUT IS NOT LIMITED TO, ADOPTES, BIOLOGICAL

1 PARENTS, BIOLOGICAL SIBLINGS, ADOPTIVE PARENTS, AND PROSPECTIVE  
2 ADOPTIVE PARENTS.