



House
Legislative
Analysis
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ADOPTION: PUBLIC INFORMATION FORMS

House Bill 4612 (Substitute H-2)
First Analysis (5-9-95)

Sponsor: Rep. Michael E. Nye
Committee: Judiciary and Civil Rights

THE APPARENT PROBLEM:

Last session the legislature enacted a number of adoption reforms. Among these reforms was one that allows direct placement adoptions (Public Act 222, enrolled Senate Bill 721), in which a parent or guardian chooses the adoptive parents with the approval of the probate court and with the help of either an adoption agency or an adoption attorney ("adoption facilitator"). Public Act 209 of 1994 (enrolled House Bill 4201) amended the child care licensing act to provide for the collection and dissemination of information on adoption facilitators' fees and services, along with related expenses paid by an adoptive parent. Beginning on July 1, 1995, this information will be reported to the probate court, which will forward it to the Department of Social Services (DSS). The DSS will then keep the information in a central clearinghouse for the use of people seeking information about adoption facilitators.

Adoption facilitators will be required to file the required information with the probate court on public information forms developed by the DSS. The form has two sections: one which includes nonconfidential information regarding the adoption, and a detachable section which contains confidential, identifying information (such as the age, sex, and race of the biological parents, adoptive parents, and adoptee, the legal residence of the biological and adoptive parents, and the adoptee's county, state, and country of origin).

While the nonconfidential section of this form -- which may be released to the general public upon request -- is not supposed to contain information that would identify parties to an adoption, it does contain information that apparently could easily be used to track down such identifying information. Legislation has been introduced that would forestall such a problem.

THE CONTENT OF THE BILL:

The bill would amend the child care licensing act to move certain information recorded in the public information form required to be filed by adoption attorneys from the nonconfidential section of the form to the confidential section of the form.

The bill would require that information indicating certain dates, that current law requires be included in the nonconfidential section of the form, be placed in the confidential section of the public information form. The information to be moved would include the following dates:

- (a) First contact between the mother and the primary adoption facilitator;
- (b) First contact between the adoptive parent(s) and the primary adoption facilitator;
- (c) Any temporary placement;
- (d) The formal placement, and
- (e) The court's order finalizing the adoption.

The bill also would correct language in the nonconfidential part of the form regarding the total amount paid by adoptive parents, making the language consistent with the adoption code. Finally, the nonconfidential part of the form requires, among other things, the name of each counselor who provides counseling services for a biological parent; the bill would require, in addition, the names of any counselors who had provided counseling services for guardians or adoptees.

MCL 722.124d

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FISCAL IMPLICATIONS:

According to the Department of Social Services, the department will have to spend approximately \$1,100 plus an undetermined amount of staff time (probably significantly higher than \$1,100) to revise and redistribute the public information form. (5-2-95)

ARGUMENTS:

For:

The central clearinghouse provisions of Public Act 209 of 1994 are due to take effect on July 1, 1995, and the bill would forestall a potential problem in which some of the nonconfidential information on the DSS adoption information could provide a way to identify birth and adoptive parents involved in an adoption. Although the information in question does not directly identify birth and adoptive parents, apparently it can easily be used to connect the adoption cost information to them, which many doubtless would prefer not to happen. Since the purpose of the nonconfidential information is to enable people to choose adoption facilitators, not to identify parties to a private and highly personal transaction, making the proposed changes would facilitate this purpose while protecting the confidentiality of identifying information.

POSITIONS:

The Department of Social supports the bill. (5-2-95)