



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4612 (Substitute H-2 as reported without amendment)
 Sponsor: Representative Michael E. Nye
 House Committee: Judiciary and Civil Rights
 Senate Committee: Families, Mental Health, and Human Services

Date Completed: 6-1-95

RATIONALE

In 1994, the Legislature enacted a series of amendments to Michigan's adoption laws. Among many other things, these measures provide for direct placement adoptions, in which a parent or guardian selects a prospective adoptive parent for a child with the assistance of an adoption facilitator (a child placing agency or an adoption attorney). Adoption facilitators are required to report both confidential and nonconfidential information about adoptions to the probate court on public information forms. The probate court is required to forward the information to the Department of Social Services, which must maintain the information in a central clearinghouse and disseminate nonconfidential information on request. These reporting requirements are scheduled to take effect on July 5, 1995.

It has been pointed out that some of the information on the nonconfidential portion of the form, which in and of itself does not identify the parties involved, could be used to trace identifying information. It has been suggested that this information be moved to the confidential portion of the public information form, in order to protect the parties' confidentiality.

CONTENT

The bill would amend the child care licensing Act to require that certain dates related to an adoption be included in the detachable section of the public information form that contains confidential information, rather than in the nonconfidential section of the form. These dates are the first contact of the birth parent with the primary adoption facilitator; the first contact of the adoptive parent with the primary adoption facilitator; the temporary placement, if applicable; the formal placement; and the court order finalizing the

adoption. The bill also would make the following changes concerning the nonconfidential section of the form:

- Require the form to state the total amount paid by an adoptive parent for expenses incurred in ascertaining the information (such as the adoptee's date and place of birth) required by the Adoption Code to be maintained by a child placing agency, the Department of Social Services, or a court.
- Delete the requirement that the form include any other expense approved by the court under the Adoption Code.
- Require the form to state the total amount paid by an adoptive parent for a biological mother's living expenses. Currently, the total amount paid for a biological parent's living expenses must be stated.
- Require the form to include the name of each individual who performed counseling services for a guardian or an adoptee, in addition to each individual who performed counseling services for a biological parent, as currently required.

MCL 722.124d

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Specific provisions of law govern the release of identifying information about individuals involved in an adoption. If information contained in the nonconfidential portion of a public information form were used to trace the parties' identity, the

statutory provisions designed to protect confidentiality would be subverted. The bill would forestall this potential problem before the reporting requirements take effect on July 5.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill appears to have no potential fiscal impact. There could be some additional costs, including staff considerations, in the revision of and distribution of forms, but the costs would not be significant.

Fiscal Analyst: C. Cole

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.