

## **ADOPTION FACILITATORS**

### **Senate Bill 1212 with House committee amendments First Analysis (12-9-98)**

**Sponsor: Sen. Virgil Smith**  
**House Committee: Judiciary**  
**Senate Committee: Families, Mental  
Health and Human Services**

#### ***THE APPARENT PROBLEM:***

The Lieutenant Governor's Children's Commission was established under Executive Order Number 1995-12 in May, 1995. The commission's explicit charge was to "review current laws, programs, procedures, policies, and training procedures that affect children, and create recommendations to help improve the quality of life for Michigan's children," and its conclusions were issued in July, 1996, in the report, "In Our Hands." As described in the report, the commission created five subcommittees to address early intervention, placement, permanency planning, post-termination, and confidentiality issues.

Several bills have been introduced based upon the recommendations of the Commission on Children report. Specifically, one recommendation arose in response to complaints that adoptive parents do not always receive adequate medical and mental health information about the child who is to be adopted. It is believed that lack of information could serve to discourage prospective adoptive parents and that adoption facilitators should be required to provide full information about the health of a prospective adoptee.

#### ***THE CONTENT OF THE BILL:***

The bill would amend the Foster Care and Adoption Services Act to require an adoption facilitator to provide a prospective adoptive parent with certain information about the prospective adoptee, and to hold a conference with the prospective adoptive parent.

Provision of Information. An adoption facilitator would have to provide a prospective adoptive parent with certain non-identifying information if the information were not already provided by a parent or guardian, a child placing agency, the Family Independence Agency (FIA), or the court, as required

in Section 27 of the Michigan Adoption Code (described below).

The adoption facilitator also would have to provide the prospective adoptive parent with the petition or petitions that resulted in each placement of the child, as well as initial and all updated case service plans concerning the child that were compiled during each foster care placement, whether in foster care, adoption, or otherwise.

By the time of the pre-adoptive or adoptive placement, the adoption facilitator would have to prepare and provide to the prospective adoptive parent written verification that all of this information (the non-identifying information, petition or petitions, and case service plans) had been provided to the prospective adoptive parent.

(Under Section 27 of the Michigan Adoption Code (MCL 710.27), a parent or guardian, a child placing agency, the FIA, or the court that places a child must compile and provide to the prospective adoptive parent a written document containing all of the following non-identifying information that is not made confidential by state or federal law and that is reasonably obtainable from the child's parents, relatives, or guardian, from any person who has had physical custody of the child for 30 days or more, or from anyone who has provided health, psychological, educational, or other services to the child:

- The child's date, time, and place of birth, including the hospital, city, county, and state.
- An account of the child's health and genetic history.
- An account of the health and genetic history of the child's biological parents and other members of the child's family.

-- A description of the child and his or her family of origin.

This information must be supplemented by other non-identifying background information that the parent or guardian, child placing agency, FIA, or court considers appropriate.)

Conference. By the time of the adoptee's pre-adoptive placement with the prospective adoptive parent, the adoption facilitator would have to hold a conference with the prospective parent and do all of the following during the conference:

- Review and discuss the information provided to the prospective adoptive parent.
- Disclose to the prospective adoptive parent all other information known by or available to the adoption facilitator regarding the adoptee's medical and psychological needs.
- Prepare and provide to the prospective parent a list of the adoptee's medical and psychological needs that were identified and discussed during the conference.
- Prepare written verification for the signatures of the adoption facilitator and the prospective parent that the conference was held as required, and give a copy of this verification to the prospective parent.

MCL 722.956

**HOUSE COMMITTEE ACTION:**

The House Committee on Judiciary amended the bill to require an adoption facilitator to provide a prospective adoptive parent with *written copies* of all of the following regarding the prospective adoptee:

- (1) The adoptee's non-identifying information as listed and described by section 27(1) and (2) of Chapter X of 1939 PA 288, MCL 710.27 (see above), if not already provided.
- (2) The petition or petitions that resulted in each placement of the child.
- (3) Initial and all updated case service plans concerning the child that were compiled during each foster care placement, whether in foster care, adoption, or otherwise.

However, the adoption facilitator would not be required to provide written copies of any portions of

this information that were made confidential by state or federal law.

The committee also amended the bill to provide an effective date of March 1, 1999.

**FISCAL IMPLICATIONS:**

Fiscal information is not available.

**ARGUMENTS:**

**For:**

Adoption is a big enough step for most prospective parents even if they have all of the prospective adoptee's medical and mental health information. They do not need any surprises -- particularly surprises that relate to the health of the child they wish to adopt. Most good adoption facilitators already provide prospective parents with all of the information that the bill would require. However, those that don't risk not only disrupting the adoptions on which they themselves are working, but they also could discourage others from adopting. Many people might not chose adoption if they thought that the adoption facilitator might not provide them with full and complete information.

**POSITIONS:**

There are no positions on the bill.

Analyst: W. Flory

---

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.