

HOUSE BILL No. 6085

September 16, 1998, Introduced by Reps. Bogardus, Gire, LaForge, Price and Brater and referred to the Committee on Human Services and Children.

A bill to amend 1939 PA 288, entitled

"An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties,"

by amending section 27 (MCL 710.27), as amended by 1994 PA 208.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 27. (1) Before A CHILD'S placement ~~of a child~~ for
2 adoption, a parent or guardian, a child placing agency, the
3 department, or the court that places the child shall compile and
4 provide to the prospective adoptive parent a written document

1 containing all of the following nonidentifying information that
2 is not made confidential by state or federal law and that is rea-
3 sonably obtainable from the CHILD'S parents, relatives, or
4 guardian; ~~of the child;~~ from any person who has had physical
5 custody of the child for 30 days or more; or from any person who
6 has provided health, psychological, educational, or other serv-
7 ices to the child:

8 (a) ~~Date~~ THE CHILD'S DATE, time, and place of birth ~~of~~
9 ~~the child~~ including the hospital, city, county, and state.

10 (b) An account of the CHILD'S health and genetic history,
11 ~~of the child,~~ including an account of the child's prenatal
12 care; medical condition at birth; any drug or medication taken by
13 the child's mother during pregnancy; any subsequent medical, psy-
14 chological, psychiatric, or dental examination and diagnosis; any
15 psychological evaluation done when the child was under the juris-
16 diction of the court; any neglect or physical, sexual, or emo-
17 tional abuse suffered by the child; and a record of any immuniza-
18 tions and health care the child received while in foster or other
19 care.

20 (c) An account of the health and genetic history of the
21 child's biological parents and other members of the child's
22 family, including any known hereditary condition or disease; the
23 health of each parent at the child's birth; a summary of the
24 findings of any medical, psychological, or psychiatric evaluation
25 of each parent at the time of placement; and, if a parent is
26 deceased, the cause of and the age at death.

1 (d) A description of the child and the child's family of
2 origin, including all of the following:

3 (i) ~~Given~~ THE CHILD'S GIVEN first name ~~of the child~~ at
4 birth.

5 (ii) The age and sex of THE CHILD'S siblings. ~~of the~~
6 ~~child.~~

7 (iii) The child's enrollment and performance in school,
8 results of educational testing, and any special educational
9 needs.

10 (iv) The child's racial, ethnic, and religious background,
11 and a general description of the child's parents, including the
12 age of the child's parents at the time of termination of parental
13 rights ~~—~~ and the length of time the parents had been married at
14 the time of placement.

15 (v) An account of the child's past and existing relationship
16 with any relative, foster parent, or other individual or facility
17 with whom the child has lived or visited on a regular basis. The
18 account shall not include INDIVIDUALS' names and addresses. ~~of~~
19 ~~individuals.~~

20 (vi) The levels of educational, occupational, professional,
21 athletic, or artistic achievement of the child's family.

22 (vii) Hobbies, special interests, and school activities of
23 the child's family.

24 (viii) The circumstances of any judicial order terminating
25 ~~the~~ A PARENT'S parental rights ~~of a parent~~ for abuse,
26 neglect, abandonment, or other mistreatment of the child, ALONG

1 WITH THE PETITION THAT RESULTED IN THE CHILD'S REMOVAL FROM A
2 PARENT OR GUARDIAN.

3 (ix) Length of time between the termination of parental
4 rights and adoptive placement and whether the termination was
5 voluntary or court-ordered, ALONG WITH THE INITIAL AND ANY SUBSE-
6 QUENT CASE SERVICE PLANS PREPARED AS PROVIDED IN CHAPTER XIIIA OF
7 1939 PA 288, MCL 712A.1 TO 712A.32.

8 (x) Any information necessary to determine the child's eli-
9 gibility for state or federal benefits, including financial, med-
10 ical, or other assistance.

11 (2) Information required by subsection (1) that is unobtain-
12 able before temporary placement shall be submitted by the time of
13 formal placement if reasonably obtainable. The information
14 required by subsection (1) shall be supplemented by other noni-
15 dentifying background information that the parent or guardian,
16 child placing agency, department, or court considers
17 appropriate.

18 (3) A parent or guardian, the department, a child placing
19 agency, or a court that places an adoptee under this chapter
20 shall compile all of the following identifying information if
21 reasonably obtainable:

22 (a) ~~Name of the child~~ THE CHILD'S NAME before placement in
23 adoption.

24 (b) ~~Name of each~~ EACH biological ~~parent~~ PARENT'S NAME at
25 the time of termination of parental rights.

26 (c) ~~The~~ EACH BIOLOGICAL PARENT'S most recent name and
27 address. ~~of each biological parent.~~

1 (d) ~~Names of the~~ EACH biological ~~siblings~~ SIBLING'S NAME
2 at the time of termination.

3 (4) The information required by subsections (1) to (3) shall
4 be maintained by the child placing agency, department, or court
5 that places the child or, in the case of a direct placement by a
6 parent or guardian, by the court that approves the placement. In
7 a direct placement, the parent or guardian shall transmit the
8 information required under subsections (1) to (3) to the court
9 before the termination of parental rights. An employee or agent
10 of a child placing agency, the court, or the department who
11 intentionally destroys information required to be maintained
12 under this section is guilty of a misdemeanor.

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

18 (6) This section does not apply to a stepparent adoption or
19 to the adoption of a child related to the petitioner within the
20 fifth degree by marriage, blood, or adoption.

21 (7) This section does not prevent a parent or guardian and
22 prospective adoptive parent from exchanging identifying informa-
23 tion or meeting ~~pursuant to~~ AS PROVIDED IN sections 23a and
24 23b.