



Senate Fiscal Agency
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Senate Bill 516 (as enrolled)
Sponsor: Senator Gilda Z. Jacobs
Committee: Families and Human Services

Date Completed: 6-11-03

RATIONALE

Under the Michigan Adoption Code, a child may not be placed for adoption with a person convicted of criminal sexual conduct (CSC) in any degree or assault with intent to commit CSC if the victim was under the age of 18 when the crime was committed. Since a sex offender might be a danger to children, regardless of the victim's age, it has been suggested that the law should be changed to prevent a sex offender from adopting at all.

CONTENT

The bill would amend the Michigan Adoption Code to provide that a child could not be placed with any person convicted of CSC in any degree or assault with intent to commit CSC. The bill would delete the current reference to the victim's age.

MCL 710.22a

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

In a case in Oakland County, a man who had served 11 years in prison for first-degree CSC involving a woman was allowed to adopt children and recently was charged with raping one of his adopted daughters. Shortly after his release from prison, the man had married the alleged victim's maternal grandmother, and the two of them adopted the girl and her two siblings in 1996. Though the Family Independence Agency conducted an extensive investigation and, along with the judge and the children's lawyer, had concerns about the adoption, the man was allowed to adopt the

children because his victim in the earlier rape was over the age of 18. Allegedly, the man sexually abused the now 14-year-old over a period of several years. After having been convicted of a horrific crime, this man never should have been granted parental rights. This loophole in the law clearly needs to be closed so that such a situation does not happen again. The bill would help ensure that courts, when making adoption decisions, did not place children in harm's way.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have an indeterminate impact on State government. The Family Independence Agency currently has a procedure in place to investigate potential adoptive families. The review of additional conviction cases may result in some increased administrative costs.

Fiscal Analyst: Constance 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.