

Legislative Analysis



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SURRENDERED ADOPTEE: PARENTAL INFO

House Bill 5096

Sponsor: Rep. Amanda Price

(Enacted as Public Act 385 of 2012)

Committee: Families, Children, and Seniors

Complete to 9-6-12

A SUMMARY OF HOUSE BILL 5096 AS INTRODUCED 10-18-11

House Bill 5096 would amend the Adoption Code to prohibit the release of identifying information about an adult adoptee's former parent when that parent had surrendered the adoptee as a baby under the Safe Delivery of Newborns Law, unless the former parent had consented to the release of the information.

Currently, the Adoption Code requires a child placing agency, a court, or the Department of Human Services to release to an adult adoptee certain identifying information about the adoptee's former parents and any additional information on file with the central adoption registry, unless a parent has filed a statement with the registry denying consent to have the information released.

Under the bill, that requirement would not apply to adoptions where the former parents' rights had been terminated under the Safe Delivery of Newborns Law. In those cases, consent of the former parent would be required.

The Adoption Code also permits a former parent to file a statement with the central adoption registry consenting to or denying the release of identifying information about the parent. The statement may be filed, updated, or revoked at any time. Under House Bill 5096, that provision would apply to a former parent whose parental rights were terminated under the Safe Delivery of Newborns Law.

MCL 710.27a and MCL 710.68

BACKGROUND INFORMATION:

The Safe Delivery of Newborns Law allows parents of newborns to give up their babies without the risk of being charged with abandonment. Under the law, within 72 hours after a child is born, the parent may surrender the baby to an emergency service provider, such as a hospital employee or police officer, who must take the newborn into temporary custody. Either parent has 28 days to file a custody petition with the family court. If a petition is filed, the court must determine custody based on the newborn's best interests, and may grant custody to the parent, terminate the petitioner's parental rights, or dismiss the petition. The Safe Delivery Law also provides for the termination of parental rights if the parent surrendering a child does not file for custody. Once parental rights are terminated, the newborn is available for adoption.

FISCAL IMPACT:

House Bill 5096 would likely have a negligible fiscal impact on state and local governments. The number of newborns surrendered through the Safe Delivery of Newborns Law is quite small. A Safe Delivery fact sheet from DHS shows that since the program became effective on January 1, 2001, 10 infants are surrendered on average to emergency service providers annually.

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■ 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.