



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5096 (as passed by the House)
Sponsor: Representative Amanda Price
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors and Human Services

Date Completed: 12-5-12

CONTENT

The bill would amend the Michigan Adoption Code to prohibit the release of identifying information about an adult adoptee's former parent if 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 information.

Under the Adoption Code, for all adoptions in which the former parents' rights were terminated before May 28, 1945, or on or after September 12, 1980, a child placing agency, a court, or the Department of Human Services (DHS) must release to an adult adoptee the identifying information described in Section 27(3) and any additional information on file with the Central Adoption Registry. If a former parent has filed a currently effective statement with the Registry denying consent to have identifying information released, however, the name and most recent address of each biological parent may not be released. Under the bill, these provisions would not apply to adoptions in which the former parent's rights were terminated under the Safe Delivery of Newborns Law (which allows a parent to surrender a newborn to an emergency service provider), unless the former parent had filed a statement with the Registry consenting to the release of identifying information.

In addition, under the Adoption Code, if a child placing agency, a court, or the DHS requests information from the Central Adoption Registry and if the clearance reply form from the Registry indicates that neither of the former parents has on file with the Registry a currently effective statement denying consent to release identifying information, the agency, court, or Department must give the adult adoptee a copy of the clearance reply form. The form may be used by the adult adoptee to obtain a copy of his or her original birth certificate. Under the bill, these provisions would not apply to adoptions in which the former parents' parental rights were terminated under the Safe Delivery of Newborns Law.

(Section 27(3) requires a parent or guardian, the DHS, a child placing agency, or a court that places an adoptee to compile the following information, if reasonably obtainable:

- The name of the child before adoption placement.
- The name of each biological parent at the time of termination of parental rights.
- The most recent name and address of each biological parent.
- The names of the biological siblings at the time of the termination of parental rights.)

MCL 710.27a & 710.68

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a negligible fiscal impact on State and local government. According to the DHS Safe Delivery Fact Sheet, few newborns are surrendered to an emergency service provider under the Safe Delivery of Newborns Law each year. From the time that the legislation was enacted in 2001 to 2012, the average number of newborns who were surrendered each year is approximately 10, ranging from one infant in 2002 to 19 infants in 2009.

Fiscal Analyst: Frances Carley

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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.