

Act No. 385
Public Acts of 2012
Approved by the Governor
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**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Reps. Price, Heise, Kowall, Denby, LaFontaine, Shaughnessy, Agema, Hooker, Daley, Horn, Hughes, Genetski, Haveman, Kurtz, Poleski, Shirkey and Liss

ENROLLED HOUSE BILL No. 5096

AN ACT 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; to provide for certain immunity from liability; and to provide remedies and penalties," by amending sections 27a and 68 of chapter X (MCL 710.27a and 710.68), section 27a as added by 1994 PA 208 and section 68 as amended by 1994 PA 373.

The People of the State of Michigan enact:

CHAPTER X

Sec. 27a. (1) A former parent, including a former parent whose parental rights were terminated under chapter XII of this act, may file with the central adoption registry a statement consenting to or denying the release of the identifying information about that parent specified in section 27(3)(b) and (c). The consent or denial may be filed, updated, or revoked at any time.

(2) An adult former sibling may file a statement with the central adoption registry providing notice that a former parent is deceased. A copy of the former parent's death certificate or other evidence of the former parent's death shall be attached to the statement.

(3) An adult former sibling who knows the birth name of an adoptee may file with the central adoption registry a statement consenting to the release of the adult former sibling's name and address to the adult adoptee. The statement may be filed, updated, or revoked at any time.

(4) At the time of termination of parental rights under this chapter or chapter XIIA, the court shall inform each parent of the provisions described in this section and sections 27b, 68, 68a, and 68b. The court shall inform each parent that the parent's consent to the release of identifying information about that parent specified in section 27(3)(b) and (c) shall be presumed unless the parent files a statement with the central adoption registry denying the release of the information about that parent. The court shall explain the parent's right to file, update, or revoke the denial at any time, and shall provide each parent with the forms prescribed under section 27b.

Sec. 68. (1) Within 63 days after a request for nonidentifying information is received, a child placing agency, a court, or the department shall provide in writing to the adoptive parent, adult adoptee, former parent, or adult former sibling requesting the information all of the nonidentifying information described in section 27(1) and (2) of this chapter.

(2) Within 63 days after a request for identifying information about an adult adoptee is received, a child placing agency or court or the department shall provide in writing to the former parent or adult former sibling requesting the information the adult adoptee's most recent name and address if the adult adoptee has given written consent to release of the information pursuant to this chapter. If the adult adoptee has not given written consent to the release of information, the child placing agency, the court, or the department shall, upon presentation of a certified copy of the order of appointment, give the adult adoptee's name and address to a confidential intermediary appointed under section 68b of this chapter, together with any other information in its possession that would help the confidential intermediary locate the adult adoptee. At the option of agency or the department, the information may be released to the court for release to the confidential intermediary.

(3) If the department or a child placing agency receives a request for adoption record information in its possession from an adult adoptee, former parent, or adult former sibling, the department or child placing agency shall provide the individual requesting the information with the identity of the court that confirmed the adoption within 28 days after receipt of the request. If a court receives such a request, the court shall provide the individual requesting the information with the identity of the child placing agency that handled the adoption.

(4) If the court that terminated parental rights receives from the former parents or adult former siblings of the adult adoptee a request for the identity of the agency, court, or department to which the child was committed, the court shall provide in writing the name of that agency, court, or department, if known, within 28 days after receipt of the request.

(5) Upon receipt of a written request for identifying information from an adult adoptee, a child placing agency, a court, or the department, if it maintains the adoption file for that adoptee, shall submit a clearance request form to the central adoption registry. Within 28 days after receipt of a clearance reply form from the central adoption registry, the child placing agency, court, or department shall notify the adoptee in writing of the identifying information to which the adoptee is entitled under subsection (6) or (7), or, if the identifying information cannot be released under those subsections, the reason why the information cannot be released. The child placing agency, court, or department shall retain a copy of the notice sent to the adult adoptee.

(6) For adoptions in which the former parents' rights were terminated on or after May 28, 1945 and before September 12, 1980, a child placing agency, a court, or the department shall release to an adult adoptee or to a confidential intermediary appointed under section 68b of this chapter the identifying information described in section 27(3) of this chapter and other identifying information on file with the central adoption registry as specified in section 27b of this chapter, in the following manner:

(a) All of the identifying information described in section 27(3) of this chapter shall be released to the adult adoptee, if both former parents have on file with the central adoption registry a statement consenting to release of the identifying information.

(b) The identifying information described in section 27(3)(b) and (c) of this chapter about 1 of the former parents and the identifying information described in section 27(3)(a) and (d) of this chapter shall be released to the adult adoptee if that former parent has on file with the central adoption registry a statement consenting to release of identifying information.

(c) The identifying information described in section 27(3)(b) and (c) of this chapter about 1 of the former parents and the identifying information described in section 27(3)(a) and (d) of this chapter shall be released to the adult adoptee if that parent is deceased.

(d) All of the identifying information described in section 27(3) of this chapter on both former parents shall be released to the adult adoptee, if both former parents are deceased.

(e) Upon presentation of a certified copy of the order of appointment, all of the identifying information described in section 27(3) of this chapter shall be released to a confidential intermediary appointed under section 68b of this chapter, together with additional information to assist the confidential intermediary to locate former family members. At the option of the agency or the department, the information may be released to the court for release to the confidential intermediary.

(7) 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 shall release to an adult adoptee the identifying information described in section 27(3) of this chapter and any additional information on file with the central adoption registry as specified in section 27b of this chapter, except that if a former parent has filed a statement currently in effect with the central adoption registry denying consent to have identifying information released, the identifying information specified in section 27(3)(b) and (c) of this chapter shall not be released about that parent. For purposes of this subsection, a denial of consent is not effective after the death of the former parent. This subsection does not apply to adoptions in which the former parents' rights were terminated under chapter XII of this act unless the former parent has filed a statement with the central adoption registry consenting to the release of identifying information.

(8) Upon receipt of a written request from an adult adoptee for the name and address of an adult former sibling, a child placing agency, a court, or the department, if it maintains the adoption file for that adoptee, shall submit a clearance request form to the central adoption registry. Within 28 days after receipt of a clearance reply form from the central adoption registry, the child placing agency, court, or department shall notify the adoptee in writing of the name and address of an adult former sibling whose statement was forwarded by the central adoption registry.

(9) If a child placing agency or court or the department requests information from the central adoption registry and if the clearance reply form from the central adoption registry indicates that neither of the former parents has on file with the central adoption registry a statement currently in effect denying consent to have identifying information released, the child placing agency, court, or department shall deliver to the adult adoptee a copy of the clearance reply form it received from the central adoption registry. The clearance reply form may be used by the adult adoptee to obtain a copy of his or her original certificate of live birth under section 2882 of the public health code, 1978 PA 368, MCL 333.2882. Except for adoptions in which the former parents' parental rights were terminated under chapter XII of this act, this subsection applies to all adoptions in which the parents' rights were terminated before May 28, 1945 or on or after September 12, 1980.

(10) If a child placing agency, a court, or the department receives written information concerning a physician-verified medical or genetic condition of an individual biologically related to an adoptee and a request that the information be transmitted to the adoptee because of the serious threat it poses to the adoptee's life, the child placing agency, court, or department shall send a written copy of the information by first-class mail within 7 days after the request is received to the adoptee at his or her last known address. If the adoptee is less than 18 years of age, the information shall be sent by first-class mail within 7 days after the request is received to the adoptive parents at their last known address.

(11) If the information described in subsection (10) is returned undelivered, the agency, court, or department shall make a reasonable effort to find the most recent address of the adoptee or minor adoptee's parents and shall again send the information by first-class mail within 21 days after receiving the returned letter.

(12) If a child placing agency, a court, or the department receives written information concerning a physician-verified medical or genetic condition of a person biologically related to an adoptee, and the condition is not life-threatening to the adoptee, the child placing agency, court, or department shall place the information in its adoption files. If the child placing agency, court, or department receives a written request for the information from the adult adoptee or minor adoptee's adoptive parents, it shall release a written copy of the information to the adult adoptee or to the minor adoptee's adoptive parents within 63 days after the request for the information was made.

(13) If a child placing agency, a court, or the department receives written information concerning a physician-verified medical or genetic condition that threatens the life of an adoptee and for which a biologically related person could give life-saving aid, and receives a request from or on behalf of the adoptee that the information be transmitted, the child placing agency, court, or department shall send a written copy of the information by first-class mail within 7 days after the request is received to the biological parents or adult biological siblings of the adoptee at their last known address.

(14) If the information described in subsection (13) is returned undelivered, the agency, court, or department shall make a reasonable effort to find the most recent address of the biological parents or adult biological siblings and shall again send the information by first-class mail within 21 days after receiving the returned letter.

(15) If a child placing agency, a court, or the department provides an adoptee with the name of 1 of the adoptee's former parents, that child placing agency, court, or department shall notify the department of community health of that fact. Upon receipt of notification by the child placing agency, court, or department, the department of community health shall insure that the original birth certificate on file for the adoptee has been sealed and that a new birth certificate has been prepared in conformance with section 67 of this chapter.

(16) An employee or agent of a child placing agency, a court, or the department, who intentionally releases identifying information in violation of this section, is guilty of a misdemeanor.

(17) This section also applies to a stepparent adoption and to the adoption of a child related to the petitioner within the fifth degree by marriage, blood, or adoption.

(18) As used in this section, "adult adoptee" means an individual who was adopted as a child who is now 18 years of age or older or an individual who was 18 years of age or older at the time of adoption.

(19) A child placing agency, a court, and the department may require a fee for supplying information under this section. The fee shall be \$60.00 or the actual cost of supplying the information, whichever is less. The child placing agency, court, or department may waive a part or all of the fee in case of indigency or hardship.

(20) A direct descendant of a deceased adult adoptee may request information under this section. All information to which an adult adoptee is entitled under this section shall be released to the adult adoptee's direct descendants if the adult adoptee is deceased.

(21) A child placing agency, a court or the department shall permit the children's ombudsman to inspect adoption records in its possession in connection with an investigation authorized under the children's ombudsman act, 1994 PA 204, MCL 722.921 to 722.935. The ombudsman shall not disclose information obtained by an inspection under this section. If the children's ombudsman requires further information from an individual whose identity is protected in

closed adoption records, the ombudsman shall contact the individual discreetly and confidentially. The ombudsman shall inform the individual that his or her participation in the investigation is confidential, is strictly voluntary, and will not alter or constitute a challenge to the adoption. The ombudsman shall honor the individual's request not to be contacted further. As used in this subsection, "children's ombudsman" or "ombudsman" means the ombudsman appointed under section 3 of the children's ombudsman act, 1994 PA 204, MCL 722.923, or his or her designee.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor