HOUSE BILL NO. 5148

October 24, 2019, Introduced by Reps. Brenda Carter, LaFave and Wozniak and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1939 PA 288, entitled "Probate code of 1939,"

by amending section 55 of chapter X (MCL 710.55), as amended by 2016 PA 481.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER X

Sec. 55. (1) Only a person specified in sections 23a(1),

3 23b(1), and 23c of this chapter may place a child for adoption. A

4 prospective adoptive parent may advertise for, solicit, or recruit

5 biological parents or guardians of potential adoptees for the





- 1 purposes of a court-supervised adoption. A biological parent or
- 2 guardian, the court, department, or child placing agency with
- 3 authority to place a child may advertise for, solicit, or recruit
- 4 potential adoptive parents only to fulfill the purposes of a court-
- 5 supervised adoption of that child. No other person or entity may
- 6 advertise for, solicit, or recruit prospective parents for the
- 7 purpose of facilitating the transfer, adoption, or other permanent
- 8 placement of a child.
- 9 (2) A person who violates this section is guilty of a
- 10 misdemeanor punishable by imprisonment for not more than 90 days or
- 11 a fine of not more than \$100.00, or both, for the first violation,
- 12 and of a felony punishable by imprisonment for not more than 4
- 13 years or a fine of not more than \$2,000.00, or both, for each
- 14 subsequent violation. The court may enjoin from further violations
- 15 any person who violates this section.
- 16 (3) As used in this section, "advertise for, solicit, or
- 17 recruit" means to communicate in person, in writing, or via any
- 18 medium, public or private, for the purpose of locating a previously
- 19 unknown person or entity with whom to temporarily or permanently
- 20 place a child. Advertise for, solicit, or recruit does not include
- 21 disseminating information about the availability of an attorney's
- 22 legal services, including an advertisement or website as allowed
- 23 under the Michigan rules of professional conduct.

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