HOUSE BILL NO. 5149

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

A bill to amend 1931 PA 328, entitled "The Michigan penal code,"

by amending section 136c (MCL 750.136c), as amended by 2016 PA 482.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 136c. (1) A person shall not transfer or attempt to
 transfer the legal or physical custody of an individual to another
 person for money or other valuable consideration, except as
 otherwise permitted by law.

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(2) A person shall not acquire or attempt to acquire the legal





or physical custody of an individual for payment of money or other
 valuable consideration to another person, except as otherwise
 permitted by law.

4 (3) Except as provided in subsection (4), subsections (4) and
5 (5), a person shall not do any of the following, whether or not the
6 person receives money or other valuable consideration for doing so:

7 (a) Transfer or attempt to transfer the legal or physical
8 custody of a child with the intent to permanently divest a parent
9 of parental responsibility, except by order of a court of competent
10 jurisdiction.

(b) Arrange for or assist in the permanent transfer, adoption, adoptive placement, or any other permanent physical placement of a child, except for the performance of adoption activities under 1973 PA 116, MCL 722.111 to 722.128, in the performance of the person's duties.

16 (c) Assist, aid, abet, or conspire in the commission of an act17 described in subdivision (a) or (b).

(4) Subsection (3) does not apply to services provided by an
adoption attorney relating to a court supervised adoption
proceeding under chapter X of the probate code of 1939, 1939 PA
288, MCL 710.21 to 710.70, or to an adoption attorney providing
services under any of the circumstances described under subsection
(5).

24 (5) (4) Subsection (3) does not apply to the placement of a
25 child under 1 or more of the following conditions:

26 (a) With a relative, a child placing agency, or the department27 of health and human services.

(b) By a child placing agency or the department of health andhuman services.



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(c) In accordance with the interstate compact on placement of
 children, 1984 PA 114, MCL 3.711 to 3.717.

3 (d) In which the child will be returned in less than 180 days.
4 (e) With the specific intent that the child will be returned,
5 that the placement benefits the child, and that it is based on the
6 temporary needs of the family, including, but not limited to, 1 or
7 more of the following:

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(i) Respite for the child and family.

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(ii) A vacation or school-sponsored activity or function.

10 (iii) A temporary inability of the parent or legal guardian to 11 provide care for the child due to incarceration, military service, 12 medical treatment, or other incapacity of the parent or legal 13 guardian.

14 (f) In accordance with chapter X of the probate code of 1939,
15 1939 PA 288, MCL 710.21 to 710.70.

16 (6) (5) A person who violates this section is guilty of a 17 felony punishable by imprisonment for not more than 20 years or a 18 fine of not more than \$100,000.00, or both.

19 Enacting section 1. This amendatory act takes effect 90 days20 after the date it is enacted into law.



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