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BILL ANALYSIS

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Senate Bill 727 (as introduced 8-5-09)
Sponsor: Senator Patricia L. Birkholz
Committee: Families and Human Services

Date Completed: 2-8-10

CONTENT

The bill would amend the Adoption Code to prohibit the release of identifying information about an adult adoptee's former parent who had surrendered the person as a baby under the Safe Delivery of Newborns Law, unless the former parent had consented to the release of the information.

Generally, the 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 in which the former parents' rights were terminated under the Safe Delivery of Newborns Law, unless the former parent had filed a statement with the central adoption registry consenting to the release of identifying information.

The Code 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 the bill, that provision would include a former parent whose parental rights were terminated under the Safe Delivery of Newborns Law.

MCL 710.27a & 710.68

BACKGROUND

Under the Safe Delivery of Newborns Law, a parent may surrender a newborn infant to an emergency service provider, which must take temporary protective custody of the child. If the surrendering parent does not petition the family court within 28 days to regain custody of the newborn, he or she is presumed to have knowingly released his or her parental rights to the newborn. If the court finds that the surrendering parent has knowingly released his or her parental rights and that reasonable efforts were made to locate the nonsurrendering parent, the court must order the termination of parental rights and give a child placing agency care and custody of the child.

Under the Adoption Code, the central adoption registry is a registry created by the Department of Human Services to control the release of identifying adoption information. The following identifying information must be released to an adult adoptee:

- The name of the child before placement in adoption.
- 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 termination.

If a former parent has filed a denial of consent, the name of each biological parent at the time of termination of parental rights, and the most recent name and address of each biological parent, may not be released.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Fosdick

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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.