

Legislative Analysis



INFORMATION CONSIDERED ADVERTISING UNDER THE ADOPTION CODE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5148 as reported from committee
Sponsor: Rep. Brenda Carter
1st Committee: Families, Children and Seniors
2nd Committee: Judiciary
Complete to 2-18-20

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 183 of 2020)

SUMMARY:

House Bill 5148 would amend section 55 of the Michigan Adoption Code (Chapter X of the Probate Code) to modify the definition of “advertise for, solicit, or recruit” as that term is used in that section.

Currently under the code, only a prospective adoptive parent may *advertise for, solicit, or recruit* biological parents or guardians of potential adoptees for the purpose of a court-supervised adoption. A biological parent or guardian, the court, the Department of Health and Human Services, or a child placing agency with authority to place a child may advertise for, solicit, or recruit potential adoptive parents only to fulfill the purposes of a court-supervised adoption of that child. The code expressly prohibits anyone else from advertising for, soliciting, or recruiting prospective parents to facilitate the transfer, adoption, or permanent placement of the child.

The bill would amend this section to specify that *advertise for, solicit, or recruit*, as used in the above provisions, does not include disseminating information about the availability of an attorney’s legal services, including an advertisement or website as allowed under the Michigan rules of professional conduct.

MCL 710.55

FISCAL IMPACT:

House Bill 5148 would have no fiscal impact on the state or local units of government.

POSITIONS:

A representative of the State Bar of Michigan testified in support of the bill. (1-28-20)

The Department of Health and Human Services indicated support for the bill. (1-28-20)

Legislative Analyst: E. Best
Fiscal Analyst: Viola Bay Wild

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.