



**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone 517/373-6466

MISSING CHILDREN: TAG BIRTH CERT.

House Bill 4367 (Substitute H-3)
First Analysis (5-5-87)

RECEIVED

MAY 13 1987

Sponsor: Rep. Glenn Oxender
Committee: Public Health

Mich. State Law Library

THE APPARENT PROBLEM:

Although most missing children are runaways, a significant number of missing children (estimates range from 25,000 to over 700,000 a year nationwide) are kidnapped by their noncustodial parents. A state program established in 1984 in Illinois (called "I SEARCH") has found that the result of parental abduction is often physical or sexual abuse and child neglect that leads to immediate and long term psychological problems. Recovering these missing children is essential to their health and wellbeing but tracing children kidnapped by their noncustodial parents is often difficult. One point at which the abducting parent may be traced, however, is when he or she applies for a copy of his or her child's birth certificate, often because the parent wishes to register the child in a new school district.

THE CONTENT OF THE BILL:

The bill would amend the Public Health Code to require state registrars to tag the birth certificates of missing children and to issue such tagged birth certificates (with "missing person" stamped on the face of the document) only by mail and only after having notified the Department of State Police.

The bill would require that when the state registrar was notified of a missing child report entered into the Law Enforcement Information Network (LEIN), he or she would be required immediately to tag that child's birth certificate and notify the appropriate local registrars to similarly tag their copies of the certificate. The state registrar would have to check to see if any requests for a copy of the missing child's birth certificate had been received within 14 days of tagging it, and immediately notify the state police if such a request had been made. The state registrar could have access to LEIN in order to check the missing child's LEIN entry and his or her birth certificate. When notified that information regarding a missing child had been canceled from LEIN, the state registrar would have to remove the tag from the child's birth certificate within seven days of notification and immediately notify the appropriate local registrar, who would have to do the same.

Whenever someone requested a copy of a birth certificate that had been tagged, the state and local registrar could only issue a tagged certificate by mail and then only 72 hours after notifying the state police. Local registrars would be required to telephone the state registrar "immediately" in case of such requests, and the state registrar would be required to telephone the state police "immediately" when notified of such requests. If the request were made in person, the registrar would have to try to get "pertinent" information concerning the requestor, including his or her name, address, and driver's license number and would have to provide the state police with this information. If the request were made in writing, the registrar would have to provide the state police with a copy of the written request as soon as possible.

When the state police were notified of a request for a tagged birth certificate, they would be required to notify the appropriate law enforcement agency "immediately" and forward any information they had received from the registrar.

The bill is tie-barred to House Bill 4366, which would require law enforcement officials to notify the state registrar of missing children, and House Bill 4368, which would amend the School Code to require school districts to tag the records of missing children.

MCL 333.2881 et al.

FISCAL IMPLICATIONS:

Official estimates of the potential cost of implementing the bill were not available at the time of this analysis.

ARGUMENTS:

For:

The problem of missing children is a serious one statewide as well as nationally. Missing children—whether runaways, "throwaways" (children abandoned by their parents), or kidnapped—are at significant risk of being harmed, both physically and psychologically. The sooner a missing child can be located and appropriately helped (a significant number of runaways are fleeing abusive homes), the better the chance is that damage to the child can be minimized.

Since copies of birth certificates of living people can be released only to the person named on the certificate or to his or her parent or legal guardian (or a court), if birth certificates of missing children were tagged, requests for copies of these certificates could provide valuable information for locating the child in question. Although missing child reports are entered into the Law Enforcement Information Network (LEIN), there currently is no state requirement that notification of a missing child be forwarded to state registrars or that this information be included on copies of the birth certificates of these children. Under the bill and its companion legislation (House Bills 4366 and 4368), requests for official information (such as birth certificates or school records) would automatically alert authorities, who could then try to trace the child by tracing the requestor.

Similar recordkeeping requirements are part of Illinois' successful and highly regarded missing children program (I-SEARCH), a program credited with enabling authorities to find a number of missing children within the past several years. Michigan, too, should establish such recordkeeping so as to protect the best interests of its children.

Against:

The bill should not be passed until better information is available concerning the benefits of such a recordkeeping requirement relative to the time and expense of transferring all this information back and forth between various state and local departments. For example, the state police estimate that if they held all missing children reports for two weeks and then transmitted those that had not been canceled, this still would involve transmitting 30 messages a day. Even if this were done by computer (provided that the state registrar got a restricted LEIN terminal), the costs in terms of computer rental and time could amount to between \$30,000 and \$40,000 a year to the state police. In addition, there would be a considerable amount of telephoning required of city and county clerks,

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which could cause them significant loss of time that otherwise would be devoted to their other duties.

POSITIONS:

The Department of State Police is reviewing the bill and does not yet have an official position. (5-4-87)

The Department of Public Health (in which the Office of the Registrar is located) does not yet have an official position on the bill. (5-4-87)

The Michigan Association of County Clerks had not yet seen the bill and so has not yet taken a position. (5-5-87)