



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4611 (Substitute H-2)
Sponsor: Representative David M. Gubow
House Committee: Judiciary and Civil Rights
Senate Committee: Families, Mental Health, and Human Services

Date Completed: 5-25-95

SUMMARY OF HOUSE BILL 4611 (Substitute H-2) as passed by the House:

The bill would amend the Michigan Adoption Code to require that a person wishing to adopt submit his or her fingerprints to the Department of State Police which would be required to check the fingerprints against State and Federal criminal records and inform the child placing agency of the individual's suitability to be an adoptive parent based on the records.

The Code currently requires a child placing agency to request an individual seeking a preplacement assessment to provide a document from the Michigan State Police and the Federal Bureau of Investigation (FBI) describing all of the individual's criminal convictions as shown by that agency's records, or stating that the agency's records indicate that the individual has not been convicted of a crime. Upon request of the individual and receipt of a signed authorization, the child placing agency must obtain the criminal record from the law enforcement agency on the individual's behalf.

The bill would require, instead, that an individual who was the subject of a preplacement assessment have two sets of his or her fingerprints taken by a law enforcement agency on forms furnished by the Michigan Department of State Police and the FBI. The individual would have to submit these forms to the State Police, along with the appropriate State and Federal fees. The person making the request would be responsible for any fees charged by the agency for this service. The State Police would have to compare one set of fingerprints with State records and forward the other set of fingerprints to the FBI for comparison with its records.

The State Police would have to send the adoption agency both the State criminal record and a statement based on the FBI comparison that the individual could or could not be suitable to be an adoptive parent. If an individual had no criminal convictions at the State or Federal level, he or she could be suitable to be an adoptive parent. If the individual had a criminal conviction at the State or Federal level, he or she could not be suitable to be an adoptive parent.

If the statement submitted by the State Police said that the individual could not be suitable to be an adoptive parent, the child placing agency would be required to notify the prospective adoptive parent that he or she had the right to get a copy of his or her Federal criminal history from the FBI, and to challenge that record's accuracy.

MCL 710.23d et al.

Legislative Analyst: L. Burghardt

FISCAL IMPACT

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

Fiscal Analyst: B. Bowerman

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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.