

MEMORANDUM

Overview

These tie-bar bills address Michigan law that currently restricts the release of an adult adopted person's own original certificate of live birth. The bills simplify an overly complex and inequitable system for an adult adopted person to request and obtain their own birth records. The bills reflect today's reality, where social media, genetics, public genealogical records, and norms have rendered human secrecy impossible, impractical, and discriminatory.

Tie Bar Bill One: Vital Records

- This bill amends Michigan vital records law so that all adult adopted persons and their heirs may request and obtain a copy of the adopted person's original birth record. Such requests are made and fulfilled directly through the state registrar, without the need to involve additional state agencies or the court.
- Provides birthparents the option to file contact preference forms that inform adult adopted persons of the birth parents' wishes concerning contact, whether contact directly, through an intermediary, or a preference for no contact. Birthparents may revise their preferences for contact at any time by filing a new contact preference form with the Department of Health. The contact preference form, if filed, accompanies any copy of the original certificate of live birth provided to the adult adopted person or the adult adopted person's descendant.
- Provides a notice along with the copy of the original birth record informing the requestor of the existence of the central adoption registry and the potential availability of identifying information through use of the registry.
- Allows adult heirs and legal representatives of the adopted person to request a copy of the original birth record on behalf of the adoptee if the adoptee is deceased.

Tie Bar Bill Two: Identifying Information and the Central Adoption Registry

- Consistent with similar state laws across the country, separates the operation of the state's Central Adoption Registry, which facilitates sharing of contact and identifying information between birth family members, from the Department of Health's core function to provide vital records to qualified requestors and registrants.
- Makes release of identifying information through the Central Adoption Registry equal for all adult adoptees, no matter the date their birthparents terminated parental rights. This eliminates a current "donut hole" in the law that discriminates against adult adoptees whose birthparents' parental rights were terminated on or after May 28, 1945, and before September 12, 1980.
- Concentrates on the core function of the Central Adoption Registry. CAR facilitates release of contact and reunion-related identifying information, specifically the most recent address of birthparents. Such identifying information, known as "contact information," is provided only if it is available and it is not subject to a previously filed denial of release. It is not the same information that appears on a birth record.
- Preserves current denials of release for any denials filed prior to July 1, 2024. A denial of release, however, will not interfere with the adult adopted person's ability to request and obtain a copy of their own original certificate of live birth through the separate vital records bill.
- Makes adoption records public 100 years after the adopted person's date of birth.
- Requires the Department of Health and Human Services to make reasonable efforts to notify members of the public who may be affected by changes in the law, not only governing the release of identifying and non-identifying information but also an adoptee's ability to request and obtain a copy of their own original certificate of live birth.

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