

MEMORANDUM

Overview

This bill recognizes that current Michigan law regulating an adult adopted person's original certificate of live birth is overly complex, inequitable to adult adopted people, and no longer reflects today's reality, where the genetics and genealogy of humans cannot be locked down and kept secret. This bill:

- Amends vital records law so that all adult adopted persons and their descendants may request and obtain a copy of the adopted person's original birth record. Such requests are made and fulfilled directly by the state registrar, without the need to involve additional agencies or the court.
- Provides birth parents 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.
- Eliminates the Central Adoption Registry as an overly bureaucratic approach to controlling the release of identifying information to adult adopted persons and others related to adult adopted people. With the advent of consumer DNA testing, the CAR is now an anachronism, duplicative of privately available registries, and is wasteful of tax-funded agencies and resources.
- Fine tunes the use of court-appointed Confidential Intermediaries so that they may be appointed to search for family for the sole purpose of determining if the family member wishes to meet and communicate. This approach could also dovetail with the contact preference form where a birthparent may list the CI system as the intermediary to use for such communication.
- Aligns Michigan law so that issues involving vital records are handled through the state registrar and through vital records law, while issues involving adoption and post-adoption services are more appropriately governed by adoption law and handled through child-placing agencies, the court system, or the Family Independence Agency.

- Modernizes Michigan law concerning an adult adopted person's right to identity, a right supported today by hundreds of local, state, and national organizations as well as millions of people impacted by adoption.

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THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 333.2882. (1) Except as otherwise provided in section 2890, upon written request and payment of the prescribed fee, the state registrar or local registrar shall issue the appropriate 1 of the following:

(a) A certified copy of a live birth record, an affidavit of parentage filed after June 1, 1997, or a record of stillbirth filed after June 1, 2003 to 1 of the following:

- (i) The individual who is the subject of the record.
- (ii) A parent named in the record.
- (iii) An heir, a legal representative, or a legal guardian of the individual who is the subject of the record.
- (iv) A court of competent jurisdiction.

(b) If the live birth record is 100 or more years old, a certified copy of the live birth record to any applicant.

(c) A certified copy of a death record, including the cause of death, to any applicant.

(d) A certified copy of a marriage or divorce record to any applicant, except as provided by rule.

(e) A certified copy of a fetal death record that was filed before September 30, 1978, to any applicant.

(2) Upon written request of an adult adopted person, or any direct line descendant of the adult adopted person if the adult adopted person is deceased, ~~who has been adopted~~ and payment of the prescribed fee, the state registrar shall issue to ~~that~~ the requesting individual a certified copy of ~~his or her~~ the adult adopted person's original certificate of live birth, ~~if the written request identifies the name of the adult adoptee and is accompanied by a copy of a central adoption registry clearance~~

~~reply form that was completed by the family independence agency and delivered to that individual as required by section 68(9) of the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.68.~~

(3) Upon written request of a confidential intermediary appointed under section 68b of the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.68b, presentation of a certified copy of the order of appointment, identification of the name of the adult adopteed person, and payment of the required fee, the state registrar shall issue to the confidential intermediary a copy of the original certificate of live birth of the adult adopteed person on whose behalf the intermediary was appointed.

(4) A copy of the original certificate of live birth provided under subsection (2) or (3) shall have the following phrase marked on the face of the copy: "This document is a copy of a sealed record and is not the active birth certificate of the individual whose name appears on this document".

(5) (a) The state registrar shall develop and make available a contact preference form on which a parent named on an adopted person's original certificate of live birth may state a preference regarding contact by the adult adopted person. The form must contain the following statements from which the parent may choose only one:

(1) "I would like to be contacted. I have completed this contact preference form and am filing it with the state registrar.

(2) "I would like to be contacted only through the following designated intermediary: [Name of Intermediary] . (If no

intermediary is name or no named intermediary is able or willing to act, the involved adoption agency, if any, shall act on my behalf.) I have completed this contact preference form and am filing it with the state registrar.

(3) "I would not like to be contacted. I have completed this contact preference form and am filing it with the state registrar.

I may change this contact preference form by filling out and filing another contact preference form. I understand that this form is advisory only."

(b) The state registrar shall attach a completed form to the original certificate of live birth of the adult adopted person. Access to a completed contact preference form is governed in the same manner as access to an original certificate of live birth.

(6) "Adult adopted person" shall have the same meaning as defined by Sec. 22 of the Probate Code of 1939.

Sec. 22. As used in this chapter:

(a) "Adoptee" means the individual who is to be adopted, regardless of whether the individual is a child or an adult.

(b) "Adoption attorney" means an attorney acting as counsel in an adoption proceeding or case.

(c) "Adult adopted person" means an individual who is 18 years of age or older and who was adopted as a child or adult.

(~~d~~e) "Adult former sibling" means an individual who is 18 years of age or older and is related to an adult adopteeed person either biologically or through adoption by at least 1 common parent, regardless of whether the adult former sibling ever lived in the same household as the adult adopteeed person.

(~~e~~d) "Agency placement" means a placement in which a child placing agency, the department, or a court selects the adoptive parent for the child and transfers physical custody of the child to the prospective adoptive parent.

(~~f~~e) "Applicant" means an individual or individuals who desire to adopt a child and who have submitted an adoption application to a child placing agency.

(~~g~~f) "Attending practitioner" means a licensed physician or a registered professional nurse certified as a nurse midwife by the Michigan board of nursing.

(~~h~~g) "Best interests of the adoptee" or "best interests of the child" means the sum total of the following factors to be considered, evaluated, and determined by the court to be applied to give the adoptee permanence at the earliest possible date:

(i) The love, affection, and other emotional ties existing between the adopting individual or individuals and the adoptee or, in the case of a hearing under section 39 of this chapter, the putative father and the adoptee.

(ii) The capacity and disposition of the adopting individual or individuals or, in the case of a hearing under section 39 of this chapter, the putative father to give the adoptee love, affection, and guidance, and to educate and create

a milieu that fosters the religion, racial identity, and culture of the adoptee.

(iii) The capacity and disposition of the adopting individual or individuals or, in the case of a hearing under section 39 of this chapter, the putative father, to provide the adoptee with food, clothing, education, permanence, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.

(iv) The length of time the adoptee has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.

(v) The permanence as a family unit of the proposed adoptive home, or, in the case of a hearing under section 39 of this chapter, the home of the putative father.

(vi) The moral fitness of the adopting individual or individuals or, in the case of a hearing under section 39 of this chapter, of the putative father.

(vii) The mental and physical health of the adopting individual or individuals or, in the case of a hearing under section 39 of this chapter, of the putative father, and of the adoptee.

(viii) The home, school, and community record of the adoptee.

(ix) The reasonable preference of the adoptee, if the adoptee is 14 years of age or less and if the court considers the adoptee to be of sufficient age to express a preference.

(x) The ability and willingness of the adopting individual or individuals to adopt the adoptee's siblings.

(xi) Any other factor considered by the court to be relevant to a particular adoption proceeding, or to a putative father's request for child custody.

~~(i)~~ "Born out of wedlock" means a child conceived and born to a woman who was not married from the conception to the date of birth of the child, or a child whom the court has determined to be a child born during a marriage but not the issue of that marriage.

~~(i) "Central adoption registry" means the registry established by the department under section 27b of this chapter to control the release of identifying adoption information.~~

(j) "Child" means an individual less than 18 years of age.

(k) "Child placing agency" means a private organization licensed under 1973 PA 116, MCL 722.111 to 722.128, to place children for adoption.

(l) "Consent" means a document in which all parental rights over a specific child are voluntarily relinquished to the court for placement with a specific adoptive parent.

(m) "Court" means the family division of circuit court of this state, or if the context requires, the court having jurisdiction over adoption in another state or country.

(n) "Department" means the family independence agency.

(o) "Direct placement" means a placement in which a parent or guardian selects an adoptive parent for a child, other than a stepparent or an individual related to the child within the fifth degree by marriage, blood, or adoption, and transfers physical custody of the child to the prospective adoptive parent.

(p) "Formal placement" means a placement that is approved by the court under section 51 of this chapter.

(q) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(r) "Petitioner", except as used in section 68b of this chapter, means the individual or individuals who file an adoption petition with the court.

(s) "Placement" or "to place" means selection of an adoptive parent for a child and transfer of physical custody of the child to a prospective adoptive parent according to this chapter.

(t) "Relative" means an individual who is related to the child within the fifth degree by marriage, blood, or adoption.

(u) "Release" means a document in which all parental rights over a specific child are voluntarily relinquished to the department or to a child placing agency.

(v) "Rescission petition" means a petition filed by an adult adoptee and his or her parent whose rights have been terminated to rescind the adoption in which a stepparent acquired parental rights and to restore parental rights of that parent according to section 66 of this chapter.

(w) "Suitable to be a parent of an adoptee" means a conclusion that there is no specific concern with respect to an individual that would suggest that placement of any child, or a particular child, in the home of the individual would pose a risk of harm to the physical or psychological well-being of the child.

(x) "Temporary placement" means a placement that occurs before court approval under section 51 of this chapter and that meets the requirements of section 23d of this chapter.

(y) "Within the fifth degree by marriage, blood, or adoption" means any of the following relationships: parent, step-parent, grandparent, step-grandparent, brother, step-brother, sister, step-sister, uncle, step-uncle, aunt, step-aunt, first cousin, step-first cousin, great aunt, step-great aunt, great uncle, step-great uncle, great grandparent, step-great grandparent, first cousin once removed, step-first cousin once removed, great great grandparent, step-great great grandparent, great great uncle, step-great

great uncle, great great aunt, step-great great aunt, great great great grandparent, or step-great great great grandparent.

Sec. 27a. (1) A former parent, including a former parent whose parental rights were terminated under chapter XII of this act, may file a contact preference form with the state registrar in accordance with Sec. 333.2882 ~~central adoption registry a statement consenting to or denying the release of the identifying information about that parent specified in section 27(3) (b) and (c). The consent or denial contact preference form may be filed, updated, or revoked at any time.~~

~~(2) An adult former sibling may file a statement with the central adoption registry providing notice that a former parent is deceased. A copy of the former parent's death certificate or other evidence of the former parent's death shall be attached to the statement.~~

(3) An adult former sibling ~~who knows the birth name~~ of an adoptee may file with the child placing agency or court or the department ~~central adoption registry~~ a statement ~~consenting to requesting the~~ release of the adult former sibling's name and address to the adult adoptee ~~ed person~~. The statement may be filed, ~~updated, or revoked~~ at any time and shall be provided to the adult adopted person upon the adult adopted person's request.

(4) At the time of termination of parental rights under this chapter or chapter XIIA, the court shall inform each parent of the provisions described in this section, section 333.2882, and sections ~~27b~~, 68, 68a, and 68b. ~~The court shall inform each parent that the parent's consent to the release of identifying~~

~~information about that parent specified in section 27(3) (b) and (c) shall be presumed unless the parent files a statement with the central adoption registry denying the release of the information about that parent. The court shall explain the parent's right to file, update, or revoke the denial at any time, and shall provide each parent with the forms prescribed under section 27b.~~

~~Sec. 27b. (1) The department shall establish and maintain a central adoption registry to control the release of identifying information and contact preference forms described in section 27(3).~~

~~(2) The central adoption registry shall keep on file the statements of former parents consenting to or denying the release of identifying information and the statements of adult former siblings described in section 27a(2) and (3).~~

~~(3) The department shall develop forms for former parents to use to consent to, deny, or revoke a consent to or denial of, the release of identifying information and forms for adult former siblings to use to provide notice of the death of a former parent and to consent to the release of the adult former sibling's name and address to an adult adoptee. The department shall make the forms available to child placing agencies and the court. The forms shall include the current name and address of the former parent or adult former sibling. The denial form shall contain a space for the former parent to indicate, if he or she wishes, the reason why he or she does not wish to be identified or contacted. The department shall also develop and distribute clearance request and reply forms to be used by child placing agencies, the department, and the court to request and receive~~

~~information from the central adoption registry pursuant to section 68(5) and (8).~~

~~(4) Upon receipt of a clearance request form from a child placing agency or the department or court pursuant to section 68(5), the central adoption registry shall transmit to the requester a clearance reply form indicating whether a particular former parent has filed with the registry a statement either denying or consenting to the release of identifying information or whether a former parent is deceased. The central adoption registry shall attach a copy of the statement consenting to or denying the release of identifying information. Once a request for information has been received by the central adoption registry, a subsequent statement submitted by a former parent consenting to the release of identifying information or revoking a previous denial of release of identifying information shall be transmitted to the person who requested the information.~~

~~(5) Upon receipt of a clearance request form from a child placing agency or the department or court pursuant to section 68(8), the central adoption registry shall transmit to the requester a statement from an adult former sibling consenting to the release of the adult former sibling's name and address to an adult adoptee. Once a request for information has been received by the central adoption registry, a subsequent statement submitted by an adult former sibling consenting to the release of the adult former sibling's name and address shall be transmitted to the person who requested the information.~~

Sec. 68. (1) Within 63 days after a request for nonidentifying information is received, a child placing agency, a court, or the department shall provide in writing to the

adoptive parent, adult adoptee, former parent, or adult former sibling requesting the information all of the nonidentifying information described in section 27(1) and (2) of this chapter.

(2) Within 63 days after a request for identifying information about an adult adoptee person is received, a child placing agency or court or the department shall provide in writing to the former parent or adult former sibling requesting the information the adult adoptee person's most recent name and address if the adult adoptee person has given written consent to release of the information ~~pursuant to this chapter~~. If the adult adoptee person has not given written consent to the release of information, the child placing agency, the court, or the department shall, upon presentation of a certified copy of the order of appointment, give the adult adoptee person's name and address to a confidential intermediary appointed under section 68b of this chapter, together with any other information in its possession that would help the confidential intermediary locate the adult adoptee person. At the option of agency or the department, the information may be released to the court for release to the confidential intermediary.

(3) If the department or a child placing agency receives a request for adoption record information in its possession from an adult adoptee person, former parent, or adult former sibling, the department or child placing agency shall provide the individual requesting the information with the identity of the court that confirmed the adoption within 28 days after receipt of the request. If a court receives such a request, the court shall provide the individual requesting the information

with the identity of the child placing agency that handled the adoption.

(4) If the court that terminated parental rights receives from the former parents or adult former siblings of the adult adoptee ed person a request for the identity of the agency, court, or department to which the child was committed, the court shall provide in writing the name of that agency, court, or department, if known, within 28 days after receipt of the request.

~~(5) Upon receipt of a written request for identifying information from an adult adoptee, a child placing agency, a court, or the department, if it maintains the adoption file for that adoptee, shall submit a clearance request form to the central adoption registry. Within 28 days after receipt of a clearance reply form from the central adoption registry, the child placing agency, court, or department shall notify the adoptee in writing of the identifying information to which the adoptee is entitled under subsection (6) or (7), or, if the identifying information cannot be released under those subsections, the reason why the information cannot be released. The child placing agency, court, or department shall retain a copy of the notice sent to the adult adoptee.~~

~~(6) For adoptions in which the former parents' rights were terminated on or after May 28, 1945 and before September 12, 1980, a child placing agency, a court, or the department shall release to an adult adoptee or to a confidential intermediary appointed under section 68b of this chapter the identifying information described in section 27(3) of this chapter and other identifying information on file with the central adoption~~

~~registry as specified in section 27b of this chapter, in the following manner:~~

~~(a) All of the identifying information described in section 27(3) of this chapter shall be released to the adult adoptee, if both former parents have on file with the central adoption registry a statement consenting to release of the identifying information.~~

~~(b) The identifying information described in section 27(3)(b) and (c) of this chapter about 1 of the former parents and the identifying information described in section 27(3)(a) and (d) of this chapter shall be released to the adult adoptee if that former parent has on file with the central adoption registry a statement consenting to release of identifying information.~~

~~(c) The identifying information described in section 27(3)(b) and (c) of this chapter about 1 of the former parents and the identifying information described in section 27(3)(a) and (d) of this chapter shall be released to the adult adoptee if that parent is deceased.~~

~~(d) All of the identifying information described in section 27(3) of this chapter on both former parents shall be released to the adult adoptee, if both former parents are deceased.~~

~~(e) Upon presentation of a certified copy of the order of appointment, all of the identifying information described in section 27(3) of this chapter shall be released to a confidential intermediary appointed under section 68b of this chapter, together with additional information to assist the confidential intermediary to locate former family members. At~~

~~the option of the agency or the department, the information may be released to the court for release to the confidential intermediary.~~

~~(7) For all adoptions in which the former parents' rights were terminated before May 28, 1945 or on or after September 12, 1980, a~~ child placing agency, a court, or the department shall release to an adult adoptee ed person the identifying information described in section 27(3) of this chapter ~~and any additional information on file with the central adoption registry as specified in section 27b of this chapter, except that if a former parent has filed a statement currently in effect with the central adoption registry denying consent to have identifying information released, the identifying information specified in section 27(3)(b) and (c) of this chapter shall not be released about that parent. For purposes of this subsection, a denial of consent is not effective after the death of the former parent. This subsection does not apply to adoptions in which the former parents' rights were terminated under chapter XII of this act unless the former parent has filed a statement with the central adoption registry consenting to the release of identifying information.~~

~~(8) Upon receipt of a written request from an adult adoptee for the name and address of an adult former sibling, a child placing agency, a court, or the department, if it maintains the adoption file for that adoptee, shall submit a clearance request form to the central adoption registry. Within 28 days after receipt of a clearance reply form from the central adoption registry, the child placing agency, court, or department shall notify the adoptee in writing of the name and address of an~~

~~adult former sibling whose statement was forwarded by the central adoption registry.~~

~~(9) If a child placing agency or court or the department requests information from the central adoption registry and if the clearance reply form from the central adoption registry indicates that neither of the former parents has on file with the central adoption registry a statement currently in effect denying consent to have identifying information released, the child placing agency, court, or department shall deliver to the adult adoptee a copy of the clearance reply form it received from the central adoption registry. The clearance reply form may be used by the adult adoptee to obtain a copy of his or her original certificate of live birth under section 2882 of the public health code, 1978 PA 368, MCL 333.2882. Except for adoptions in which the former parents' parental rights were terminated under chapter XII of this act, this subsection applies to all adoptions in which the parents' rights were terminated before May 28, 1945 or on or after September 12, 1980.~~

(~~51~~10) If a child placing agency, a court, or the department receives written information concerning a physician-verified medical or genetic condition of an individual biologically related to an adopteeed person and a request that the information be transmitted to the adopteeed person because of the serious threat it poses to the adopteeed person's life, the child placing agency, court, or department shall send a written copy of the information by first-class mail within 7 days after the request is received to the adopteeed person at his or her last known address. If the adopteeed person is less than 18 years of age,

the information shall be sent by first-class mail within 7 days after the request is received to the adoptive parents at their last known address.

(~~611~~) If the information described in subsection (~~510~~) is returned undelivered, the agency, court, or department shall make a reasonable effort to find the most recent address of the adopteeed person or minor adopteeed person's parents and shall again send the information by first-class mail within 21 days after receiving the returned letter.

(~~712~~) If a child placing agency, a court, or the department receives written information concerning a physician-verified medical or genetic condition of a person biologically related to an adopteeed person, and the condition is not life-threatening to the adopteeed person, the child placing agency, court, or department shall place the information in its adoption files. If the child placing agency, court, or department receives a written request for the information from the adult adopteeed person or minor adopteeed person's adoptive parents, it shall release a written copy of the information to the adult adopteeed person or to the minor adopteeed person's adoptive parents within 63 days after the request for the information was made.

(~~813~~) If a child placing agency, a court, or the department receives written information concerning a physician-verified medical or genetic condition that threatens the life of an adopteeed person and for which a biologically related person could give life-saving aid, and receives a request from or on behalf of the adopteeed person that the information be transmitted, the child placing agency, court, or department shall send a written copy of the information by first-class mail

within 7 days after the request is received to the biological parents or adult biological siblings of the adopteed person at their last known address.

(~~9~~14) If the information described in subsection (~~8~~13) is returned undelivered, the agency, court, or department shall make a reasonable effort to find the most recent address of the biological parents or adult biological siblings and shall again send the information by first-class mail within 21 days after receiving the returned letter.

~~(15) If a child placing agency, a court, or the department provides an adoptee with the name of 1 of the adoptee's former parents, that child placing agency, court, or department shall notify the department of community health of that fact. Upon receipt of notification by the child placing agency, court, or department, the department of community health shall insure that the original birth certificate on file for the adoptee has been sealed and that a new birth certificate has been prepared in conformance with section 67 of this chapter.~~

(~~10~~16) An employee or agent of a child placing agency, a court, or the department, who intentionally releases identifying information in violation of this section, is guilty of a misdemeanor.

(~~11~~17) This section also applies to a stepparent adoption and to the adoption of a child related to the petitioner within the fifth degree by marriage, blood, or adoption.

(~~12~~18) As used in this section, "adult adopted person" means an individual who was adopted as a child who is now 18 years of age or older or an individual who was 18 years of age or older at the time of adoption.

(~~1319~~) A child placing agency, a court, and the department may require a fee for supplying information under this section. The fee shall be \$60.00 or the actual cost of supplying the information, whichever is less. The child placing agency, court, or department may waive a part or all of the fee in case of indigency or hardship.

(~~1420~~) A direct descendant of a deceased adult adopteed person may request information under this section. All information to which an adult adopteed person is entitled under this section shall be released to the adult adopteed person's direct descendants if the adult adopteed person is deceased.

(~~1520~~) A child placing agency, a court or the department shall permit the children's ombudsman to inspect adoption records in its possession in connection with an investigation authorized under the children's ombudsman act, 1994 PA 204, MCL 722.921 to 722.935. The ombudsman shall not disclose information obtained by an inspection under this section. If the children's ombudsman requires further information from an individual whose identity is protected in closed adoption records, the ombudsman shall contact the individual discreetly and confidentially. The ombudsman shall inform the individual that his or her participation in the investigation is confidential, is strictly voluntary, and will not alter or constitute a challenge to the adoption. The ombudsman shall honor the individual's request not to be contacted further. As used in this subsection, "children's ombudsman" or "ombudsman" means the ombudsman appointed under section 3 of the children's ombudsman act, 1994 PA 204, MCL 722.923, or his or her designee.

Sec. 68a. (1) The department, in cooperation with adoption support groups, shall develop and publish an information pamphlet explaining the release of information from adoption records pursuant to this act.

(2) Within 14 days after it is contacted by an adopteed person, adult former sibling, former parent, or adoptive parent, a child placing agency or court or the department shall provide the adopteed person, adult former sibling, former parent, or adoptive parent with all of the following:

(a) A copy of the information pamphlet described in subsection (1).

(b) A list of adoption support groups.

(c) Information about the provisions described in this section and sections 27a, ~~27b~~, 68, and 68b of this chapter.

(3) If a child placing agency, a court, or the department receives a written request from an adopteed person, adult former sibling, former parent, adoptive parent, or any other person biologically related to an adopteed person that the requester's current address be placed in its adoption files, the child placing agency, court, or department shall place the information in its adoption files.

(4) The department shall provide notice on the department website about changes in the law. The department or its designee, in consultation with adoption agencies and other interested parties, shall design and implement a public awareness campaign it deems sufficient to advise affected parties of the changes in the law regarding adult adopted persons' right to request and obtain their own original certificates of live birth. Other state agencies shall cooperate

with the department in the distribution of any materials furnished by the department.

Sec. 68b. (1) As used in this section:

(a) "Former family member" means a parent, grandparent, or adult sibling related to the adult adoptee through birth or adoption by at least 1 common parent, regardless of whether the adult adoptee ever lived in the same household as the former family member.

(b) "Petitioner" means an individual on whose behalf a confidential intermediary is appointed pursuant to subsection (2).

(2) An adult adoptee ~~ed person~~, an adoptive parent of a minor adoptee ~~ed person~~, or an adult child of a deceased adoptee ~~ed person~~ may petition the court in which the final order of adoption was entered to appoint a confidential intermediary to search for and contact a former family member. A former family member may petition the court in which the final order of adoption was entered to appoint a confidential intermediary to search for and contact an adult adoptee ~~ed person~~ or an adult ~~direct descendant child~~ of a deceased adoptee ~~ed person~~. ~~Upon receipt of a petition under this section, the court shall contact the central adoption registry to determine whether there is currently on file a statement from the individual being sought that denies consent to the release of identifying information. If no denial of consent is currently on file for that individual, t~~The court shall by written order appoint as confidential intermediary an individual who meets the requirements of subsection (3). The court shall provide the

confidential intermediary with a certified copy of the order of appointment. The court may dismiss an intermediary if the intermediary engages in conduct that violates professional or ethical standards.

(3) An individual may serve as a confidential intermediary if he or she is approved by the court after completing training and files an oath of confidentiality with the court. The oath of confidentiality shall be substantially as follows:

"I,, signing under penalty of perjury, affirm all of the following:

~~—(a) I will not disclose to a petitioner, directly or indirectly, any identifying information in sealed records without written consent of the individual to whom the information pertains.~~

(~~a~~b) I will conduct a reasonable search for an individual being sought. I will make a discreet and confidential inquiry as to whether the individual ~~consents to the release of information to the petitioner, or~~ desires to meeting or communicating with the petitioner, and I will report to the petitioner and the court the results of my search and inquiry.

(~~b~~c) If the petitioner and the individual being sought consent in writing to meet or communicate with each other, I will act in accordance with the instructions of those persons and, if applicable, the instructions of the court to facilitate any meeting or communication between them.

(~~cd~~) I will not charge or accept any fee for my services except for reimbursement from the petitioner for actual expenses incurred in performing my services, or as authorized by the court.

(~~de~~) I recognize that I may be subject to contempt of court sanctions and dismissal by the court if I permit the release of confidential information without authorization.”.

(4) A confidential intermediary shall make a reasonable search for an individual whose identity is sought by a petitioner under this section. The confidential intermediary shall first search the court records. If it is necessary to obtain information from an agency or the department, the confidential intermediary shall provide a certified copy of the order of appointment to the agency or the department before requesting the records. If the confidential intermediary locates the individual being sought, the intermediary shall discreetly and confidentially contact the individual to ascertain whether the individual is willing to ~~release information to the petitioner or to~~ meet or communicate with the petitioner. ~~If the individual consents in writing to the release of information, the intermediary shall release the information to the petitioner.~~ Upon the mutual written consent of the petitioner and the individual, the intermediary may facilitate a meeting or other communication between the petitioner and the individual. ~~If the individual refuses to authorize the release of information sought by the petitioner, the intermediary shall report the refusal to the petitioner and the court.~~ If an individual sought under this section is deceased, the

intermediary shall report that fact to the petitioner and the court.

(5) Except for a reasonable fee approved by the court and reimbursement for actual expenses incurred in performing services, a confidential intermediary shall not request or accept any money or other thing of value for serving as a confidential intermediary.

~~(6) If a confidential intermediary appointed under this section has failed to contact a former family member within 6 months after his or her appointment, the adult adoptee may petition the court for release of information described in section 27(3) and any additional information obtained by the confidential intermediary. Before a hearing on the petition, the confidential intermediary shall submit a written report to the court describing all efforts made to locate the former family member and all information obtained. After the hearing, the court shall do 1 of the following:~~

~~—(a) Order the confidential intermediary to search for another 6-month period.~~

~~—(b) Appoint a new confidential intermediary to search for a 6-month period.~~

~~—(c) Release to the adult adoptee the identifying information described in section 27(3) and any other information that the court considers appropriate, if the court finds that a diligent search has been made and that there is good cause to release the information. The court's finding shall be made on the record.~~