

HOUSE BILL No. 5001

July 17, 2003, Introduced by Reps. Elkins, Lipsey, Minore, Hunter, Tobocman, Gillard, McConico, Sak, Rivet, Dennis and Plakas and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 7, 15, and 20 of chapter XII (MCL 712.7, 712.15, and 712.20), sections 7 and 15 as added by 2000 PA 232 and section 20 as added by 2000 PA 235.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XII

Sec. 7. Upon receipt of notice from a hospital under section 5 of this chapter, the child placing agency shall do all of the following:

(a) Immediately assume the care, control, and temporary protective custody of the newborn.

(b) If ~~a~~ **either the surrendering or nonsurrendering** parent is known and willing, immediately meet with the parent. **The child placing agency shall make reasonable efforts to ascertain**

1 that the individual who surrendered the newborn is the newborn's
2 parent.

3 (c) Make a temporary placement of the newborn with a
4 prospective adoptive parent who has an approved preplacement
5 assessment and resides within the state.

6 (d) Immediately request assistance from law enforcement
7 officials to investigate and determine, through the missing
8 children information clearinghouse, the national center for
9 missing and exploited children, and any other national and state
10 resources, whether the newborn is a missing child.

11 (e) Not later than 48 hours after a transfer of physical
12 custody to a prospective adoptive parent, petition the court in
13 the county in which the prospective adoptive parent resides to
14 provide authority to place the newborn and provide care for the
15 newborn. The petition shall include all of the following:

16 (i) The date of the transfer of physical custody.

17 (ii) The name and address of the emergency service provider
18 to whom the newborn was surrendered.

19 (iii) Any information, either written or verbal, that was
20 provided by and to the parent who surrendered the newborn. The
21 emergency service provider that originally accepted the newborn
22 as required by section 3 of this chapter shall provide this
23 information to the child placing agency.

24 (f) Within 28 days, make ~~reasonable~~ **diligent** efforts to
25 identify and locate a parent who did not surrender the newborn.
26 If the identity and address of that parent are unknown, the child
27 placing agency shall provide notice by publication in a newspaper

1 of general circulation in the county where the newborn was
2 surrendered.

3 Sec. 15. **(1)** Based on the court's finding of the newborn's
4 best interest under section 14 of this chapter, the court may
5 issue an order that does 1 of the following:

6 (a) Grants legal or physical custody, or both, of the newborn
7 to the parent, and either retains or relinquishes jurisdiction.

8 (b) Terminates the parent's parental rights and gives a child
9 placing agency custody and care of the newborn.

10 **(2) Before terminating a parent's parental rights as**
11 **authorized by this section, the court shall determine on the**
12 **record whether the child placing agency has complied with the**
13 **protections afforded the parent under this chapter.**

14 Sec. 20. ~~-(1)-~~ The department of community health in
15 conjunction with the department shall establish a safe delivery
16 program. The safe delivery program shall include, but is not
17 limited to, both of the following:

18 (a) A toll-free, 24-hour telephone line. The information
19 provided with this telephone line shall include, but is not
20 limited to, all of the following:

21 (i) Information on prenatal care and the delivery of a
22 newborn.

23 (ii) Names of health agencies that can assist in obtaining
24 services and supports that provide for the pregnancy-related
25 health of the mother and the health of the baby.

26 (iii) Information on adoption options and the name and
27 telephone number of a child placing agency that can assist a

1 parent or expecting parent in obtaining adoption services.

2 (iv) Information that, in order to safely provide for the
3 health of the mother and her newborn, the best place for the
4 delivery of a child is in a hospital, hospital-based birthing
5 center, or birthing center that is accredited by the commission
6 for the accreditation of birth centers.

7 (v) An explanation that, to the extent of the law, prenatal
8 care and delivery services are routinely confidential within the
9 health care system, if requested by the mother.

10 (vi) Information that a hospital will take into protective
11 custody a newborn that is surrendered as provided for in this
12 chapter and, if needed, provide emergency medical assistance to
13 the mother, the newborn, or both.

14 (vii) Information regarding legal and procedural requirements
15 related to the voluntary surrender of a child as provided for in
16 this chapter.

17 (viii) Information regarding the legal consequences for
18 endangering a child, including child protective service
19 investigations and potential criminal penalties.

20 (ix) Information that surrendering a newborn for adoption as
21 provided in this chapter is an affirmative defense to charges of
22 abandonment as provided in section 135 of the Michigan penal
23 code, 1931 PA 328, MCL 750.135.

24 (x) Information about resources for counseling and assistance
25 with crisis management.

26 (b) A pamphlet that provides information to the public
27 concerning the safe delivery program. The department of

1 community health and the department shall jointly publish and
2 distribute the pamphlet. The pamphlet shall prominently display
3 the toll-free telephone number prescribed by subdivision (a).

4 ~~(2) This section is repealed 3 years after its effective~~
5 ~~date.~~