

Act No. 688
Public Acts of 2002
Approved by the Governor
December 29, 2002
Filed with the Secretary of State
December 30, 2002
EFFECTIVE DATE: March 31, 2003

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

**Introduced by Reps. Birkholz, Patterson, Richardville, Kuipers, Hummel, Jelinek, Vander Veen, Pappageorge, Van Woerkom, Vear, Palmer, Meyer, Tabor and George
Reps. Basham, Bisbee, Bovin, Bradstreet, Cameron Brown, Rich Brown, Callahan, Caul, Clarke, DeVuyst, Drolet, Faunce, Gilbert, Gosselin, Hager, Hardman, Hart, Jansen, Ruth Johnson, Julian, Koetje, Kooiman, Kowall, Lemmons, Lockwood, Mans, Mead, Middaugh, Mortimer, Neumann, Newell, O'Neil, Pestka, Plakas, Reeves, Rocca, Shackleton, Sheltroun, Spade, Stamas, Toy, Vander Roest, Voorhees and Wojno named co-sponsors**

ENROLLED HOUSE BILL No. 5995

AN ACT to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties," by amending section 3 of chapter XII (MCL 712.3), as added by 2000 PA 232.

The People of the State of Michigan enact:

CHAPTER XII

Sec. 3. (1) If a parent surrenders a child who may be a newborn to an emergency service provider, the emergency service provider shall comply with the requirements of this section under the assumption that the child is a newborn. The emergency service provider shall, without a court order, immediately accept the newborn, taking the newborn into temporary protective custody. The emergency service provider shall make a reasonable effort to do all of the following:

- (a) Take action necessary to protect the physical health and safety of the newborn.
- (b) Inform the parent that by surrendering the newborn, the parent is releasing the newborn to a child placing agency to be placed for adoption.
- (c) Inform the parent that the parent has 28 days to petition the court to regain custody of the newborn.
- (d) Provide the parent with written material approved by or produced by the family independence agency that includes, but is not limited to, all of the following statements:
 - (i) By surrendering the newborn, the parent is releasing the newborn to a child placing agency to be placed for adoption.

- (ii) The parent has 28 days after surrendering the newborn to petition the court to regain custody of the newborn.
- (iii) After the 28-day period to petition for custody elapses, there will be a hearing to terminate parental rights.
- (iv) There will be public notice of this hearing, and the notice will not contain the parent's name.
- (v) The parent will not receive personal notice of this hearing.
- (vi) Information the parent provides to an emergency service provider will not be made public.
- (vii) A parent can contact the safe delivery line established under section 20 of this chapter for more information.

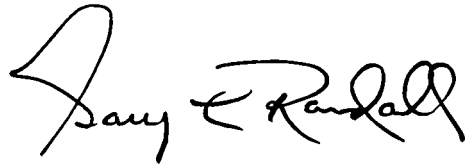
(2) After providing a parent with the information described in subsection (1), an emergency service provider shall make a reasonable attempt to do all of the following:

- (a) Encourage the parent to provide any relevant family or medical information.
- (b) Provide the parent with the pamphlet produced under section 20 of this chapter and inform the parent that he or she can receive counseling or medical attention.
- (c) Inform the parent that information that he or she provides will not be made public.
- (d) Ask the parent to identify himself or herself.
- (e) Inform the parent that in order to place the newborn for adoption the state is required to make a reasonable attempt to identify the other parent, and then ask the parent to identify the other parent.
- (f) Inform the parent that the child placing agency that takes temporary protective custody of the newborn can provide confidential services to the parent.
- (g) Inform the parent that the parent may sign a release for the newborn which may be used at the parental rights termination hearing.

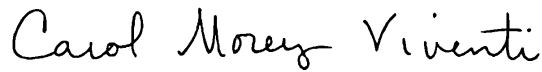
(3) A newborn whose birth is described in the born alive infant protection act and who is in a hospital setting or transferred to a hospital under section 3(1) of the born alive infant protection act is a newborn surrendered as provided in this act. An emergency service provider who has received a newborn pursuant to the born alive infant protection act shall do all of the following:

- (a) Comply with the requirements of subsections (1) and (2) to obtain information from or supply information to the surrendering parent by requesting the information from or supplying the information to the attending physician who delivered the newborn.
- (b) Make no attempt to directly contact the parent or parents of the newborn.
- (c) Provide humane comfort care if the newborn is determined to have no chance of survival due to gestational immaturity in light of available neonatal medical treatment or other condition incompatible with life.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5994 of the 91st Legislature is enacted into law.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved

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Governor.