

HOUSE BILL No. 5995

(As amended by the Senate, December 12, 2002)

May 2, 2002, Introduced by Reps. Birkholz, Patterson, Richardville, Kuipers, Hummel, Jelinek, Vander Veen, Pappageorge, Van Woerkom, Vear, Palmer, Meyer, Tabor and George and referred to the Committee on Family and Children Services.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 3 of chapter XII (MCL 712.3), as added by
2000 PA 232.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XII

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

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1 (a) Take action necessary to protect the physical health and
2 safety of the newborn.

3 (b) Inform the parent that by surrendering the newborn, the
4 parent is releasing the newborn to a child placing agency to be
5 placed for adoption.

6 (c) Inform the parent that the parent has 28 days to peti-
7 tion the court to regain custody of the newborn.

8 (d) Provide the parent with written material approved by or
9 produced by the family independence agency that includes, but is
10 not limited to, all of the following statements:

11 (i) By surrendering the newborn, the parent is releasing the
12 newborn to a child placing agency to be placed for adoption.

13 (ii) The parent has 28 days after surrendering the newborn
14 to petition the court to regain custody of the newborn.

15 (iii) After the 28-day period to petition for custody
16 elapses, there will be a hearing to terminate parental rights.

17 (iv) There will be public notice of this hearing, and the
18 notice will not contain the parent's name.

19 (v) The parent will not receive personal notice of this
20 hearing.

21 (vi) Information the parent provides to an emergency service
22 provider will not be made public.

23 (vii) A parent can contact the safe delivery line estab-
24 lished under section 20 of this chapter for more information.

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

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1 (a) Encourage the parent to provide any relevant family or
2 medical information.

3 (b) Provide the parent with the pamphlet produced under sec-
4 tion 20 of this chapter and inform the parent that he or she can
5 receive counseling or medical attention.

6 (c) Inform the parent that information that he or she pro-
7 vides will not be made public.

8 (d) Ask the parent to identify himself or herself.

9 (e) Inform the parent that in order to place the newborn for
10 adoption the state is required to make a reasonable attempt to
11 identify the other parent, and then ask the parent to identify
12 the other parent.

13 (f) Inform the parent that the child placing agency that
14 takes temporary protective custody of the newborn can provide
15 confidential services to the parent.

16 (g) Inform the parent that the parent may sign a release for
17 the newborn ~~to~~ WHICH MAY be used at the parental rights termi-
18 nation hearing.

19 (3) A NEWBORN WHOSE BIRTH IS DESCRIBED IN THE BORN ALIVE
20 INFANT PROTECTION ACT AND WHO IS IN A HOSPITAL SETTING OR TRANS-
21 FERRED TO A HOSPITAL UNDER SECTION 3(1) OF THE BORN ALIVE INFANT
22 PROTECTION ACT IS A NEWBORN SURRENDERED AS PROVIDED IN THIS ACT.
23 AN EMERGENCY SERVICE PROVIDER WHO HAS RECEIVED A NEWBORN PURSUANT
24 TO THE BORN ALIVE INFANT PROTECTION ACT SHALL DO ALL OF THE
25 FOLLOWING:

26 (A) COMPLY WITH THE REQUIREMENTS OF SUBSECTIONS (1) AND (2)
27 TO OBTAIN INFORMATION FROM OR SUPPLY INFORMATION TO THE

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1 SURRENDERING PARENT BY REQUESTING THE INFORMATION FROM OR
2 SUPPLYING THE INFORMATION TO THE ATTENDING PHYSICIAN WHO DELIV-
3 ERED THE NEWBORN.

4 (B) MAKE NO ATTEMPT TO DIRECTLY CONTACT THE PARENT OR PAR-
5 ENTS OF THE NEWBORN.

6 (C) PROVIDE HUMANE COMFORT CARE IF THE NEWBORN IS DETERMINED
7 TO HAVE NO CHANCE OF SURVIVAL DUE TO GESTATIONAL IMMATURITY IN
8 LIGHT OF AVAILABLE NEONATAL MEDICAL TREATMENT OR OTHER CONDITION
9 INCOMPATIBLE WITH LIFE.

10 Enacting section 1. This amendatory act does not take
11 effect unless Senate Bill No. _____ or House Bill No. 5994
12 (request no. 06805'02 *) of the 91st Legislature is enacted into
13 law.