

SENATE BILL No. 1292

June 7, 2006, Introduced by Senators JOHNSON, HAMMERSTROM, TOY, McMANUS, BIRKHOLZ, GEORGE, EMERSON, STAMAS, GARCIA, CROPSEY, BROWN, HARDIMAN, JELINEK, PATTERSON, GILBERT, VAN WOERKOM, GOSCHKA, KUIPERS, CHERRY, ALLEN, BISHOP, BARCIA, SIKKEMA, PRUSI, JACOBS and WHITMER and referred to the Committee on Families and Human Services.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 1, 3, 7, 10, 11, 14, 15, and 17 of chapter XII
(MCL 712.1, 712.3, 712.7, 712.10, 712.11, 712.14, 712.15, and
712.17), sections 1, 7, 10, 11, 14, 15, and 17 as added by 2000 PA
232 and section 3 as amended by 2002 PA 688, and by adding section
2a to chapter XII; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XII

Sec. 1. (1) This chapter shall be known and may be cited as
the "safe delivery of newborns law".

(2) As used in this chapter:

(a) "Child placing agency" means that term as defined in

1 section 1 of 1973 PA 116, MCL 722.111.

2 (b) "Court" means the family division of circuit court.

3 (c) "Department" means the ~~family independence agency~~

4 **DEPARTMENT OF HUMAN SERVICES.**

5 (D) "DNA IDENTIFICATION PROFILE" AND "DNA IDENTIFICATION
6 PROFILING" MEAN THOSE TERMS AS DEFINED IN SECTION 1 OF THE
7 PATERNITY ACT, 1956 PA 205, MCL 722.711.

8 (E) ~~—(d)—~~ "Domestic violence" means that term as defined in
9 section 1 of 1978 PA 389, MCL 400.1501.

10 (F) ~~—(e)—~~ "Emergency service provider" means a uniformed or
11 otherwise identified employee or contractor of a fire department,
12 hospital, or police station when ~~such an~~ **THAT** individual is
13 inside the premises and on duty. **EMERGENCY SERVICE PROVIDER**
14 **INCLUDES A FIREFIGHTER, LAW ENFORCEMENT OFFICER, PARAMEDIC,**
15 **EMERGENCY MEDICAL TECHNICIAN, OR OTHER INDIVIDUAL WHO PROVIDES**
16 **EMERGENCY MEDICAL SERVICES IN THE COURSE OF THE INDIVIDUAL'S**
17 **EMPLOYMENT WHEN THAT INDIVIDUAL IS RESPONDING TO A 9-1-1 EMERGENCY**
18 **CALL.**

19 (G) ~~—(f)—~~ "Fire department" means an organized fire department
20 as that term is defined in section 1 of the fire prevention code,
21 1941 PA 207, MCL 29.1.

22 (H) ~~—(g)—~~ "Gross negligence" means conduct so reckless as to
23 demonstrate a substantial lack of concern for whether an injury
24 results.

25 (I) ~~—(h)—~~ "Hospital" means a hospital that is licensed under
26 article 17 of the public health code, 1978 PA 368, MCL 333.20101 to
27 333.22260.

1 (J) "IDENTIFYING INFORMATION" MEANS THAT TERM AS DESCRIBED IN
2 SECTION 27(3) OF CHAPTER X.

3 (K) ~~—(i)—~~ "Lawyer-guardian ad litem" means an attorney
4 appointed under section 2 of this chapter. A lawyer-guardian ad
5 litem represents the newborn, and has the powers and duties, as set
6 forth in section 17d of chapter XIIA.

7 (L) "PARENT" MEANS A NEWBORN'S MOTHER OR A MAN MARRIED TO A
8 NEWBORN'S MOTHER AT ANY TIME FROM THE NEWBORN'S CONCEPTION TO
9 BIRTH, OR BOTH. IF A NEWBORN'S MOTHER IS UNMARRIED FROM THE
10 NEWBORN'S CONCEPTION TO BIRTH, PARENT INCLUDES THE NEWBORN'S
11 BIOLOGICAL FATHER.

12 (M) ~~—(j)—~~ "Newborn" means a child who a physician reasonably
13 believes to be not more than 72 hours old.

14 (N) ~~—(k)—~~ "Police station" means that term as defined in
15 section 43 of the Michigan vehicle code, 1949 PA 300, MCL 257.43.

16 (O) ~~—(l)—~~ "Preplacement assessment" means an assessment of a
17 prospective adoptive parent as described in section 23f of chapter
18 X.

19 (P) ~~—(m)—~~ "Surrender" means to leave a newborn with an
20 emergency service provider without expressing an intent to return
21 for the newborn.

22 SEC. 2A. (1) A HEARING UNDER THIS CHAPTER IS CLOSED TO THE
23 PUBLIC. A RECORD OF A PROCEEDING UNDER THIS CHAPTER IS
24 CONFIDENTIAL, EXCEPT THAT THE RECORD IS AVAILABLE TO ANY INDIVIDUAL
25 WHO IS A PARTY TO THAT PROCEEDING.

26 (2) ALL CHILD PLACING AGENCY RECORDS CREATED UNDER THIS
27 CHAPTER ARE CONFIDENTIAL EXCEPT AS OTHERWISE PROVIDED IN THE

1 PROVISIONS OF THIS CHAPTER.

2 (3) AN INDIVIDUAL WHO DISCLOSES IDENTIFYING INFORMATION
3 WITHOUT A COURT ORDER OR SPECIFIC AUTHORIZATION UNDER FEDERAL OR
4 STATE LAW IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
5 NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.
6 AN INDIVIDUAL WHO DISCLOSES IDENTIFYING INFORMATION WITHOUT A COURT
7 ORDER OR SPECIFIC AUTHORIZATION UNDER FEDERAL OR STATE LAW IS
8 CIVILLY LIABLE FOR DAMAGES PROXIMATELY CAUSED BY DISCLOSURE OF THAT
9 IDENTIFYING INFORMATION.

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

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

20 (b) Inform the parent that by surrendering the newborn, the
21 parent is releasing the newborn to a child placing agency to be
22 placed for adoption.

23 (c) Inform the parent that the parent has 28 days to petition
24 the court to regain custody of the newborn.

25 (d) Provide the parent with written material approved by or
26 produced by the ~~family independence agency~~ **DEPARTMENT** that
27 includes, but is not limited to, all of the following statements:

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

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

5 (iii) After the 28-day period to petition for custody elapses,
6 there will be a hearing to **DETERMINE AND** terminate parental rights.

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

9 (v) The parent will not receive personal notice of this
10 hearing.

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

13 (vii) A parent can contact the safe delivery line established
14 under section 20 of this chapter for more information.

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

18 (a) Encourage the parent to provide any relevant family or
19 medical information.

20 (b) Provide the parent with the pamphlet produced under
21 section 20 of this chapter and inform the parent that he or she can
22 receive counseling or medical attention.

23 (c) Inform the parent that information that he or she provides
24 will not be made public.

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

26 (e) Inform the parent that in order to place the newborn for
27 adoption the state is required to make a reasonable attempt to

1 identify the other parent, and then ask the parent to identify the
2 other parent.

3 (f) Inform the parent that the child placing agency that takes
4 temporary protective custody of the newborn can provide
5 confidential services to the parent.

6 (g) Inform the parent that the parent may sign a release for
7 the newborn ~~which~~ **THAT** may be used at the parental rights
8 termination hearing **UNDER THIS CHAPTER**.

9 (3) A newborn whose birth is described in the born alive
10 infant protection act, **2002 PA 687, MCL 333.1071 TO 333.1073**, and
11 who is in a hospital setting or transferred to a hospital under
12 section 3(1) of the born alive infant protection act, **2002 PA 687,**
13 **MCL 333.1073**, is a newborn surrendered as provided in this ~~act~~
14 **CHAPTER**. An emergency service provider who has received a newborn
15 ~~pursuant to~~ **UNDER** the born alive infant protection act, **2002 PA**
16 **687, MCL 333.1071 TO 333.1073**, shall do all of the following:

17 (a) Comply with the requirements of subsections (1) and (2) to
18 obtain information from or supply information to the surrendering
19 parent by requesting the information from or supplying the
20 information to the attending physician who delivered the newborn.

21 (b) Make no attempt to directly contact the parent or parents
22 of the newborn.

23 (c) Provide humane comfort care if the newborn is determined
24 to have no chance of survival due to gestational immaturity in
25 light of available neonatal medical treatment or other condition
26 incompatible with life.

27 Sec. 7. Upon receipt of notice from a hospital under section 5

1 of this chapter, the child placing agency shall do all of the
2 following:

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

5 (b) If a parent is known and willing, immediately meet with
6 the parent.

7 (c) ~~Make~~ **UNLESS OTHERWISE PROVIDED IN THIS SUBDIVISION, MAKE**
8 a temporary placement of the newborn with a prospective adoptive
9 parent who has an approved preplacement assessment. ~~and resides~~
10 ~~within the state.~~ **IF A PETITION FOR CUSTODY IS FILED UNDER SECTION**
11 **10 OF THIS CHAPTER, THE CHILD PLACING AGENCY MAY MAKE A TEMPORARY**
12 **PLACEMENT OF THE NEWBORN WITH A LICENSED FOSTER PARENT.**

13 (d) ~~Immediately~~ **UNLESS THE BIRTH WAS WITNESSED BY THE**
14 **EMERGENCY SERVICE PROVIDER, IMMEDIATELY** request assistance from law
15 enforcement officials to investigate and determine, through the
16 missing children information clearinghouse, the national center for
17 missing and exploited children, and any other national and state
18 resources, whether the newborn is a missing child.

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

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

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

27 (iii) Any information, either written or verbal, that was

1 provided by and to the parent who surrendered the newborn. The
2 emergency service provider that originally accepted the newborn as
3 required by section 3 of this chapter shall provide this
4 information to the child placing agency.

5 (f) Within 28 days, make reasonable efforts to identify, ~~and~~
6 locate, ~~a parent who did not surrender the newborn~~ **AND PROVIDE**
7 **NOTICE OF THE SURRENDER OF THE NEWBORN TO THE NONSURRENDERING**
8 **PARENT. THE CHILD PLACING AGENCY SHALL FILE A WRITTEN REPORT WITH**
9 **THE COURT THAT ISSUED THE ORDER PLACING THE CHILD, WHICH REPORT**
10 **ESTABLISHES THE EFFORTS THE CHILD PLACING AGENCY MADE IN ATTEMPTING**
11 **TO IDENTIFY AND LOCATE THE NONSURRENDERING PARENT AND THE RESULTS**
12 **OF THOSE EFFORTS.** If the identity and address of that parent are
13 unknown, the child placing agency shall provide notice **OF THE**
14 **SURRENDER OF THE NEWBORN** by publication in a newspaper of general
15 circulation in the county where the newborn was surrendered.

16 Sec. 10. (1) If a ~~biological~~ **SURRENDERING** parent wants
17 custody of a newborn who was surrendered under section 3 of this
18 chapter, the parent ~~must~~ **SHALL**, within 28 days after the newborn
19 was surrendered, file ~~an action~~ **A PETITION** with the court for
20 custody. ~~The~~ **NOT LATER THAN 28 DAYS AFTER NOTICE OF SURRENDER OF**
21 **A NEWBORN HAS BEEN PUBLISHED, AN INDIVIDUAL CLAIMING TO BE THE**
22 **NONSURRENDERING PARENT OF THAT NEWBORN MAY FILE A PETITION WITH THE**
23 **COURT AND REQUEST THE COURT TO AWARD CUSTODY OF THE SURRENDERED**
24 **NEWBORN TO THE PETITIONER. THE SURRENDERING PARENT OR**
25 **NONSURRENDERING** parent shall file the ~~custody action~~ **PETITION** in
26 1 of the following counties:

27 (a) If the parent has located the newborn, the county where

1 the newborn is located.

2 (b) If subdivision (a) does not apply and the parent knows the
3 location of the emergency service provider to whom the newborn was
4 surrendered, the county where the emergency service provider is
5 located.

6 (c) If neither subdivision (a) nor (b) apply, the county where
7 the parent is located.

8 (2) IF THE COURT IN WHICH THE PETITION IS FILED DID NOT ISSUE
9 THE ORDER PLACING THE NEWBORN, THE COURT IN WHICH THE PETITION IS
10 FILED SHALL LOCATE AND CONTACT THE COURT THAT ISSUED THE ORDER AND
11 SHALL TRANSFER THE PROCEEDINGS TO THAT COURT.

12 (3) ~~—(2)—~~ Before holding a custody hearing ~~—in an action—~~ ON A
13 PETITION filed under this section AND NOT LATER THAN 7 DAYS AFTER A
14 PETITION UNDER THIS SECTION HAS BEEN FILED, the court shall
15 ~~determine whether the individual filing the custody action is the~~
16 ~~newborn's biological parent~~ CONDUCT A HEARING TO MAKE THE
17 DETERMINATIONS REQUIRED IN SECTION 14 OF THIS CHAPTER.

18 Sec. 11. (1) In a PETITION FOR custody ~~—action—~~ filed under
19 this chapter, the court ~~shall~~ MAY order ~~that~~ THE CHILD AND each
20 party claiming paternity or maternity ~~and the child~~ TO submit to
21 blood or tissue typing determinations ~~—, which may include, but are~~
22 ~~not limited to, determinations of red cell antigens, red cell~~
23 ~~isoenzymes, human leukocyte antigens, serum proteins, or DNA~~
24 ~~identification profiling, to determine whether each party is likely~~
25 ~~to be, or is not, a biological parent of the child. If the court~~
26 ~~orders a blood or tissue typing or DNA identification profiling to~~
27 ~~be conducted and a party refuses to submit to the typing or DNA~~

~~identification profiling, in addition to any other remedies available, the court may do either of the following: OR DNA IDENTIFICATION PROFILING, AS DESCRIBED IN SECTION 16 OF THE PATERNITY ACT, 1958 PA 205, MCL 722.716.~~

~~—— (a) Dismiss the custody action in regard to the party who refuses.~~

~~—— (b) If a hearing is held, allow the disclosure of the fact of the refusal unless good cause is shown for not disclosing the fact of refusal.~~

~~—— (2) A blood or tissue typing or DNA identification profiling shall be conducted by a person accredited for paternity or maternity determinations by a nationally recognized scientific organization, including, but not limited to, the American association of blood banks.~~

~~—— (3) The court shall fix the compensation of an expert at a reasonable amount. Except for an individual who the court determines is indigent, the court shall direct each party claiming paternity or maternity to pay the compensation for his or her own testing plus a portion of the compensation for testing the child equal to the total amount divided by the number of parties claiming paternity and maternity. Before blood or tissue typing or DNA identification profiling is conducted, the court may order a part or all of the compensation paid in advance. Documentation of the genetic testing expenses is admissible as evidence of the amount, which evidence constitutes prima facie evidence of the amount of those expenses without third party foundation testimony.~~

(2) IF THE PROBABILITY OF PATERNITY OR MATERNITY DETERMINED BY

1 THE BLOOD OR TISSUE TYPING OR DNA IDENTIFICATION PROFILING IS 99%
2 OR HIGHER AND THE DNA IDENTIFICATION PROFILE AND SUMMARY REPORT ARE
3 ADMISSIBLE, PATERNITY OR MATERNITY IS PRESUMED AND THE PETITIONER
4 MAY MOVE FOR SUMMARY DISPOSITION ON THE ISSUE OF PATERNITY OR
5 MATERNITY.

6 (3) THE COURT MAY ORDER THE PETITIONER TO PAY ALL OR PART OF
7 THE COST OF THE PATERNITY OR MATERNITY TESTING.

8 (4) IF THE RESULT OF THE PATERNITY OR MATERNITY TESTING IS
9 ADMISSIBLE AND ESTABLISHES THAT THE PETITIONER COULD NOT BE THE
10 PARENT OF THE NEWBORN, THE COURT SHALL DISMISS THE PETITION FOR
11 CUSTODY.

12 Sec. 14. (1) ~~In~~ EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND
13 (4), IN a custody action under this chapter, the court shall
14 determine custody of the newborn based on the newborn's best
15 interest. The court shall consider, evaluate, and make findings on
16 each factor of the newborn's best interest with the goal of
17 achieving permanence for the newborn at the earliest possible date.

18 (2) A newborn's best interest in a custody action under this
19 chapter is all of the following factors regarding a parent claiming
20 parenthood of the newborn:

21 (a) The love, affection, and other emotional ties existing
22 between the newborn and the parent.

23 (b) The parent's capacity to give the newborn love, affection,
24 and guidance.

25 (c) The parent's capacity and disposition to provide the
26 newborn with food, clothing, medical care, or other remedial care
27 recognized and permitted under the laws of this state in place of

1 medical care, and other material needs.

2 (d) The permanence, as a family unit, of the existing or
3 proposed custodial home.

4 (e) The parent's moral fitness.

5 (f) The parent's mental and physical health.

6 (g) Whether the parent has a history of domestic violence.

7 ~~(h) If the parent is not the parent who surrendered the~~
8 ~~newborn, the opportunity the parent had to provide appropriate care~~
9 ~~and custody of the newborn before the newborn's birth or surrender.~~

10 (H) ~~(i)~~ Any other factor considered by the court to be
11 relevant to the determination of the newborn's best interest.

12 (3) IF THE NEWBORN'S MOTHER WAS UNMARRIED FROM THE NEWBORN'S
13 CONCEPTION TO BIRTH AND IF THE NEWBORN'S BIOLOGICAL FATHER DID NOT
14 SURRENDER THE NEWBORN AND PROVIDED SUBSTANTIAL AND REGULAR SUPPORT
15 OR CARE IN ACCORDANCE WITH HIS ABILITY FOR THE MOTHER DURING
16 PREGNANCY, THE PARENTAL RIGHTS OF THE NEWBORN'S BIOLOGICAL FATHER
17 MAY NOT BE TERMINATED UNDER THIS CHAPTER AND MAY ONLY BE TERMINATED
18 UNDER SECTION 19(B) OF CHAPTER XIIA.

19 (4) IF THE NEWBORN'S MOTHER WAS MARRIED AT ANY TIME FROM THE
20 NEWBORN'S CONCEPTION TO BIRTH AND THE NEWBORN'S MOTHER DID NOT
21 SURRENDER THE NEWBORN, THE PARENTAL RIGHTS OF THE NEWBORN'S MOTHER
22 OR THE MAN MARRIED TO THE NEWBORN'S MOTHER, IF HE DID NOT SURRENDER
23 THE NEWBORN, MAY ONLY BE TERMINATED UNDER SECTION 19(B) OF CHAPTER
24 XIIA.

25 Sec. 15. Based on the court's finding ~~of the newborn's best~~
26 ~~interest~~ under section 14 of this chapter, the court may issue an
27 order that does 1 of the following:

~~1 (a) Grants legal or physical custody, or both, of the newborn
2 to the parent, and either retains or relinquishes jurisdiction.~~

~~3 (b) Terminates the parent's parental rights and gives a child
4 placing agency custody and care of the newborn.~~

5 (A) DETERMINES THAT THE PETITIONER IS THE NEWBORN'S MOTHER AND
6 GRANTS LEGAL AND PHYSICAL CUSTODY TO THE PETITIONER.

7 (B) IF SUBDIVISION (A) DOES NOT APPLY AND THE NEWBORN'S MOTHER
8 IS NOT THE PETITIONER FOR CUSTODY, DETERMINES THAT THE PETITIONER
9 IS THE NEWBORN'S FATHER AND GRANTS LEGAL AND PHYSICAL CUSTODY TO
10 THE PETITIONER.

11 (C) DETERMINES THAT THE BEST INTERESTS OF THE NEWBORN ARE NOT
12 SERVED BY GRANTING CUSTODY TO THE PETITIONER PARENT AND TERMINATES
13 THE PARENT'S PARENTAL RIGHTS AND GIVES A CHILD PLACING AGENCY
14 CUSTODY AND CARE OF THE NEWBORN.

15 (D) DISMISSES THE PETITION.

16 Sec. 17. (1) A parent who surrenders a newborn under section 3
17 of this chapter and who does not file a custody action under
18 section 10 of this chapter is presumed to have knowingly released
19 his or her parental rights to the newborn.

~~20 (2) If a custody action is not filed under section 10 of this
21 chapter, the child placing agency shall petition the court for
22 termination of parental rights under section 19b of chapter XIIA.
23 If the agency has complied with section 7(f) of this chapter, the
24 notice under that section is the notice to the newborn's parents
25 required by section 19b of chapter XIIA.~~

26 (2) IF THE SURRENDERING PARENT HAS NOT FILED A PETITION FOR
27 CUSTODY OF THE NEWBORN WITHIN 28 DAYS OF THE SURRENDER, THE CHILD

1 PLACING AGENCY WITH AUTHORITY TO PLACE THE NEWBORN SHALL
2 IMMEDIATELY FILE A PETITION WITH THE COURT TO DETERMINE WHETHER THE
3 RELEASE SHALL BE ACCEPTED AND WHETHER THE COURT SHALL ENTER AN
4 ORDER TERMINATING THE RIGHTS OF THE SURRENDERING PARENT.

5 (3) IF THE NONSURRENDERING PARENT HAS NOT FILED A PETITION FOR
6 CUSTODY OF THE NEWBORN WITHIN 28 DAYS OF NOTICE OF SURRENDER OF A
7 NEWBORN UNDER SECTION 10 OF THIS CHAPTER, THE CHILD PLACING AGENCY
8 WITH AUTHORITY TO PLACE THE NEWBORN SHALL IMMEDIATELY FILE A
9 PETITION WITH THE COURT TO DETERMINE WHETHER THE COURT SHALL ENTER
10 AN ORDER TERMINATING THE RIGHTS OF THE NONSURRENDERING PARENT.

11 (4) THE COURT SHALL SCHEDULE A HEARING ON THE PETITION FROM
12 THE CHILD PLACING AGENCY WITHIN 14 DAYS OF RECEIPT OF THAT
13 PETITION. AT THE HEARING, THE CHILD PLACING AGENCY SHALL PRESENT
14 EVIDENCE TO ESTABLISH THAT THE SURRENDERING PARENT RELEASED THE
15 NEWBORN AND THAT THE COURT SHOULD ENTER AN ORDER TERMINATING THE
16 SURRENDERING PARENT'S RIGHTS. THE CHILD PLACING AGENCY SHALL
17 PRESENT EVIDENCE THAT INDICATES THE EFFORTS THAT THE CHILD PLACING
18 AGENCY HAS MADE TO IDENTIFY, LOCATE, AND PROVIDE NOTICE TO THE
19 NONSURRENDERING PARENT. THE CHILD PLACING AGENCY SHALL PRESENT
20 EVIDENCE THAT THE COURT SHOULD ENTER AN ORDER TERMINATING THE
21 NONSURRENDERING PARENT'S RIGHTS. IF THE COURT FINDS BY A
22 PREPONDERANCE OF THE EVIDENCE THAT THE SURRENDERING PARENT HAS
23 KNOWINGLY RELEASED HIS OR HER RIGHTS TO THE CHILD AND THAT
24 REASONABLE EFFORTS WERE MADE TO LOCATE THE NONSURRENDERING PARENT,
25 THE COURT SHALL ENTER AN ORDER TERMINATING PARENTAL RIGHTS UNDER
26 THIS CHAPTER. Enacting section 1. Sections 12 and 13 of chapter
27 XII of the probate code of 1939, 1939 PA 288, MCL 712.12 and

1 712.13, are repealed.