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BILL ANALYSIS



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Senate Bill 1118 (as reported without amendment)
Senate Bill 1119 (Substitute S-1 as reported)
Senate Bill 1120 (as reported without amendment)
Sponsor: Senator Jud Gilbert, II (S.B. 1118)
 Senator Gilda Z. Jacobs (S.B. 1119)
 Senator Tupac A. Hunter (S.B. 1120)
Committee: Families and Human Services

CONTENT

Senate Bills 1118 and 1119 (S-1) would amend the Safe Delivery of Newborns Law to modify provisions under which the family court may terminate parental rights to a surrendered newborn. Senate Bill 1120 would delete similar provisions in the juvenile code.

The Safe Delivery of Newborns Law allows a parent to surrender a newborn infant to an emergency service provider, which must take temporary protective custody of the child. If the surrendering parent wants custody of the newborn, he or she must file a petition with the family court within 28 days. If the parent does not do so, he or she is presumed to have knowingly released his or her parental rights to the newborn, and a child placing agency immediately must file a petition with the court to determine whether the court will enter an order terminating the rights of the surrendering parent.

If the court finds that the surrendering parent has knowingly released his or her parental rights and that reasonable efforts were made to locate the nonsurrendering parent, the court must enter an order terminating the parental rights of the surrendering parent and the nonsurrendering parent.

Senate Bill 1118 would require the court to enter such an order *if* a custody action had not been filed and the other criteria were met.

Under the Law, if a custody action is filed, the court must determine custody of the newborn based on his or her best interest, considering each factor listed in the statute. Based on these findings, the court may issue an order that does one of the following:

- Grants legal and/or physical custody of the newborn to the parent, and retains or relinquishes jurisdiction.
- Determines that the best interests of the newborn are not served by granting custody to the petitioner parent, and terminates his or her parental rights and gives a child placing agency custody and care of the newborn.
- Dismisses the petition.

Senate Bill 1119 (S-1) would allow the court to order a child placing agency to petition the court for jurisdiction under the juvenile code, instead of terminating the petitioner's parental rights and giving a child placing agency care and custody, if the court found that granting custody to the parent would not serve the newborn's best interests.

Senate Bill 1120 would delete a provision of the juvenile code that allows the court to terminate parental rights to a child if his or her parent voluntarily surrendered the child to an emergency service provider under the Safe Delivery of Newborns Law and did not petition the court to regain custody within 28 days.

MCL 712.17 (S.B. 1118)
712.15 (S.B. 1119)
712A.19b (S.B. 1120)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Date Completed: 3-1-10

Fiscal Analyst: Bill Bowerman
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.