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BILL



ANALYSIS

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House Bill 4311 (as passed by the House)
Sponsor: Representative Hank Vaupel
House Committee: Health Policy
Senate Committee: Families, Seniors and Human Services

Date Completed: 9-19-17

CONTENT

The bill would amend Part 28 (Vital Records) of the Public Health Code to require the reporting of a live birth of a baby surrendered under the Safe Delivery of Newborns Law in the same manner as a birth occurring in or enroute to an institution, but with the parents listed as "unknown" and the newborn listed as "Baby Doe".

Part 28 requires certain people to report a live birth occurring in Michigan. If a live birth occurs in an institution or enroute to an institution, the individual in charge of the institution or his or her designated representative must obtain the personal data, prepare the birth certificate, secure the signatures required by the birth certificate, and file the certificate with the local registrar or as otherwise directed by the State registrar within five days after the birth.

The bill specifies that, if a newborn were surrendered under the Safe Delivery of Newborns Law, the live birth would have to be reported in the same manner as described above for a live birth occurring in an institution or enroute to an institution, except that the parents would have to be listed as "unknown" and the newborn as "Baby Doe".

Under the bill, "surrender" would mean that term as defined in the Safe Delivery of Newborns Law (to leave a newborn with an emergency service provider without expressing an intent to return for the newborn).

(Part 28 defines "institution" as a public or private establishment that provides inpatient medical, surgical, or diagnostic care or treatment or nursing, custodial, or domiciliary care to two or more unrelated individuals, including an establishment to which individuals are committed by law. The State registrar is a person appointed to administer the System of Vital Statistics. A local registrar generally is a county clerk or, in a city with a population of 40,000 or more, the city clerk or designated city department.)

The bill would take effect 90 days after its enactment.

MCL 333.2822

BACKGROUND

The Safe Delivery of Newborns Law was enacted in 2000 to allow the parents of newborns to surrender their babies without the risk of being charged with abandonment. Under the Law, within 72 hours after a child is born, the parent may surrender the baby to an emergency

service provider (a uniformed or otherwise identified employee or contractor of a fire department, hospital, or police station when that individual is inside the premises and on duty, or a paramedic or emergency medical technician when he or she is responding to a 9-1-1 emergency call).

The Law provides for the temporary protective custody of the newborn, first by the emergency service provider, and then by a child placing agency. Unless otherwise provided, the agency must make a temporary placement of the newborn with a prospective adoptive parent who has an approved preplacement assessment. If a petition for custody is filed by the newborn's parent, the agency may make a temporary placement of the newborn with a licensed foster parent.

The Law outlines court proceedings for a hearing in a custody action, if a parent files a petition for custody, and determination of the custody of the child based on the newborn's best interests. Based on its 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 either retains or relinquishes jurisdiction.
- Determines that the best interests of the newborn are not served by granting custody to the parent and orders the child placing agency to petition the court for jurisdiction under the juvenile code's abuse and neglect provision.
- Dismisses the petition.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

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

Fiscal Analyst: Elizabeth Pratt

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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.