

**PROBATE CODE OF 1939 (EXCERPT)**  
**Act 288 of 1939**

**712.14 Determination of custody; basis; newborn's best interest; factors.**

Sec. 14. (1) In a custody action under this chapter, the court shall determine custody of the newborn based on the newborn's best interest. The court shall consider, evaluate, and make findings on each factor of the newborn's best interest with the goal of achieving permanence for the newborn at the earliest possible date.

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

- (a) The love, affection, and other emotional ties existing between the newborn and the parent.
- (b) The parent's capacity to give the newborn love, affection, and guidance.
- (c) The parent's capacity and disposition to provide the newborn with food, clothing, medical care, or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.
- (d) The permanence, as a family unit, of the existing or proposed custodial home.
- (e) The parent's moral fitness.
- (f) The parent's mental and physical health.
- (g) Whether the parent has a history of domestic violence.
- (h) If the parent is not the parent who surrendered the newborn, the opportunity the parent had to provide appropriate care and custody of the newborn before the newborn's birth or surrender.
- (i) Any other factor considered by the court to be relevant to the determination of the newborn's best interest.

**History:** Add. 2000 Act 232, Eff. Jan. 1, 2001.

**Compiler's note:** Enacting section 1 of Act 232 of 2000 provides:

"Enacting section 1. Section 19b of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.19b, as amended by this amendatory act, and chapter XII of the probate code of 1939, 1939 PA 288, as added by this amendatory act, do not apply to a proceeding that arises before the effective date of this amendatory act."

**Popular name:** Baby Abandonment

**Popular name:** Baby Drop Off