

LAW

1. WHEN DID THIS LAW TAKE EFFECT?

January 1, 2001.

2. IN GENERAL, WHAT DOES THE LAW PROVIDE?

This law allows the anonymous surrender of a newborn, from birth to 72 hours of age, to an emergency service provider.

3. WHO IS AN EMERGENCY SERVICE PROVIDER (ESP)?

An ESP is defined as a uniformed or otherwise identified employee or contractor of a fire department, hospital or police station when such an individual is inside the premises and on-duty. Emergency service provider also includes a paramedic or an emergency medical technician when either of those individuals is responding to a 9-1-1 emergency call.

- ✓ A hospital means a hospital that is licensed under article 17 of the public health code, 1978 PA 368, MCL333.20101 to 333.22260.
- ✓ Fire department means an organized fire department as that term is defined in Section 1 of the fire prevention code 1941 PA 207, MCL29.1.
- ✓ Police station means a police station as that term is defined in section 43 of the Michigan vehicle code, 1949 PA 300 MCL 257.43.
- ✓ Emergency Medical Technician means an individual as defined in article 17 of the public health code, 1978 PA 368, MCL 333.20904.
- ✓ Paramedic means an individual as defined in article 17 of the public health code, 1978 PA 368, MCL 333.20908.

4. EMERGENCY MEDICAL SERVICE (EMS) AGENCIES WERE NOT MENTIONED IN THE ORIGINAL LAW. WHEN WAS EMS ADDED AND WHO DOES IT INCLUDE?

In December of 2006, PA 488 was enacted with an effective date of January 1, 2007. The definition of an ESP was expanded to include a paramedic or an emergency medical technician when either of those individuals responds to a 9-1-1 emergency call placed by the surrendering parent(s).

5. DOES THE LAW AUTHORIZE APPROPRIATIONS SO THE ESP, PHYSICIANS AND OTHER CAREGIVERS ARE PAID FOR SERVICES RENDERED PURSUANT TO THIS LAW?

There were no appropriations made specifically to compensate the ESP for services rendered.

6. WHAT IF THE NEWBORN IS FOUND ABANDONED ON THE HOSPITAL, FIRE DEPARTMENT OR POLICE STATION PREMISES?

Follow the policy on child abuse and/or neglect, reporting to the local office of DHS' Children's Protective Services and appropriate law enforcement.

7. WHAT IF THE PERSON(S) SURRENDERING THE NEWBORN LEAVES WITHOUT PROVIDING ANY ADDITIONAL INFORMATION?

Whether or not the parent(s) provides information has no legal impact on the parent(s). Emergency service providers are obligated to ask, but the parent(s) is not obligated to provide the information.

8. IS IT LEGALLY RISKY FOR A PARENT(S) TO SURRENDER A NEWBORN TO AN ESP?

It is the intent of this legislation that if a parent(s) surrendered the newborn to an ESP and no abuse and/or neglect is present, neither a criminal investigation nor a Children's Protective Services Investigation would be initiated solely on the basis of the newborn being surrendered to an ESP.

9. WHAT IF SOMEONE OTHER THAN A PARENT SURRENDERS THE NEWBORN?

The law states the parent(s) must surrender the newborn to a uniformed or otherwise identified employee or contractor of a fire department, hospital or police station who is on duty and inside the premises. The parent(s) may also place a 9-1-1 emergency call and surrender the newborn to a paramedic or EMT. If the person surrendering the newborn is not the biological parent, the ESP shall retain temporary protective custody of the child and immediately contact law enforcement who will conduct an investigation to determine if the child has been abducted, abandoned, or involved in other criminal activities. The local office of DHS Children's Protective Services shall be contacted if the child needs to be placed in foster care pending the completion of law enforcement's investigation.

10. HOW WILL THE NON-SURRENDERING PARENT KNOW ABOUT THE BIRTH AND THE SURRENDER OF THE BABY?

Statute requires that a reasonable attempt to identify the non-surrendering parent must be made; therefore, the emergency service provider will ask for the identity of the non-surrendering parent at the time of the newborn's surrender. The statute further requires that the child placing agency make a reasonable effort to identify, locate and provide notice of the surrender of the newborn to the non-surrendering parent. If the name and address of that parent is unknown, the child placing agency shall provide notice of the surrender of the newborn by publication in a newspaper of general circulation in the county where the newborn was surrendered.

11. WHAT CIRCUIT COURT, FAMILY DIVISION DOES THE SURRENDERING PARENT(S) FILE FOR CUSTODY IF, AFTER SURRENDER, THEY WISH TO DO SO?

- ✓ The county in which the newborn is located, if the parent(s) has located the newborn, or
- ✓ The county in which the ESP is located, if the parent(s) has not located the newborn but knows the location of the ESP to whom the newborn was surrendered, or
- ✓ The county in which the parent(s) is located, if the parent(s) has not located the newborn and does not know the location of the ESP to whom the newborn was surrendered.

12. WHERE CAN I GET MORE INFORMATION ABOUT THE SAFE DELIVERY LAW?

The following acts are available for review at www.michigan.gov/safedelivery under the heading: Laws.

- Act No. 232, PA 2000 (SB 1052, 1999-2000)
- Act No. 233, PA 2000 (SB 1053, 1999-2000)
- Act No. 234, PA 2000 (SB 1187, 1999-2000)
- Act No. 235, PA 2000 (HB 5543, 1999-2000)
- Act No. 688, PA 2002 (HB 5995, 2002-2003)
- Act No. 245, PA 2003 (SB 710, 2002-2003)
- Act No. 488, PA 2006 (SB 1292, 2005-2006)
- Act No. 348, PA 2010 (SB 1118, 2009-2010)
- Act No. 349, PA 2010 (SB 1119, 2009-2010)