

Michigan's
Safe Delivery of Newborns Law
FACT Sheet

SAFE. LEGAL. ANONYMOUS.

Background:

Michigan lawmakers passed the Safe Delivery of Newborns law to end the tragedy of unwanted newborns being hidden and left to die in unsafe places. More than 100 newborns were surrendered in the first 10 years the law was in effect, with the majority of these infants adopted by loving families.

What the law provides?

- Unharmful newborns, up to 72 hours old, can be taken to an **Emergency Service Provider (ESP)**, meaning a uniformed or otherwise identified employee or contractor of a fire department, hospital or police station who is inside the building and on duty. ESP includes a paramedic or EMT when either responds to a 9-1-1 call. The parent(s) has the choice to leave the infant without giving any identifying information to the **ESP**.
- The **ESP** is authorized to accept the infant and provide whatever care may be necessary.
- The **ESP** will make a reasonable effort to provide the parent(s) with the following information:
 1. A written statement of the parent's rights following surrender of the infant.
 2. Information about other confidential infant placement options, as well as information about the availability of confidential medical and counseling services, such as Public Health, Community Mental Health, Family Planning Clinics, Adoptions Agencies.

What are the rights of the surrendering parent?

- To be informed that by surrendering the newborn, the parent is releasing the newborn to a child placing agency to be placed for adoption.
- To petition the court to regain custody of the newborn within 28 days of surrender or notice of surrender.
- Any information the parent(s) provides the **ESP** will **not** be made public.
- A criminal investigation shall not be initiated solely on the basis of a newborn being surrendered to an **ESP**.
- To file a consent to release identifying information with the Adoption Central Registry.



What happens to the baby?

- After the child's medical status is assessed and any urgent medical needs are met, the newborn is placed under the temporary custody of the court in an approved pre-adoptive family.
- After the 28-day period for the parent(s) to petition the court for custody elapses, there will be a public hearing to terminate parental rights.
- There will be a public notice of this hearing, and the notice will not contain the parent's name, even if known.
- The parent will not receive personal notice of this hearing, even if the parent(s) has provided a name and address to the **ESP**.
- The infant will be placed for adoption as soon as parental rights have been legally terminated.

Can the parent provide background information?

Yes! Definitely, yes. The **ESP** will make a reasonable attempt to offer the parent(s) the opportunity to:

1. Identify herself/himself and the other parent.
2. Provide information about prenatal care.
3. Provide the family medical history and any history of parental substance abuse.
4. Sign a release of parental rights.
5. Receive information about confidential medical care she may need herself.

**For more information call:
Toll-Free: 1-866-733-7733**

Cost: \$1,908.01 (\$.04 ea.)
Quantity: 50,000
Authority: DHS Director

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