



Michigan's Safe Delivery of Newborns Law

Safe Delivery Communications Toolkit

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RESOURCES

All materials are available to order at MDHHS Health Promotions Clearinghouse (HealthyMichigan.com) and on our website Michigan.gov/SafeDelivery

Michigan's Safe Delivery of Newborns law (effective January 1, 2001) provides legal protections for a parent(s) to surrender a newborn within 72 hours of birth in a safe and confidential manner to an emergency service provider (ESP): on-duty fire, police and hospital personnel, or a paramedic or emergency medical technician who responds to a **9-1-1** emergency call. To ensure public awareness of this law we are enlisting the assistance of community agencies and organizations to assist us in reaching all women/parents who might wish to surrender a newborn using the Safe Delivery option.

How Can You Help?

Materials are available at HealthyMichigan.com to publicize and inform the public of this law.

Publications and Forms At A Glance

Fact Sheet – ESP gives to parent(s)

Michigan's Safe Delivery of Newborns Fact Sheet
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Background:
Michigan's Safe Delivery of Newborns law is a safe, legal, and confidential alternative for parents wishing to surrender their baby. More than 200 newborn babies have been surrendered through this program to date.


Summary of Safe Delivery:
A baby, up to 3 days old, can be taken to a fire department, hospital or police station and surrendered to any staff person working inside the building. You can also give up your baby to a paramedic or Emergency Medical Technician (EMT) by calling 9-1-1. You may give up your baby without giving any information about yourself or the baby to the emergency service provider ("ESP").

What should you, as the surrendering parent, know?

- When you surrender your newborn, they will be sent to a child-placing agency to be placed with a pre-approved adoptive family.
- You may petition the court to regain custody of the newborn within 28 days of surrender.
- After the 28 days, there will be a hearing to terminate parental rights.
- There will be a public notice of the hearing, but the notice will not show your name, even if it's known.
- You **will** receive personal notice of this hearing, even if you have provided a name and address to the ESP.
- Any information you provide to the ESP will be kept confidential.
- You may file a consent to release identifying information with the Adoption Central Registry.

What happens to the baby?

- The baby will be placed for adoption once parental rights have been legally terminated.



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Does the non-surrendering parent need to know?

- It is required that reasonable attempt to identify the non-surrendering parent for the baby to be placed for adoption.
- Within 28 days of surrender, the child-placing agency will make reasonable efforts to identify, locate, and provide notice of the surrender of the newborn to the non-surrendering parent.


Can the parent provide background information?

Yes. You can:

- Identify yourself and the other parent
- Provide information about prenatal care
- Provide the family medical history
- Sign a release of parental rights
- Receive information about confidential medical care

For more information call the 24/7 Safe Delivery Hotline:
1-866-733-7733


The Michigan Department of Health and Human Services does not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, genetic information, sex, sexual orientation, gender identity or expression, political beliefs, or disability.



Window Cling

Safe Delivery Site
Surrendering your baby is safe, legal & confidential.

Michigan.gov/SafeDelivery
1-866-733-7733



Poster



Surrendering your baby is safe, legal & confidential.

Not ready? Call the Safe Delivery of Newborns Hotline at 1-866-733-7733 or visit Michigan.gov/SafeDelivery to learn more about giving your baby the best life.



Brochure – ESP gives to parent(s)

What is Safe Delivery of Newborns?

Michigan's Safe Delivery of Newborns law is a safe, legal and confidential way to surrender your newborn. A baby, up to 3 days old, may be given to anyone who is inside and on duty at any

- Hospital
- Fire department
- Police station
- By calling **9-1-1**

The newborn will be placed for adoption.

For more information, you can visit Michigan.gov/SafeDelivery or by calling the Safe Delivery Hotline at **1-866-733-7733**.

Michigan's Safe Delivery of Newborns Law

Safe Delivery Hotline: 866-733-7733

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Frequently Asked Questions

Law:

1. When did this law take effect? January 1, 2001.

2. In general, what does the law provide?

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

3. Who is an emergency service provider?

“emergency service provider” (ESP) means a uniformed or otherwise identified employee or contractor of a hospital, fire department, or police station when that individual is inside the premises and on duty. Emergency service provider also includes a paramedic or an emergency medical technician (EMT) when either of those individuals is responding to a **9-1-1** emergency call. MCL 712.1(f)

A hospital means a hospital that is licensed under Article 17 of the public health code, 1978 PA 368, MCL 333.20101 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, MCL 29.1

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.

4. What written information is the ESP to provide the surrendering parent?

The ESP is to provide the parent with written materials approved by or produced by the Michigan Department of Health and Human Services. The ESP is required to make a reasonable effort to give the parent(s) the Safe Delivery of Newborns Fact Sheet, DHS Pub-867.

5. What other information should the ESP share?

Reasonable effort should be made to inform the parent(s) that by surrendering the newborn, the newborn will be placed for adoption and that they will have 28 days to petition the court to regain custody of the surrendered child. A reasonable attempt should be made to:

- Reassure that shared information will be kept confidential.
- Encourage the parent(s) to identify him/herself.

Frequently Asked Questions

- Encourage the parent(s) to share relevant family/medical history (Voluntary Medical Background Form for a Surrendered Newborn [DHS-4819](#) has been developed to assist with this).
- Inform the parent(s) that they can receive counseling or medical attention.
- Inform the parent(s) that a reasonable effort must be made to identify the non-surrendering parent.
- Inform the parent(s) that the child-placing agency can provide confidential services.
- Inform the parent(s) that they may voluntarily sign a release for the newborn to be used in the termination hearing (Voluntary Release for Adoption of a Surrendered Newborn by Parent [DHS-4820](#)).

6. Where does an ESP obtain a listing of counseling and medical service providers?

This information is available from local offices of the Michigan Department of Health and Human Services, both mental health and public health departments, pregnancy counseling services, and family planning clinics.

7. How does the ESP know if the baby is a newborn?

This law defines a newborn as “a child who a physician reasonably believes to be not more than 72 hours old.” Emergency service providers must comply with the requirements of this law under the assumption that the child is a newborn. The hospital must immediately accept the newborn without the necessity of a court order. Later in the process, if a physician determines that the baby is not a newborn, a report must be made to the local office of the Department of Health and Human Services’ (MDHHS) Children’s Protective Services (CPS).

In brief, if the baby appears to be a newborn, follow the procedures outlined in this law.

8. 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.

Frequently Asked Questions

9. What if someone other than a parent surrenders the newborn?

If the person surrendering the newborn is not the biological parent(s), the ESP must retain temporary protective custody of the child and immediately contact law enforcement who will investigate to determine if the newborn has been abducted, abandoned, or involved in other criminal activities. The local Michigan Department of Health and Human Services (MDHHS) Children's Protective Services (CPS) office must be contacted if the newborn 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 be made. If the name and address of that parent is unknown, the child-placing agency must provide notice by publication in a newspaper of general circulation in the county where the newborn was surrendered. While there is no specific language developed, the following is an example of a notification relating to a surrendered newborn:

**State of Michigan,
(Name of court) Circuit Court, Family Division
Publication of Notice
Safe Delivery of Newborns (MCL 712.1)**

To: Birth Father and Birth Mother of Minor Child in the Matter of: Newborn Baby, born and surrendered on (list date, time, surrender location (e.g., hospital, police station, fire department), city and state). By surrendering your newborn, you are releasing your newborn to a child-placing agency to be placed for adoption. You have until (list date – 28 days from the surrender of the child) to petition the court to regain custody of your child. After the 28 days there will be a hearing to terminate your parental rights. There will be a public notice of this hearing; however, the notice will not contain your names. You will not receive personal notice of the hearing. You, as the parent(s), can call (list agency with phone number and, if required, the court's information) for further information.

Frequently Asked Questions

11. 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 Children's Protective Services central intake, and appropriate law enforcement.

12. What if a parent(s) returns to the hospital, fire department or police station following the surrender and requests return of the newborn?

The newborn should not be returned to the parent(s) under these circumstances. Personnel should advise the parent(s) of their right to file an action in Circuit Court, Family Division for custody of the newborn within 28 days of surrender.

13. To what Circuit Court, Family Division does the surrendering parent(s) file for custody if, after surrender, they wish to do so?

The custody action is to be filed in one of the following:

- (a) If the parent has located the newborn, the county where the newborn is located.
- (b) If subdivision (a) does not apply and the parent knows the location of the emergency service provider to whom the newborn was surrendered, the county where the emergency service provider is located.
- (c) If neither subdivision (a) nor (b) applies, the county where the parent is located.

14. The law indicates that the newborn surrendered at a fire department or police station must be transferred to the hospital. How should this be done?

The newborn must be transported to the hospital. Personnel are to transfer temporary protective custody of the newborn to the hospital staff. The transporting of a surrendered newborn to the hospital by fire and police personnel is not addressed in statute. Personnel are encouraged to contact their respective areas for protocol and/or procedures.

Frequently Asked Questions

15. Should the initial clinical assessment of the newborn, at the hospital, include a complete physical examination?

Probate code 1939 PA 288 of 1939, MCL 712.5.2 states, "A hospital that takes a newborn into temporary protective custody under this chapter shall have the newborn examined by a physician. If a physician who examines the newborn either determines that there is reason to suspect the newborn has experienced child abuse or child neglect, other than being surrendered to an emergency service provider under Section 3 of this chapter, or comes to a reasonable belief that the child is not a newborn, the physician shall immediately report to the department as required by Section 3 of the child protection law, 1975 PA 238, MCL 722.623."

Results of the complete clinical examination should be documented, include the estimated age of the newborn, results of the physical examination, and recommended care plan.

16. What should be done if, during the hospital's clinical assessment, signs of abuse and/or neglect are present?

If the physician examining the newborn has reason to suspect that the newborn has experienced abuse and/or neglect (for reason other than being surrendered to an ESP) the physician must immediately report to the local Michigan Department of Health and Human Services (MDHHS) Children's Protective Services (CPS) office and file a Report of Suspected Child Abuse or Neglect.

17. Does the hospital have to obtain written consent to treat and/or transfer the newborn?

No.

18. Do ESPs have legal protection against lawsuits relating to accepting surrendered newborns?

Hospital and child-placing agency staff are immune from civil actions for accepting or transferring a newborn under the Safe Delivery law, unless they act with gross negligence or willful or wanton misconduct. ESPs are entitled to immunity described above and are also entitled to immunity per 1964 PA 170, MCL 691.1401 to 691.1415.

Frequently Asked Questions

19. Will the surrendered newborn be eligible for Medicaid?

An application for Medicaid may be made for newborns surrendered under the Safe Delivery of Newborns law by the provider hospital, child-placing agency, court-appointed lawyer guardian ad litem, or prospective adoptive parent. Assistance in applying for Medicaid can be obtained from a local Michigan Department of Health and Human Services (MDHHS) office.

20. Who applies for the birth registration for the newborn?

Hospital personnel will follow hospital procedures for completing the birth registration:

- The newborn's name will be recorded as Baby Doe
- The mother's name will be recorded as Unknown
- Child-Placing Agency/Adoption Agency will sign the birth certificate as the informant
- The birth registration needs to be completed within five days.

The birth registration information must be supplied on a current "Certificate of Live Birth" (Michigan Department of Health and Human Services, form number DCH-0481). The procedures for birth registration can be found in the State Registrar's Instruction Letter Number 2. If further assistance is needed, contact the Registration Unit, Office of Vital Records and Health Statistics, Michigan Department of Health and Human Services (MDHHS) at [517-335-6506](tel:517-335-6506).

21. Following an examination at a hospital and if the newborn is unharmed, what is the next step for the hospital?

The hospital must notify a child-placing agency for placement.

22. Where does the hospital obtain a listing of child-placing agencies that handle adoptions?

A listing of Michigan private adoption agencies that will provide a placement for a surrendered newborn in an approved adoptive home is available in the Safe Delivery of Newborns Adoption Agency Directory at Michigan.gov/SafeDelivery.

Frequently Asked Questions

23. What are the responsibilities of a child-placing agency that has taken a newborn under this law?

Child-Placing Agency Responsibilities:

Immediately assume the care, control and temporary protective custody of newborn.

- If parent(s) is/are known and willing, immediately meet with the parent(s).
- Unless otherwise provided in MCL 712.7, make a temporary placement of the newborn with a prospective adoptive parent who has an approved preplacement assessment.
- Unless the birth was witnessed by an ESP, immediately request assistance from law enforcement officials to investigate and determine whether the newborn is a missing child through the Michigan Missing Child Information Clearinghouse as well as the National Center for Missing and Exploited Children.
- Within 48 hours after transferring physical custody to a prospective adoptive parent(s), petition the court for authority to place and provide care for the newborn.
- Within 28 days, make reasonable effort to identify and locate the non-surrendering parent. If that parent's identity and address are unknown, the child-placing agency must provide notice of the surrender by publication.

24. How do I contact the Michigan Missing Child Information Clearinghouse and the National Center for Missing and Exploited Children?

Michigan State Police

7150 Harris Drive

Dimondale, MI 48821

Telephone Number 1-800-525-5555 or 1-517-332-2521

Michigan State Police Information on Missing Children

The National Center for Missing and Exploited Children telephone number is **1-800-THE LOST (843-5678)**

25. The child-placing agency that has temporary protective custody of a newborn under the Safe Delivery of Newborns Act will be required to complete court forms. What forms have been developed and how does the agency access them?

The State Court Administrator's Office has approved forms to be used related to the surrendered newborn. These forms are available from the Family Division of Circuit

Frequently Asked Questions

Court. They are also available on the Michigan Courts website, www.Courts.Michigan.gov. For easy reference, the form numbers and titles have been provided:

- CCFD-01 Petition for Placement Order of Surrendered Newborn Child
- CCFD-02 Order Placing Surrendered Newborn with Prospective Adoptive Parents
- CCFD-03 Petition of Parent for Custody of Surrendered Newborn Child
- CCFD-04 Order for Blood or Tissue Typing or DNA Profile
- CCFD-05 Motion Objecting to DNA Identification Profile or Blood/Tissue Typing Summary Report
- CCFD-06 Order Determining Custody of Surrendered Newborn Child
- CCFD-07 Petition to Accept Release and Terminate Rights to Surrendered Newborn Child

26. Where can I get more information about the Safe Delivery law?

For more information about Safe Delivery of Newborns, please visit Michigan.gov/SafeDelivery or call the 24/7 toll-free Safe Delivery Hotline **866-733-7733**.

Safe Delivery Communications Toolkit: Promoting Public and Professional Awareness



866.733.7733
Michigan.gov/SafeDelivery



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