



Michigan's Safe Delivery of Newborns Law

Emergency Service Provider (ESP) Toolkit

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Michigan's Safe Delivery of Newborns Law

Emergency Service Provider (ESP) Toolkit:

For the purposes of this Toolkit and the Safe Delivery of Newborn law, an ESP is defined as 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. An ESP also includes a paramedic or an emergency medical technician (EMT) when either of those individuals is responding to a **9-1-1** emergency

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THIS TOOLKIT IS NOT INTENDED TO TAKE THE PLACE OF A FULL AGENCY OR LEGAL REVIEW OF POLICIES AND PROCEDURES. COPIES CAN BE DOWNLOADED AT MICHIGAN.GOV/SAFEDELIVERY.



SAFE DELIVERY

Safe Delivery of Newborn Law

What is the Safe Delivery of Newborns law?

In 2000, infant abandonment was identified as an increasing problem throughout Michigan. Stories of newborn babies abandoned in public places were being reported by the media.

Responding to this increase in infant abandonment, Michigan lawmakers enacted the Safe Delivery of Newborns law (effective January 1, 2001 and amended the law in 2002, 2003, 2006, and 2010) which:

- Creates a legal way for the parent(s) to surrender a newborn to an emergency service provider (ESP) within 72 hours of birth anonymously or with assurances of confidentiality.
- Defines an emergency service provider (ESP) as 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. An ESP also includes a paramedic or an emergency medical technician (EMT) when either of those individuals is responding to a **9-1-1** emergency call.
- Focuses on achieving permanency for the newborn by an immediate placement with a prospective adoptive parent who has an approved preplacement assessment.

All 50 states now have some version of the Safe Delivery law. For more information, call **888-510-BABY (888-510-2229)** or visit the National Safe Haven Alliance at www.nationalsafehavenalliance.org.

SAFE DELIVERY IS NOT INTENDED TO BE A SUBSTITUTE FOR RELEASING A CHILD
FOR ADOPTION UNDER MICHIGAN'S ADOPTION CODE.

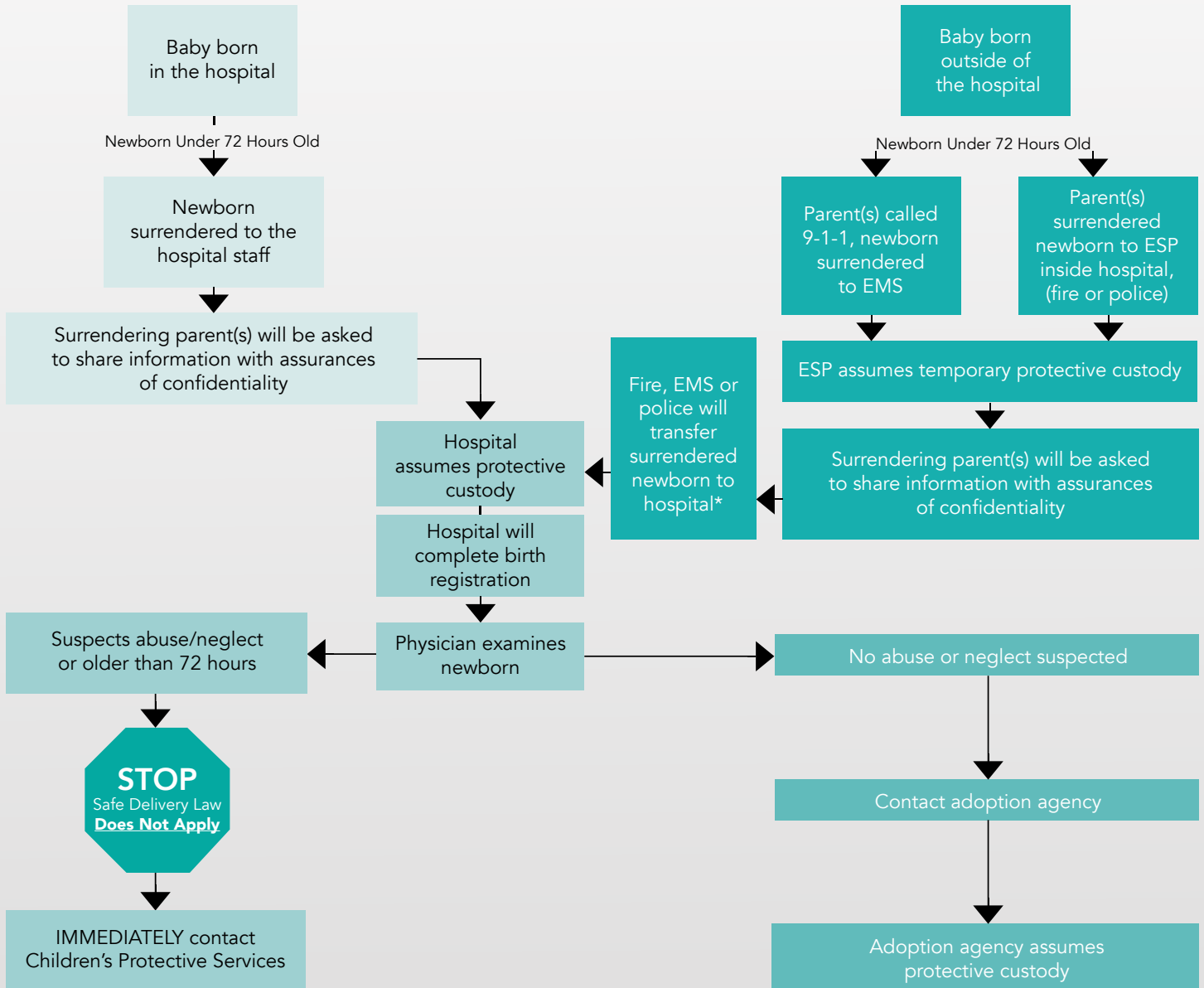


SURRENDER PROCESS FOR PARENT(S)

Surrender Process For Parent(s)

What is the surrender process for the parent(s)?

Follow the flowchart to understand what happens when an infant is surrendered, under Michigan's Safe Delivery of Newborns law.



ESP will accompany surrendered newborn and provide information for the transfer of custody to the hospital.

Michigan.gov/SafeDelivery



SURRENDER PROCEDURE FOR EMERGENCY SERVICE PROVIDER(S)

Surrender Procedure For Emergency Service Provider(s)

What is the surrender procedure for the emergency service provider(s) (ESP)?

Parent(s) may bring a newborn, up to 72 hours old, to a fire department, police station or hospital. They may also place a **9-1-1** emergency call from any location and surrender the baby to paramedics or an EMT. (Note: To protect the parent(s)'s right to anonymity/confidentiality, it is strongly suggested that the agency who responds prohibits the use of vehicle sirens and flashing lights).

After newborn has been surrendered to a uniformed employee, the emergency service provider (ESP):

- Will place the infant into temporary protective custody.
- Ask the surrendering person(s) if they are the biological parent(s). If they are not, the baby cannot be surrendered under the Safe Delivery of Newborns law. The ESP must immediately accept the surrendered newborn, taking the newborn into temporary protective custody.

The ESP must make reasonable effort to do the following:

- Protect the health and safety of the newborn.
- Inform the parent that:
 - The newborn will be placed for adoption.
 - ~ They have 28 days to petition the court for custody.
 - ~ 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 not receive personal notice of this hearing, even if you have provided a name and address to the emergency service provider.
- Counseling and medical care are available for them if needed.
 - They may sign a [voluntary release of parental rights](#).
 - Information shared will not be made public.
- Provide Michigan Department of Health and Human Services (MDHHS) [Safe Delivery approved written information](#).
- Encourage the parent(s) to provide [family/medical background information](#).
- Ask parent to identify himself/herself.

Surrender Procedure For Emergency Service Provider(s)

An ESP that is not a hospital must transfer the newborn to a hospital.

- The hospital will take the newborn into temporary protective custody.
- A physician will examine the newborn.
- If the newborn is unharmed and is determined to be 72 hours old or less, the hospital will notify a child placing agency.
- If the child is not a newborn, or is the victim of abuse/neglect, the physician must immediately make a report to Child Protective Services.

ESPs should provide the parent(s) with written materials approved 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 Program FACT Sheet, [DHS Pub-867](#). A parent(s) may contact the Safe Delivery of Newborns hotline for more information. The toll-free number is **866-733-7733**.

Fire, Police, Paramedics and EMTs

Transport the newborn to a hospital, provide any forms completed by the parent(s) and transfer temporary protective custody. (Note: 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).

Hospital Personnel

Hospital personnel are required to:

Admit the baby to hospital and register the patient per hospital policy, clearly identifying him/her as a Safe Delivery newborn. Documentation should include:

- How the newborn was surrendered
- Where the newborn was surrendered
- When the newborn was surrendered (This information is how the baby will be identified, and will also be considered the birthdate of the baby, if the parent(s) did not provide the actual date)
- Hospital personnel involved
- Information provided by the parent(s)

Surrender Procedure For Emergency Service Provider(s)

A physician must also conduct a clinical examination of the newborn. He/she will determine if there are signs of abuse and/or neglect and attempt to determine the child's age. Any necessary treatment will be provided.

- **If signs of abuse and/or neglect**, the physician or hospital staff must immediately contact Children's Protective Services and file Report of Actual or Suspected Child Abuse or Neglect. The Safe Delivery law no longer applies.
- **If there are no signs of abuse and/or neglect**, the hospital will:
 - Contact an adoption agency that will assume temporary protective
 - Complete the birth registration form within five days, following hospital procedures.
 - ~ The newborn's name will be recorded as Baby Doe.*
 - ~ The mother's name will be recorded as Unknown.*
- The adoption agency will sign the birth certificate as the informant.

* 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 at [517-335-6506](tel:517-335-6506).



TEAM TRAINING

How can I train my team?

Ready to get started? Emergency service providers can train team members by:

- Viewing the Michigan's Safe Delivery of Newborns Law: [Roles & Responsibilities of the Emergency Service Provider Online Training](#).
- Adjusting applicable policies and procedures, making sure the organization's legal department reviews them.
- Developing and implementing a training program for all personnel. The next page contains a sample standard operating procedure.

The next page contains a sample standard operating procedure.

Sample Operating Procedure

STANDARD OPERATING GUIDELINE FOR SAFE DELIVERY OF NEWBORNS

PURPOSE

To provide procedures for care and safety of surrendered newborns as established by Michigan's Safe Delivery of Newborns Law. On June 26, 2000, Michigan enacted the Safe Delivery of Newborns law with an effective date of January 1, 2001. The law was amended in 2002, 2003, 2006, and 2010

DEFINITIONS

Newborn: A child who a physician reasonably believes to be not more than 72 hours old.

Emergency Service Provider (ESP): 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. 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. MCL 712.1(f).

Hospital: is a hospital that is licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

Fire department: is 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: is a police station as that term is defined in section 43 of the Michigan vehicle code, 1949 PA 300 MCL 257.43.

Surrender: To leave a newborn with an emergency service provider, without expressing an intent to return.

BACKGROUND

Safe Delivery of Newborns is a law which allows a parent or parents to safely and legally surrender their newborn, no more than 3 days old. A newborn may be given to a uniformed employee who is inside and on duty at any hospital, fire department, police station, or to an emergency medical technician or paramedic by calling **9-1-1**. The newborn will be placed for adoption. This program is safe, legal and confidential.

The Michigan Legislature passed Acts 232, 233, 234 and 235 in June of 2000, with an effective date of January 1, 2001. Public Act 488 of 2006 amended certain sections of the

Training Your Team

Safe Delivery of Newborns law and became effective January 1, 2007. Public Act 348 and 349 amended additional sections in 2010 of the Safe Delivery of Newborns law and become effective December 22, 2010.

PROCEDURE

A baby, up to three days old, can be taken to a fire department, hospital or police station and surrendered to any staff person working inside the building. A baby, up to three days old, can also be given up to a paramedic or Emergency Medical Technician (EMT) by calling **9-1-1**. The ESP must immediately accept the surrendered newborn, taking the newborn into temporary protective custody.

The ESP must make reasonable effort to do the following:

- Protect the health and safety of the newborn.
- Inform the parent that the newborn will be placed for adoption.
- They have 28 days to petition the court for custody.
 - 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 not receive personal notice of this hearing, even if you have provided a name and address to the emergency service provider.
- Counseling and medical care are available for them if needed.
- They may sign a voluntary release of parental rights.
- Information shared will not be made public.
- Provide Michigan Department of Health and Human Services (MDHHS) [Safe Delivery approved written information](#).
- Encourage the parent(s) to provide [family/medical background information](#).
- Ask parent to identify himself/herself.

An ESP that is not a hospital must transfer the newborn to a hospital.

- The hospital will take the newborn into temporary protective custody.
- A physician will examine the newborn.
- If the newborn is unharmed and is determined to be 72 hours old or less, the hospital will notify a child placing agency.
- If the child is not a newborn, or is the victim of abuse/neglect, the physician must immediately make a report to Child Protective Services.

Hospital Personnel

PROCEDURE TITLE: Safe Delivery of Newborns Law

CROSS REFERENCE:

APPROVED BY:

EFFECTIVE DATE:

REVIEW DATE:

PURPOSE

To provide procedures for care and safety of surrendered newborns as established by Michigan's Safe Delivery of Newborns Law. On June 26, 2000, Michigan enacted the Safe Delivery of Newborns law with an effective date of January 1, 2001. The law was amended in 2002, 2003, 2006, and 2010.

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Surrender: To leave a newborn with an emergency service provider, without expressing an intent to return.

PROCEDURE

Safe Delivery is a law which allows a parent or parents to safely and legally surrender their newborn, no more than 3 days old. A newborn may be given to a uniformed employee who is inside and on duty at any hospital, fire department, police station, or to an emergency medical technician or paramedic by calling **9-1-1**.

Training Your Team

When a newborn is brought to the hospital by the parent(s) or surrendered by the parent(s), following delivery in the hospital:

- Assume the child is a newborn and take him/her into temporary protective custody.
- Ask the surrendering person(s) if they are the biological parent(s). If they are not, the baby cannot be surrendered under the Safe Delivery of Newborns law.

Offer medical assistance to the parent(s) and make a reasonable attempt to:

- Reassure the parent(s) that shared information will be kept confidential.
- Provide the parent(s) with written materials approved 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 Program FACT Sheet](#), DHS Pub-867.

Inform the surrendering parent(s) that:

- To place the child for adoption, the state is required to make a reasonable attempt to identify both parents. (Do not pressure the parent if the parent refuses to provide name(s).)
- By surrendering the newborn, the parent(s) is releasing the infant to a child placing agency to be placed for adoption.
- He/she can receive counseling or medical attention.
- He/she are encouraged to provide information about their family's medical background.
- He/she may sign a release for the newborn.
- He/she has 28 days to petition the Circuit Court, Family Division to regain custody of the newborn.
 - There will be a public notice of this hearing and the notice will not contain the parent(s) name.
 - The parent(s) will not receive a personal notice of the hearing.
 - Information the parent(s) provides will not be made public.

A parent(s) may contact the Safe Delivery of Newborns hotline for more information. The tollfree number is **866-733-7733**.

Training Your Team

Next, to protect the newborn's physical health and safety the Hospital staff should:

1. Admit to the hospital and register the newborn per hospital policy, clearly identifying him/her as a Safe Delivery newborn. Documentation should include:
 - How the newborn was surrendered
 - Where the newborn was surrendered
 - When the newborn was surrendered. (This information is how the baby will be identified, and will also be considered the birthdate of the baby, if the parent(s) did not provide the actual date).
 - Hospital personnel involved
 - Information provided by the parent(s)
2. Have a physician conduct a clinical examination. He/she will determine if there are signs of abuse and/or neglect and attempt to determine the child's age. Any necessary treatment will be given.
 - **If signs of abuse and/or neglect**, the physician or hospital staff must immediately contact Children's Protective Services and file a Report of Actual or Suspected Child Abuse or Neglect. The Safe Delivery law no longer applies. Consult the hospital's social services department. They will notify a child placing agency (private adoption agency) of a safe delivery. The agency will assume temporary protective custody and place the infant with a prospective adoptive family.
 - **If no signs of abuse and/or neglect** the hospital will:
 - Contact an adoption agency who will assume temporary protective custody and place the infant with a prospective adoptive family.
 - Complete the birth registration form within five days, following hospital procedures.
 - ~ The newborn's name will be recorded as Baby Doe.*
 - ~ The mother's name will be recorded as Unknown.*
 - The adoption agency will sign the birth certificate as the informant.
3. Complete the birth registration form within five days, following hospital procedures:
 - a. The newborn's name will be recorded as Baby Doe.
 - b. The mother's name will be recorded as Unknown.
 - c. The adoption agency will sign the birth certificate as the informant.

Training Your Team

4. Apply for Medicaid coverage for the newborn. An application can be filed by any one of the following:

- The provider hospital
- The child placing agency (adoption agency)
- The lawyer Guardian ad litem
- The prospective adoptive parent(s)

* 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 at [517-335-6506](tel:517-335-6506).



RESOURCES

Safe Delivery Resources

Fact Sheet – ESP gives to parent(s) (available in English, Spanish and Arabic)

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 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.



Michigan's Safe Delivery of Newborns Fact Sheet
SAFE. LEGAL. CONFIDENTIAL.

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.




Safe Delivery Window Decal (identifies a Safe Delivery Site)

Order decals

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

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



Safe Delivery Poster

(available in English, Spanish and Arabic)



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.



Safe Delivery Brochure – ESP gives to parent(s) (available in English, Spanish and Arabic)

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**

Surrendering your baby is safe, legal & confidential.

Michigan's Safe Delivery of Newborns Law
Safe Delivery Hotline:
1-866-733-7733

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Safe Delivery Resources

Safe Delivery Metal Sign
(identifies a Safe Delivery Site)

[E-mail to order Metal Sign](#)



Safe Delivery Site
Surrendering your
baby is safe, legal
& confidential.
1-866-733-7733


Safe DELIVERY Safe. Legal. Confidential. MDHHS Michigan Department of Health & Human Services

[Safe Delivery Website](#)



Safe DELIVERY
Safe. Legal. Confidential.
1-866-733-7733

[Adoption Agency Directory](#)



Safe DELIVERY
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Safe Delivery of Newborns Adoption Agency Directory

This is a list of Michigan private adoption agencies that will provide placement for a surrendered newborn in an approved adoptive home. The original list was compiled from a survey in 2005, requesting information on agencies willing to place a newborn surrendered under Public Act 232 of 2000, Safe Delivery of Newborns effective January 1, 2001.

This list is organized alphabetically by Michigan counties where the private, nonprofit licensed adoption agencies are located and lists the name and phone number of the agencies. The agencies that serve the entire state are alphabetically listed under "Serves Statewide".

Date Last Updated 6/12/2019

Adoption Agency Directory 1 | Page

[ESP Training – Roles & Responsibilities](#)



MDHHS Michigan Department of Health & Human Services

Michigan Department of Health & Human Services

Michigan's Safe Delivery of Newborns Law

Roles & Responsibilities of the Emergency Service Provider

[MDHHS Clearinghouse](#)

(to order information)



MDHHS Health Promotions Clearinghouse

Welcome to the Michigan Department of Health and Human Services Health Promotions Clearinghouse

On this site you will find materials produced by MDHHS that can better help you serve your community and improve your health and well-being. These materials are funded by MDHHS.

Materials are free of charge and intended for Michigan residents only.

If you have questions, want to place an order over the phone, or check on an order
Please call 1-800-353-8227

ORDER HERE

For information on the Healthy Michigan Plan, please visit their website at www.michigan.gov/healthymichiganplan

For more information about the Michigan Department of Health and Human Services, please visit their website at <http://www.michigan.gov/mdhhs>

Contact MDHHS
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Michigan's Safe Delivery of Newborns Law

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