



MICHIGAN DEPARTMENT OF HEALTH & HUMAN SERVICES

Michigan's Safe Delivery of Newborns Law

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*Putting people first, with the goal of helping all Michiganders lead healthier
and more productive lives, no matter their stage in life.*

Objectives

- The National Scene – Safe Haven Laws
- Who Abandons A Newborn?
- History & Legislation
- Safe Delivery of Newborns Law
- Safe Delivery Statistics
- Surrendering Parent(s)
- Roles of the Emergency Service Provider (ESP) and Child Placing Agency
- Safe Delivery Policy Update
- Safe Delivery Program

The National Scene Safe Haven Laws



- Increase in infant abandonment in the late 1990's
- Safe Haven laws enacted in response
- All states in the U.S. have passed Safe Haven legislation, including the District of Columbia.

Source: National Safe Haven Alliance, <https://www.nationalsafehavenalliance.org/>

Who Abandons a Newborn?

- No “typical” profile
- Infant abandonment crosses all
 - Socioeconomic groups
 - Ages
 - Races & Ethnicities
 - Educational Levels

Michigan's Safe Delivery of Newborns History & Legislation

- Michigan lawmakers enact Safe Delivery of Newborns law, effective January 1, 2001.
- The law was amended in 2002, 2003, 2006, and 2010.
- Legal protections to surrender a newborn safely and confidentially
- Safe, legal, and confidential
- Toll Free 24/7 Safe Delivery Hotline: 1-866-733-7733



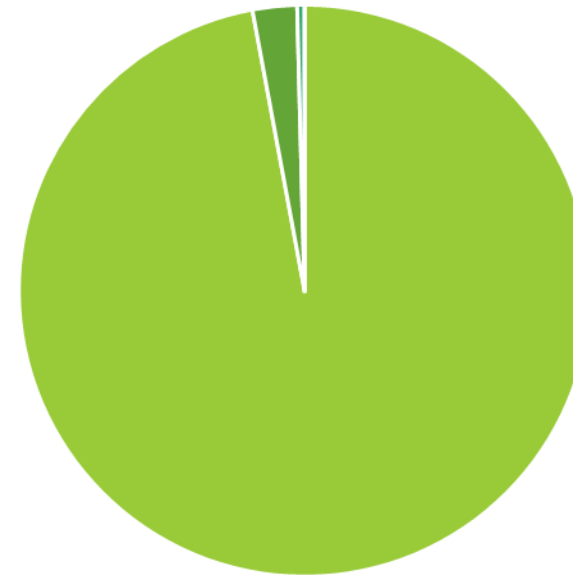
Safe Delivery of Newborns Law

- Parent(s) can surrender a newborn up to 72 hours (3 days) old to an Emergency Service Provider (ESP) who is on site and on duty.
- ESP is an employee/contractor of a
 - Hospital
 - Fire Department
 - Police
 - Emergency Medical Services (EMS) or paramedic when responding to a 9-1-1 emergency call
- The newborn will be examined by a physician.
- The newborn, if unharmed, will be transferred to a child placing agency to be placed with an approved prospective adoptive family.
- Surrendering parent(s) may petition the court within 28 days of the surrender to regain custody.

Source: 1939 PA 288, MCL 712.1 to 712.20

Safe Delivery Statistics

- 239 safe surrenders in 38 counties throughout Michigan since the law was enacted on January 1, 2001
- Where have the surrenders occurred?
 - Hospitals: 232
 - Fire Departments: 6
 - Police Stations: 1
 - 9-1-1 Call: 0



■ Hospitals ■ Fire Departments
■ Police Stations ■ 9-1-1 Calls

Data from 1/1/2001 – 2/25/2019

The Surrendering Parent(s)

- At the time of the surrender, the parent(s) will
 - Be Informed that the newborn will be placed for adoption
 - Have the opportunity to provide family/medical information, which will be kept confidential
 - Have the opportunity to sign a release of parental rights
 - Be Informed that information they share will be kept confidential
- No criminal investigation will be initiated, just based on the newborn being surrendered.
- May receive confidential counseling and/or medical care
- Parent(s) have 28 days to petition the court for custody.
- May surrender the newborn without providing any information



Responsibilities of the Emergency Service Provider (ESP)

Responsibilities of the ESP

- ESP immediately accepts surrendered newborn, taking the newborn into temporary protective custody.
- Make a reasonable effort to do the following:
 - Protect the health and safety of the newborn
 - Inform parent that newborn will be placed for adoption
 - Inform parent they have 28 days to petition the court for custody
 - Provide Safe Delivery approved written information
 - Encourage the parent(s) to provide family/medical background information
 - Inform parent(s) of counseling and/or medical care
 - Ask parent to identify himself/herself and non-surrendering parent
 - Inform parent they may sign a voluntary release of parental rights
 - Inform the parent, that information shared will be kept confidential

Source: 1939 PA 288, MCL 712.1 to 712.20

Responsibilities of the ESP Continued

- An ESP that is not a hospital will 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.

Source: 1939 PA 288, MCL 712.1 to 712.20

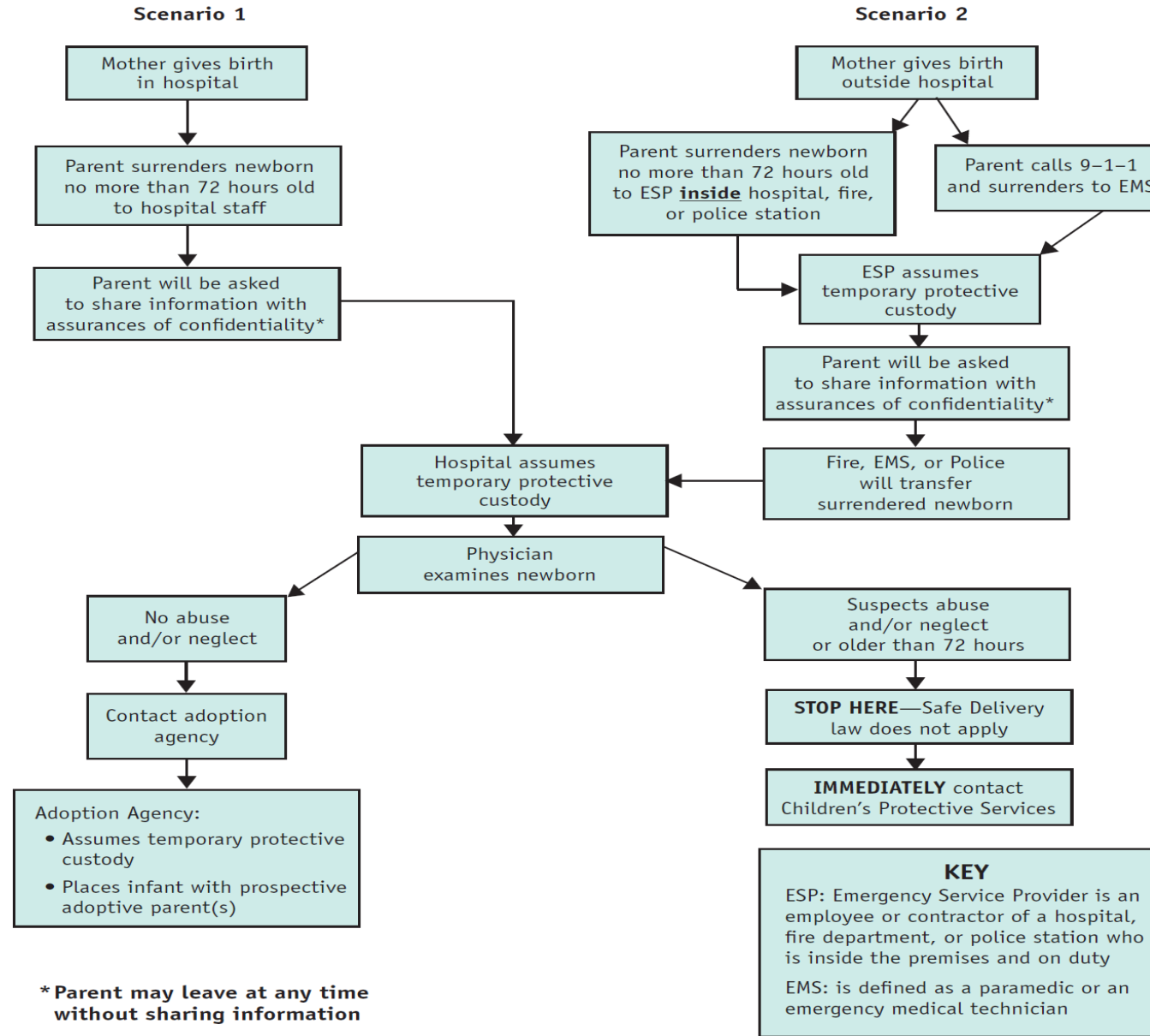
Responsibilities of the Child Placing Agency

- Once notified by hospital, immediately assume care, control and temporary protective custody of newborn.
- Meet with the parent, if known and willing
- Place newborn with approved prospective adoptive family
- If birth was not witnessed by ESP, immediately request assistance from law enforcement to investigate and determine whether the newborn is a missing child.
- File a placement petition in court
- Attempt to identify, locate, and provide notice of the surrender to the non-surrendering parent.
- Petition for termination of parental rights

What Happens to the Newborn?

- The newborn, if unharmed, will be placed with a prospective adoptive family under temporary custody of the court
- After 28 days, the child placing agency petitions for termination of parental rights unless the surrendering parent petitions for return
 - After the 28 days for the parent(s) to petition the court elapses, there will be a hearing to terminate parental rights
 - The parent will not receive personal notice of the hearing
- The newborn will be placed for adoption as soon as parental rights have been legally terminated

Safe Delivery Surrender Flowchart



The Safe Delivery Program

- Education and Technical Assistance to Emergency Service Providers
- Public Awareness of Safe Delivery
- Safe Delivery Hotline



Safe Delivery Information

For more information:

- Please visit www.michigan.gov/safedelivery
- Email mdhhs-safedeliveryprogram@michigan.gov
- Toll-free 24/7 Hotline 1-866-733-7733

Questions?

Thank you!



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