



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

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

# The National Scene Safe Haven Laws

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- 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: The National Safe Haven Alliance

# Michigan's Safe Delivery of Newborns History & Legislation

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- Michigan lawmakers enact Safe Delivery of Newborns law, effective January 1, 2001
- The law was amended in December 2006 and January 2018
- 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

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- 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

# Who Abandons a Newborn?

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

# The Surrendering Parent(s)

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- 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

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- 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
  - 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 confidential

Source: 1939 PA 288, MCL 712.1 to 712.20

# Responsibilities of the ESP Continued

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- 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

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- 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?

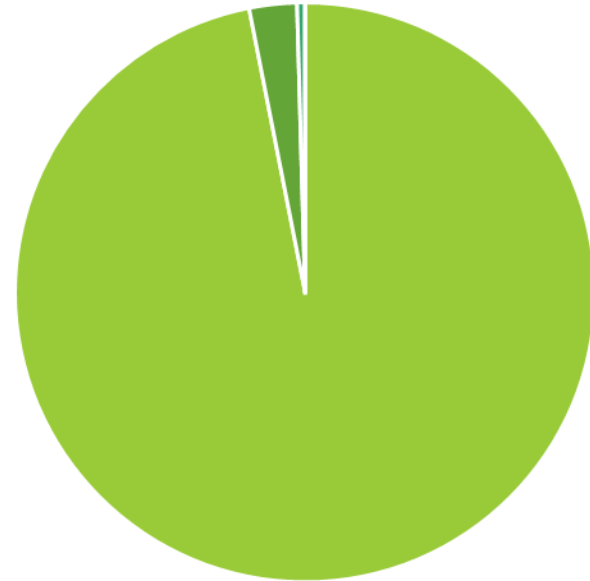
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- The newborn, if unharmed, will be placed with a prospective adoptive family under temporary custody of the court
- After 28 days, the child placing agency petitions for termination of parental rights unless the surrendering parent petitions for return
  - 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 Statistics

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- 226 safe surrenders in 38 counties throughout Michigan since the law was enacted on January 1, 2001
- Where have the surrenders occurred?
  - Hospitals: 219
  - Fire Departments: 6
  - Police Stations: 1
  - 9-1-1 Call: 0

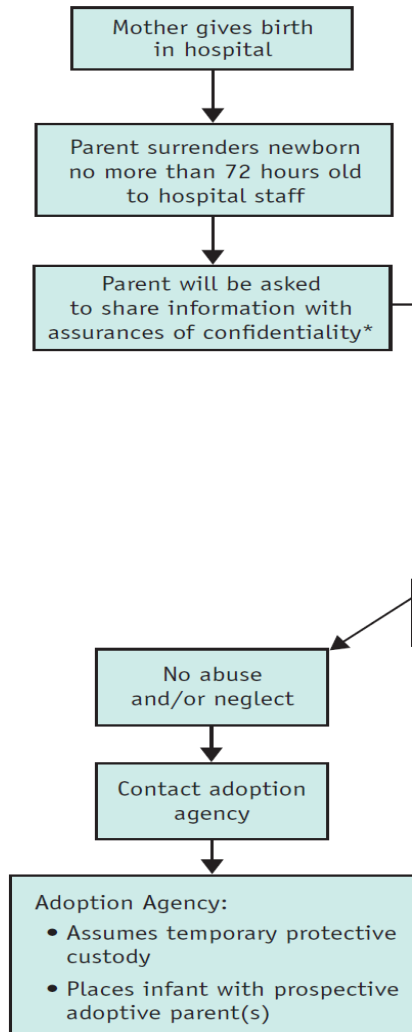


■ Hospitals      ■ Fire Departments  
■ Police Stations      ■ 9-1-1 Calls

Data from 1/1/2001 – 8/30/2018

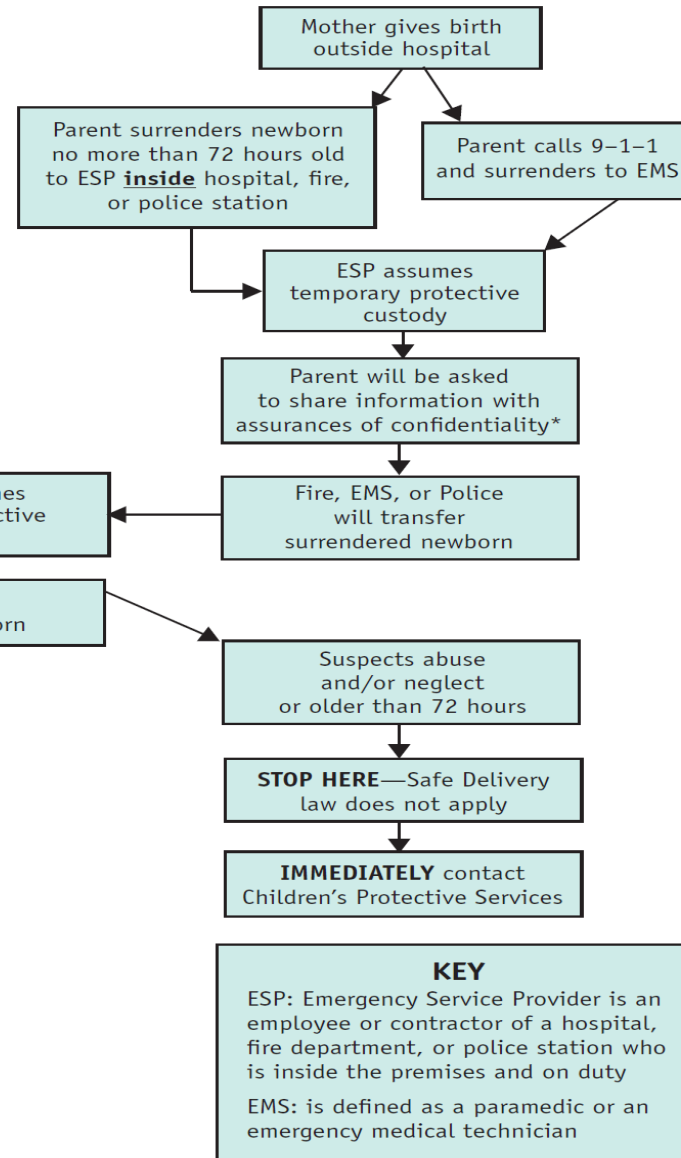
# Safe Delivery Surrender Flowchart

## Scenario 1



**\*Parent may leave at any time without sharing information**

## Scenario 2



### KEY

ESP: Emergency Service Provider is an employee or contractor of a hospital, fire department, or police station who is inside the premises and on duty

EMS: is defined as a paramedic or an emergency medical technician

# Safe Delivery and Educators

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- HIV/STI and Sex Education in Public Schools
  - MCL section 380.1507b states that if a public school teaches sex education, they shall... “provide information for pupils about how young parents can learn more about adoption services and about the provisions of the Safe Delivery of Newborns Law”.
- Safe Delivery included in the Michigan Model

# Safe Delivery Activity

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# Questions?

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# Safe Delivery Information

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For more information:

- Please visit [www.michigan.gov/safedelivery](http://www.michigan.gov/safedelivery)
- Email [mdhhs-safedeliveryprogram@michigan.gov](mailto:mdhhs-safedeliveryprogram@michigan.gov)
- Toll-free 24/7 Hotline 1-866-733-7733

# Thank you!

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