

SENATE BILL No. 1118

February 9, 2010, Introduced by Senators GILBERT, BIRKHOLZ, CROPSEY, VAN WOERKOM, PAPPAGEORGE, JANSEN, HARDIMAN and RICHARDVILLE and referred to the Committee on Families and Human Services.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 17 of chapter XII (MCL 712.17), as amended by 2006 PA 488.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XII

Sec. 17. (1) A parent who surrenders a newborn under section 3 of this chapter and who does not file a custody action under section 10 of this chapter is presumed to have knowingly released his or her parental rights to the newborn.

(2) If the surrendering parent has not filed a petition for custody of the newborn within 28 days of the surrender, the child placing agency with authority to place the newborn shall immediately file a petition with the court to determine whether the

1 release shall be accepted and whether the court shall enter an
2 order terminating the rights of the surrendering parent.

3 (3) If the nonsurrendering parent has not filed a petition for
4 custody of the newborn within 28 days of notice of surrender of a
5 newborn under section 10 of this chapter, the child placing agency
6 with authority to place the newborn shall immediately file a
7 petition with the court to determine whether the court shall enter
8 an order terminating the rights of the nonsurrendering parent.

9 (4) The court shall schedule a hearing on the petition from
10 the child placing agency within 14 days of receipt of that
11 petition. At the hearing, the child placing agency shall present
12 evidence that demonstrates that the surrendering parent released
13 the newborn and that demonstrates the efforts made by the child
14 placing agency to identify, locate, and provide notice to the
15 nonsurrendering parent.

16 (5) If the court finds by a preponderance of the evidence that
17 the surrendering parent has knowingly released his or her rights to
18 the child and that reasonable efforts were made to locate the
19 nonsurrendering parent **AND A CUSTODY ACTION HAS NOT BEEN FILED**, the
20 court shall enter an order terminating parental rights of the
21 surrendering parent and the nonsurrendering parent under this
22 chapter.