

**PROBATE CODE OF 1939 (EXCERPT)**  
**Act 288 of 1939**

**712.3 Conduct of emergency service provider.**

Sec. 3.

(1) If a parent surrenders a child who may be a newborn to an emergency service provider, the emergency service provider shall comply with the requirements of this section under the assumption that the child is a newborn. The emergency service provider shall, without a court order, immediately accept the newborn, taking the newborn into temporary protective custody. The emergency service provider shall make a reasonable effort to do all of the following:

- (a) Take action necessary to protect the physical health and safety of the newborn.
- (b) Inform the parent that by surrendering the newborn, the parent is releasing the newborn to a child placing agency to be placed for adoption.
- (c) Inform the parent that the parent has 28 days to petition the court to regain custody of the newborn.
- (d) Provide the parent with written material approved by or produced by the department that includes, but is not limited to, all of the following statements:
  - (i) By surrendering the newborn, the parent is releasing the newborn to a child placing agency to be placed for adoption.
  - (ii) The parent has 28 days after surrendering the newborn to petition the court to regain custody of the newborn.
  - (iii) After the 28-day period to petition for custody elapses, there will be a hearing to determine and terminate parental rights.
  - (iv) There will be public notice of this hearing, and the notice will not contain the parent's name.
  - (v) The parent will not receive personal notice of this hearing.
  - (vi) Information the parent provides to an emergency service provider will not be made public.
  - (vii) A parent can contact the safe delivery line established under section 20 of this chapter for more information.

(2) After providing a parent with the information described in subsection (1), an emergency service provider shall make a reasonable attempt to do all of the following:

- (a) Encourage the parent to provide any relevant family or medical information.
- (b) Provide the parent with the pamphlet produced under section 20 of this chapter and inform the parent that he or she can receive counseling or medical attention.
- (c) Inform the parent that information that he or she provides will not be made public.
- (d) Ask the parent to identify himself or herself.
- (e) Inform the parent that in order to place the newborn for adoption the state is required to make a reasonable attempt to identify the other parent, and then ask the parent to identify the other parent.
- (f) Inform the parent that the child placing agency that takes temporary protective custody of the newborn can provide confidential services to the parent.
- (g) Inform the parent that the parent may sign a release for the newborn that may be used at the parental rights termination hearing under this chapter.

(3) A newborn whose birth is described in the born alive infant protection act, 2002 PA 687, MCL 333.1071 to 333.1073, and who is in a hospital setting or transferred to a hospital under section 3(1) of the born alive infant protection act, 2002 PA 687, MCL 333.1073, is a newborn surrendered as provided in this chapter. An emergency service provider who has received a newborn under the born alive infant protection act, 2002 PA 687, MCL 333.1071 to 333.1073, shall do all of the following:

- (a) Comply with the requirements of subsections (1) and (2) to obtain information from or supply information to the surrendering parent by requesting the information from or supplying the information to the attending physician who delivered the newborn.
- (b) Make no attempt to directly contact the parent or parents of the newborn.
- (c) Provide humane comfort care if the newborn is determined to have no chance of survival due to gestational immaturity in light of available neonatal medical treatment or other condition incompatible with life.

**History:** Add. 2000 Act 232, Eff. Jan. 1, 2001 ;-- Am. 2002, Act 688, Eff. Mar. 31, 2003 ;-- Am. 2006, Act 488, Eff. Jan. 1, 2007

**Compiler's Notes:** Enacting section 1 of Act 232 of 2000 provides: "Enacting section 1. Section 19b of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.19b, as amended by this amendatory act, and chapter XII of the probate code of 1939, 1939 PA 288, as added by this amendatory act, do not apply to a proceeding that arises before the effective date of this amendatory act."

**Popular Name:** Baby Abandonment

**Popular Name:** Baby Drop Off

