

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 5543 (Substitute H-1 as reported without amendment)  
Sponsor: Representative Patricia Birkholz  
House Committee: Family and Civil Law  
Senate Committee: Families, Mental Health and Human Services

## **CONTENT**

The bill would amend the Probate Code to require that the Department of Community Health (DCH), in conjunction with the Family Independence Agency (FIA), establish a safe delivery program. The program would have to include at least a toll-free, 24-hour telephone line and a pamphlet providing information to the public about the safe delivery program. The bill would take effect on January 1, 2001, and would be repealed three years later. It is tie-barred to Senate Bills 1052 and 1053, which would govern parental surrender of a newborn to an emergency service provider and allow an affirmative defense to a child abandonment charge.

Under the House bill, the toll-free, 24-hour telephone line would have to include at least all of the following: information on prenatal care and the delivery of a newborn; names of health agencies that could assist in obtaining services and support that provided for the mother's pregnancy-related health and the baby's health; information on adoption options and the name and telephone number of a child placing agency that could assist a parent or expecting parent in obtaining adoption services; information that, in order to provide safely for the health of the mother and her newborn, the best place for the delivery of a child is in a hospital, hospital-based birthing center, or accredited birthing center; an explanation that, to the extent of the law, prenatal care and delivery services are routinely confidential within the health care system, if requested by the mother; information that a hospital would take into protective custody a newborn who was surrendered to an emergency service provider under Senate Bill 1052 and, if needed, provide emergency medical assistance to the mother, the newborn, or both; information regarding legal and procedural requirements related to the voluntary surrender of a child pursuant to the Senate bill; information regarding the legal consequences for endangering a child, including protective service investigations and potential criminal penalties; information that surrendering a newborn for adoption pursuant to Senate Bill 1052 would be an affirmative defense to charges of abandonment, as provided in Senate Bill 1053; and information about resources for counseling and assistance with crisis management.

The DCH and the FIA jointly would have to publish and distribute a pamphlet that prominently displayed the toll-free telephone number required to be established under the House bill.

Proposed MCL 712.20

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The bill could have an indeterminate fiscal impact on the Family Independence Agency regarding administration costs for information distribution. As it appears that this effort would be shared with the DCH, that Department also could share in these indeterminate costs.

Date Completed: 6-2-00

Fiscal Analyst: C. Cole  
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