

Senate Fiscal Agency
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SFA

BILL ANALYSIS

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House Bill 5543 (Substitute H-1 as passed by the House)
Sponsor: Representative Patricia Birkholz
House Committee: Family and Civil Law
Senate Committee: Families, Mental Health and Human Services

Date Completed: 6-1-00

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 that provided information to the public concerning 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 The bill would take effect on January 1, 2001, and would be repealed three years later.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.

(Senate Bill 1052 (S-3) would add the "Safe Delivery of Newborns Law" to the Probate Code and amend the juvenile code to govern parental surrender of a newborn to an emergency service provider. Senate Bill 1053 (S-3) would amend the Michigan Penal Code to specify that it would be an affirmative defense to a child abandonment charge that the child was surrendered under Senate Bill 1052.)

Under House Bill 5543 (H-1), the information provided with 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 pregnancy-related health of the mother and the health of the baby.
- 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 birthing center accredited by the Commission for the Accreditation of Birth Centers.
- 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 Senate Bill 1052.
- 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.
- Information about resources for counseling and assistance with crisis management.

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

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.

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