

**REPRINT**

**SUBSTITUTE FOR  
HOUSE BILL NO. 5543**

(As passed the House, May 30, 2000)

A bill to amend 1939 PA 288, entitled  
"Probate code of 1939,"  
(MCL 710.21 to 712A.32) by adding chapter XII; and to repeal acts  
and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1

CHAPTER XII

2

SURRENDERED NEWBORNS

3

SEC. 20. (1) THE DEPARTMENT OF COMMUNITY HEALTH IN CONJUNC-

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TION WITH THE DEPARTMENT SHALL ESTABLISH A SAFE DELIVERY

5

PROGRAM. THE SAFE DELIVERY PROGRAM SHALL INCLUDE, BUT IS NOT

6

LIMITED TO, BOTH OF THE FOLLOWING:

7

(A) A TOLL-FREE, 24-HOUR TELEPHONE LINE. THE INFORMATION

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PROVIDED WITH THIS TELEPHONE LINE SHALL INCLUDE, BUT IS NOT

9

LIMITED TO, ALL OF THE FOLLOWING:

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1 (i) INFORMATION ON PRENATAL CARE AND THE DELIVERY OF A  
2 NEWBORN.

3 (ii) NAMES OF HEALTH AGENCIES THAT CAN ASSIST IN OBTAINING  
4 SERVICES AND SUPPORTS THAT PROVIDE FOR THE PREGNANCY-RELATED  
5 HEALTH OF THE MOTHER AND THE HEALTH OF THE BABY.

6 (iii) INFORMATION ON ADOPTION OPTIONS AND THE NAME AND TELE-  
7 PHONE NUMBER OF A CHILD PLACING AGENCY THAT CAN ASSIST A PARENT  
8 OR EXPECTING PARENT IN OBTAINING ADOPTION SERVICES.

9 (iv) INFORMATION THAT, IN ORDER TO SAFELY PROVIDE FOR THE  
10 HEALTH OF THE MOTHER AND HER NEWBORN, THE BEST PLACE FOR THE  
11 DELIVERY OF A CHILD IS IN A HOSPITAL , HOSPITAL-BASED BIRTHING  
CENTER, OR BIRTHING CENTER THAT IS ACCREDITED BY THE COMMISSION FOR  
THE ACCREDITATION OF BIRTH CENTERS.

12 (v) AN EXPLANATION THAT, TO THE EXTENT OF THE LAW, PRENATAL  
13 CARE AND DELIVERY SERVICES ARE ROUTINELY CONFIDENTIAL WITHIN THE  
14 HEALTH CARE SYSTEM, IF REQUESTED BY THE MOTHER.

15 (vi) INFORMATION THAT A HOSPITAL WILL TAKE INTO PROTECTIVE  
16 CUSTODY A NEWBORN THAT IS SURRENDERED AS PROVIDED FOR IN THIS  
17 CHAPTER AND, IF NEEDED, PROVIDE EMERGENCY MEDICAL ASSISTANCE TO  
18 THE MOTHER, THE NEWBORN, OR BOTH.

19 (vii) INFORMATION REGARDING LEGAL AND PROCEDURAL REQUIRE-  
20 MENTS RELATED TO THE VOLUNTARY SURRENDER OF A CHILD AS PROVIDED  
21 FOR IN THIS CHAPTER.

22 (viii) INFORMATION REGARDING THE LEGAL CONSEQUENCES FOR  
23 ENDANGERING A CHILD, INCLUDING CHILD PROTECTIVE SERVICE INVESTI-  
24 GATIONS AND POTENTIAL CRIMINAL PENALTIES.

25 (ix) INFORMATION THAT SURRENDERING A NEWBORN FOR ADOPTION AS  
26 PROVIDED IN THIS CHAPTER IS AN AFFIRMATIVE DEFENSE TO CHARGES OF

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1 ABANDONMENT AS PROVIDED IN SECTION 135 OF THE MICHIGAN PENAL  
2 CODE, 1931 PA 328, MCL 750.135.

3        (x) INFORMATION ABOUT RESOURCES FOR COUNSELING AND ASSIST-  
4 ANCE WITH CRISIS MANAGEMENT.

5        (B) A PAMPHLET THAT PROVIDES INFORMATION TO THE PUBLIC CON-  
6 CERNING THE SAFE DELIVERY PROGRAM. THE DEPARTMENT OF COMMUNITY  
7 HEALTH AND THE DEPARTMENT SHALL JOINTLY PUBLISH AND DISTRIBUTE  
8 THE PAMPHLET. THE PAMPHLET SHALL PROMINENTLY DISPLAY THE  
9 TOLL-FREE TELEPHONE NUMBER PRESCRIBED BY SUBDIVISION (A).

10        (2) THIS SECTION IS REPEALED 3 YEARS AFTER ITS EFFECTIVE  
11 DATE.

      Enacting section 1. This amendatory act takes effect January  
1, 2001.

12        Enacting section 2. This amendatory act shall not take  
13 effect unless both of the following bills of the 90th Legislature  
14 are enacted into law:

15        (a) Senate Bill No. 1052.

16        (b) Senate Bill No. 1053.