



HOUSE BILL No. 5699

April 27, 2000, Introduced by Reps. Lockwood, Jacobs, Baird, Woodward, Dennis, Prusi, Cherry, Price, Schauer, Garza, Clark, Schermesser, Neumann, Rivet, Bogardus, Bob Brown, Clarke, Gielegem, DeHart, Scott, Bovin, Callahan, Vaughn, Ruth Johnson, O'Neil, Jamnick, LaForge, Rison and Lemmons and referred to the Committee on Family and Civil Law.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a and 19b of chapter XIIIA (MCL 712A.13a and 712A.19b), section 13a of chapter XIIIA as amended by 2000 PA 55 and section 19b of chapter XIIIA as amended by 2000 PA 46, and by adding sections 19d and 19e to chapter XIIIA.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIIIA

1
2 Sec. 13a. (1) As used in this section and sections 2, 6b,
3 13b, 17c, 17d, 18f, 19, 19a, 19b, ~~and~~ 19c, 19D, AND 19E of this
4 chapter:

5 (a) "Agency" means a public or private organization, insti-
6 tution, or facility responsible under court order or contractual
7 arrangement for a juvenile's care and supervision.

1 (b) "Attorney" means, if appointed to represent a child in a
2 proceeding under section 2(b) or (c) of this chapter, an attorney
3 serving as the child's legal advocate in a traditional
4 attorney-client relationship with the child, as governed by the
5 Michigan rules of professional conduct. An attorney defined
6 under this subdivision owes the same duties of undivided loyalty,
7 confidentiality, and zealous representation of the child's
8 expressed wishes as the attorney would to an adult client. For
9 the purpose of a notice required under these sections, attorney
10 includes a child's lawyer-guardian ad litem.

11 (c) "Case service plan" means the plan developed by an
12 agency and prepared ~~pursuant to~~ AS REQUIRED BY section 18f of
13 this chapter that includes services to be provided by and respon-
14 sibilities and obligations of the agency and activities, respon-
15 sibilities, and obligations of the parent. The case service plan
16 may be referred to using different names than case service plan
17 including, but not limited to, a parent/agency agreement or a
18 parent/agency treatment plan and service agreement.

19 (d) "Foster care" means care provided to a juvenile in a
20 foster family home, foster family group home, or child caring
21 institution licensed or approved under 1973 PA 116, MCL 722.111
22 to 722.128, or care provided to a juvenile in a relative's home
23 under a court order.

24 (e) "Guardian ad litem" means an individual whom the court
25 appoints to assist the court in determining the child's best
26 interests. A guardian ad litem does not need to be an attorney.

1 (F) "HOSPITAL" MEANS A HOSPITAL THAT IS LICENSED UNDER PART
2 215 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.21501 TO
3 333.21568.

4 (G) ~~(f)~~ "Lawyer-guardian ad litem" means an attorney
5 appointed under section 17c of this chapter. A lawyer-guardian
6 ad litem represents the child, and has the powers and duties, as
7 set forth in section 17d of this chapter. The provisions of sec-
8 tion 17d of this chapter also apply to a lawyer-guardian ad litem
9 appointed under each of the following:

10 (i) Section 5213 or 5219 of the estates and protected indi-
11 viduals code, 1998 PA 386, MCL 700.5213 and 700.5219.

12 (ii) Section 4 of the child custody act of 1970, 1970 PA 91,
13 MCL 722.24.

14 (iii) Section 10 of the child protection law, 1975 PA 238,
15 MCL 722.630.

16 (H) "NEWBORN" MEANS A CHILD WHO IS NOT MORE THAN 72 HOURS
17 OLD.

18 (I) ~~(g)~~ "Nonparent adult" means a person who is 18 years
19 of age or older and who, regardless of the person's domicile,
20 meets all of the following criteria in relation to a child over
21 whom the court takes jurisdiction under this chapter:

22 (i) Has substantial and regular contact with the child.

23 (ii) Has a close personal relationship with the child's
24 parent or with a person responsible for the child's health or
25 welfare.

26 (iii) Is not the child's parent or a person otherwise
27 related to the child by blood or affinity to the third degree.

1 (J) ~~(h)~~ "Permanent foster family agreement" means an
2 agreement for a child 14 years old or older to remain with a par-
3 ticular foster family until the child is 18 years old under stan-
4 dards and requirements established by the family independence
5 agency, which agreement is among all of the following:

6 (i) The child.

7 (ii) If the child is a temporary ward, the child's family.

8 (iii) The foster family.

9 (iv) The child placing agency responsible for the child's
10 care in foster care.

11 (K) "SAFE HAVEN PROGRAM" MEANS THE PROGRAM TO ENCOURAGE
12 INDIVIDUALS TO LEAVE UNWANTED NEWBORNS WITH HOSPITALS THAT IS
13 ESTABLISHED UNDER SECTIONS 19D AND 19E OF THIS CHAPTER,
14 SECTIONS 3 AND 8 OF THE CHILD PROTECTION LAW, 1975 PA 238,
15 MCL 722.623 AND 722.628, AND SECTION 135 OF THE MICHIGAN PENAL
16 CODE, 1931 PA 328, MCL 750.135.

17 (2) If a juvenile is alleged to be within the provisions of
18 section 2(b) of this chapter, the court may authorize a petition
19 to be filed at the conclusion of the preliminary hearing or
20 inquiry. The court may authorize the petition upon a showing of
21 probable cause that 1 or more of the allegations in the petition
22 are true and fall within the provisions of section 2(b) of this
23 chapter. If a petition is before the court because the family
24 independence agency is required to submit the petition under sec-
25 tion 17 of the child protection law, 1975 PA 238, MCL 722.637,
26 the court shall hold a hearing on the petition within 24 hours or
27 on the next business day after the petition is submitted, at

1 which hearing the court shall consider at least the matters
2 governed by subsections (4) and (5).

3 (3) Except as provided in subsection (5), if a petition
4 under subsection (2) is authorized, the court may release the
5 juvenile in the custody of either of the juvenile's parents or
6 the juvenile's guardian or custodian under reasonable terms and
7 conditions necessary for either the juvenile's physical health or
8 mental well-being.

9 (4) The court may order a parent, guardian, custodian, non-
10 parent adult, or other person residing in a child's home to leave
11 the home and, except as the court orders, not to subsequently
12 return to the home if all of the following take place:

13 (a) A petition alleging abuse of the child by the parent,
14 guardian, custodian, nonparent adult, or other person is autho-
15 rized under subsection (2).

16 (b) The court after a hearing finds probable cause to
17 believe the parent, guardian, custodian, nonparent adult, or
18 other person committed the abuse.

19 (c) The court finds on the record that the presence in the
20 home of the person alleged to have committed the abuse presents a
21 substantial risk of harm to the child's life, physical health, or
22 mental well-being.

23 (5) If a petition alleges abuse by a person described in
24 subsection (4), regardless of whether the court orders the
25 alleged abuser to leave the child's home under subsection (4),
26 the court shall not leave the child in or return the child to the
27 child's home or place the child with a person not licensed under

1 1973 PA 116, MCL 722.111 to 722.128, unless the court finds that
2 the conditions of custody at the placement and with the individ-
3 ual with whom the child is placed are adequate to safeguard the
4 child from the risk of harm to the child's life, physical health,
5 or mental well-being.

6 (6) In determining whether to enter an order under
7 subsection (4), the court may consider whether the parent who is
8 to remain in the juvenile's home is married to the person to be
9 removed or has a legal right to retain possession of the home.

10 (7) An order entered under subsection (4) may also contain 1
11 or more of the following terms or conditions:

12 (a) The court may require the alleged abusive parent to pay
13 appropriate support to maintain a suitable home environment for
14 the juvenile during the duration of the order.

15 (b) The court may order the alleged abusive person, accord-
16 ing to terms the court may set, to surrender to a local law
17 enforcement agency any firearms or other potentially dangerous
18 weapons the alleged abusive person owns, possesses, or uses.

19 (c) The court may include any reasonable term or condition
20 necessary for the juvenile's physical or mental well-being or
21 necessary to protect the juvenile.

22 (8) If the court orders placement of the juvenile outside
23 the juvenile's home, the court shall inform the parties of the
24 following:

25 (a) That the agency has the responsibility to prepare an
26 initial ~~services~~ SERVICE plan within 30 days of the juvenile's
27 placement.

1 (b) The general elements of an initial ~~services~~ SERVICE
2 plan as required by the rules promulgated under ~~1973 PA 116,~~
3 ~~MCL 722.111 to 722.128~~ THE SOCIAL WELFARE ACT, 1939 PA 280,
4 MCL 400.1 TO 400.119B.

5 (c) That participation in the initial ~~services~~ SERVICE
6 plan is voluntary without a court order.

7 (9) Before or within 7 days after a child is placed in a
8 relative's home, the family independence agency shall perform a
9 criminal record check and central registry clearance. If the
10 child is placed in the home of a relative, the court shall order
11 a home study to be performed and a copy of the home study to be
12 submitted to the court not more than 30 days after the
13 placement.

14 (10) In determining placement of a juvenile pending trial,
15 the court shall order the juvenile placed in the most family-like
16 setting available consistent with the juvenile's needs.

17 (11) If a juvenile is removed from his or her home, the
18 court shall permit the juvenile's parent to have frequent parent-
19 ing time with the juvenile. However, if parenting time, even if
20 supervised, may be harmful to the juvenile, the court shall order
21 the child to have a psychological evaluation or counseling, or
22 both, to determine the appropriateness and the conditions of par-
23 enting time. The court may suspend parenting time while the psy-
24 chological evaluation or counseling is conducted.

25 (12) Upon the motion of any party, the court shall review
26 custody and placement orders and initial services plans pending
27 trial and may modify those orders and plans as the court

1 considers under this section are in the juvenile's best
2 interests.

3 (13) The court shall include in an order placing a child in
4 foster care an order directing the release of information con-
5 cerning the child in accordance with this subsection. If a child
6 is placed in foster care, within 10 days after receipt of a writ-
7 ten request, the agency shall provide the person who is providing
8 the foster care with copies of all initial, updated, and revised
9 case service plans and court orders relating to the child and all
10 of the child's medical, mental health, and education reports,
11 including reports compiled before the child was placed with that
12 person.

13 (14) In an order placing a child in foster care, the court
14 shall include both of the following:

15 (a) An order that the child's parent, guardian, or custodian
16 provide the supervising agency with the name and address of each
17 of the child's medical providers.

18 (b) An order that each of the child's medical providers
19 release the child's medical records. The order may specify pro-
20 viders by profession or type of institution.

21 (15) As used in this section, "abuse" means 1 or more of the
22 following:

23 (a) Harm or threatened harm by a person to a juvenile's
24 health or welfare that occurs through nonaccidental physical or
25 mental injury.

1 (b) Engaging in sexual contact or sexual penetration as
2 defined in section 520a of the Michigan penal code, 1931 PA 328,
3 MCL 750.520a, with a juvenile.

4 (c) Sexual exploitation of a juvenile, which includes, but
5 is not limited to, allowing, permitting, or encouraging a juve-
6 nile to engage in prostitution or allowing, permitting, encourag-
7 ing, or engaging in photographing, filming, or depicting a juve-
8 nile engaged in a listed sexual act as defined in section 145c of
9 the Michigan penal code, 1931 PA 328, MCL 750.145c.

10 (d) Maltreatment of a juvenile.

11 Sec. 19b. (1) Except as provided in subsection (4), if a
12 child remains in foster care in the temporary custody of the
13 court following a review hearing under section 19(3) of this
14 chapter or a permanency planning hearing under section 19a of
15 this chapter or if a child remains in the custody of a guardian
16 or limited guardian, upon petition of the prosecuting attorney,
17 whether or not the prosecuting attorney is representing or acting
18 as legal consultant to the agency or any other party, or petition
19 of the child, guardian, custodian, concerned person as defined in
20 subsection (6), agency, or children's ombudsman as authorized in
21 section 7 of the children's ombudsman act, 1994 PA 204,
22 MCL 722.927, the court shall hold a hearing to determine if the
23 parental rights to a child should be terminated and, if all
24 parental rights to the child are terminated, the child placed in
25 permanent custody of the court. The court shall state on the
26 record or in writing its findings of fact and conclusions of law
27 with respect to whether or not parental rights should be

1 terminated. The court shall issue an opinion or order regarding
2 a petition for termination of parental rights within 70 days
3 after the commencement of the initial hearing on the petition.
4 However, the court's failure to issue an opinion within 70 days
5 does not dismiss the petition.

6 (2) Not less than 14 days before a hearing to determine if
7 the parental rights to a child should be terminated, written
8 notice of the hearing shall be served upon all of the following:

- 9 (a) The agency. The agency shall advise the child of the
10 hearing if the child is 11 years of age or older.
11 (b) The child's foster parent or custodian.
12 (c) The child's parents.
13 (d) If the child has a guardian, the child's guardian.
14 (e) If the child has a guardian ad litem, the child's guard-
15 ian ad litem.
16 (f) If tribal affiliation has been determined, the Indian
17 tribe's elected leader.
18 (g) The child's attorney and each party's attorney.
19 (h) If the child is 11 years of age or older, the child.
20 (i) The prosecutor.

21 (3) The court may terminate a parent's parental rights to a
22 child if the court finds, by clear and convincing evidence, 1 or
23 more of the following:

24 (a) The child has been deserted under ~~either~~ ANY of the
25 following circumstances:

26 (i) The child's parent is unidentifiable, has deserted the
27 child for 28 or more days, and has not sought custody of the

1 child during that period. For the purposes of this section, a
2 parent is unidentifiable if the parent's identity cannot be
3 ascertained after reasonable efforts have been made to locate and
4 identify the parent.

5 (ii) The child's parent has deserted the child for 91 or
6 more days and has not sought custody of the child during that
7 period.

8 (iii) THE CHILD'S PARENT HAS VOLUNTARILY LEFT THE CHILD WITH
9 A HOSPITAL UNDER SECTION 19D OF THIS CHAPTER WITHOUT EXPRESSING
10 AN INTENT TO RETURN FOR THE CHILD AND WITHOUT RETURNING FOR THE
11 CHILD FOR 28 DAYS OR MORE.

12 (b) The child or a sibling of the child has suffered physi-
13 cal injury or physical or sexual abuse under 1 or more of the
14 following circumstances:

15 (i) The parent's act caused the physical injury or physical
16 or sexual abuse and the court finds that there is a reasonable
17 likelihood that the child will suffer from injury or abuse in the
18 foreseeable future if placed in the parent's home.

19 (ii) The parent who had the opportunity to prevent the phys-
20 ical injury or physical or sexual abuse failed to do so and the
21 court finds that there is a reasonable likelihood that the child
22 will suffer injury or abuse in the foreseeable future if placed
23 in the parent's home.

24 (iii) A nonparent adult's act caused the physical injury or
25 physical or sexual abuse and the court finds that there is a rea-
26 sonable likelihood that the child will suffer from injury or

1 abuse by the nonparent adult in the foreseeable future if placed
2 in the parent's home.

3 (c) The parent was a respondent in a proceeding brought
4 under this chapter, 182 or more days have elapsed since the issu-
5 ance of an initial dispositional order, and the court, by clear
6 and convincing evidence, finds either of the following:

7 (i) The conditions that led to the adjudication continue to
8 exist and there is no reasonable likelihood that the conditions
9 will be rectified within a reasonable time considering the
10 child's age.

11 (ii) Other conditions exist that cause the child to come
12 within the court's jurisdiction, the parent has received recom-
13 mendations to rectify those conditions, the conditions have not
14 been rectified by the parent after the parent has received notice
15 and a hearing and has been given a reasonable opportunity to rec-
16 tify the conditions, and there is no reasonable likelihood that
17 the conditions will be rectified within a reasonable time consid-
18 ering the child's age.

19 (d) The child's parent has placed the child in a limited
20 guardianship under section 424a of the revised probate code, 1978
21 PA 642, MCL 700.424a, and has substantially failed, without good
22 cause, to comply with a limited guardianship placement plan
23 described in ~~section 424a of the revised probate code, 1978~~
24 ~~PA 642, MCL 700.424a, or~~ section 5205 of the estates and pro-
25 tected individuals code, 1998 PA 386, MCL 700.5205, regarding the
26 child to the extent that the noncompliance has resulted in a
27 disruption of the parent-child relationship.

1 (e) The child has a guardian under ~~the revised probate~~
2 ~~code, 1978 PA 642, MCL 700.1 to 700.993, or the estates and pro-~~
3 ~~tected individuals code, 1998 PA 386, MCL 700.1101 to 700.8102,~~
4 and the parent has substantially failed, without good cause, to
5 comply with a court-structured plan described in ~~section 424b or~~
6 ~~424c of the revised probate code, 1978 PA 642, MCL 700.424b and~~
7 ~~700.424c, or~~ section 5207 or 5209 of the estates and protected
8 individuals code, 1998 PA 386, MCL 700.5207 and 700.5209, regard-
9 ing the child to the extent that the noncompliance has resulted
10 in a disruption of the parent-child relationship.

11 (f) The child has a guardian under ~~the revised probate~~
12 ~~code, 1978 PA 642, MCL 700.1 to 700.993, or the estates and pro-~~
13 ~~tected individuals code, 1998 PA 386, MCL 700.1101 to 700.8102,~~
14 and both of the following have occurred:

15 (i) The parent, having the ability to support or assist in
16 supporting the minor, has failed or neglected, without good
17 cause, to provide regular and substantial support for the minor
18 for a period of 2 years or more before the filing of the petition
19 or, if a support order has been entered, has failed to substan-
20 tially comply with the order for a period of 2 years or more
21 before the filing of the petition.

22 (ii) The parent, having the ability to visit, contact, or
23 communicate with the minor, has regularly and substantially
24 failed or neglected, without good cause, to do so for a period of
25 2 years or more before the filing of the petition.

26 (g) The parent, without regard to intent, fails to provide
27 proper care or custody for the child and there is no reasonable

1 expectation that the parent will be able to provide proper care
2 and custody within a reasonable time considering the child's
3 age.

4 (h) The parent is imprisoned for such a period that the
5 child will be deprived of a normal home for a period exceeding 2
6 years, and the parent has not provided for the child's proper
7 care and custody, and there is no reasonable expectation that the
8 parent will be able to provide proper care and custody within a
9 reasonable time considering the child's age.

10 (i) Parental rights to 1 or more siblings of the child have
11 been terminated due to serious and chronic neglect or physical or
12 sexual abuse, and prior attempts to rehabilitate the parents have
13 been unsuccessful.

14 (j) There is a reasonable likelihood, based on the conduct
15 or capacity of the child's parent, that the child will be harmed
16 if he or she is returned to the home of the parent.

17 (k) The parent abused the child or a sibling of the child
18 and the abuse included 1 or more of the following:

19 (i) Abandonment of a young child.

20 (ii) Criminal sexual conduct involving penetration,
21 attempted penetration, or assault with intent to penetrate.

22 (iii) Battering, torture, or other severe physical abuse.

23 (iv) Loss or serious impairment of an organ or limb.

24 (v) Life threatening injury.

25 (vi) Murder or attempted murder.

26 (vii) Voluntary manslaughter.

1 (viii) Aiding and abetting, attempting to commit, conspiring
2 to commit, or soliciting murder or voluntary manslaughter.

3 (l) The parent's rights to another child were terminated as
4 a result of proceedings under section 2(b) of this chapter or a
5 similar law of another state.

6 (m) The parent's rights to another child were voluntarily
7 terminated following the initiation of proceedings under section
8 2(b) of this chapter or a similar law of another state.

9 (n) The parent is convicted of 1 or more of the following,
10 and the court determines that termination is in the child's best
11 interests because continuing the parent-child relationship with
12 the parent would be harmful to the child:

13 (i) A violation of section 316, 317, 520b, 520c, 520d, 520e,
14 or 520g of the Michigan penal code, 1931 PA 328, MCL 750.316,
15 750.317, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

16 (ii) A violation of a criminal statute, an element of which
17 is the use of force or the threat of force, and which subjects
18 the parent to sentencing under section 10, 11, or 12 of chapter
19 IX of the code of criminal procedure, 1927 PA 175, MCL 769.10,
20 769.11, and 769.12.

21 (iii) A federal law or law of another state with provisions
22 substantially similar to a crime or procedure listed or described
23 in subparagraph (i) or (ii).

24 (4) If a petition to terminate the parental rights to a
25 child is filed, the court may enter an order terminating parental
26 rights under subsection (3) at the initial dispositional
27 hearing. If a petition to terminate parental rights to a child

1 is filed, parenting time for a parent who is a subject of the
2 petition is automatically suspended and, except as otherwise pro-
3 vided in this subsection, remains suspended at least until a
4 decision is issued on the termination petition. If a parent
5 whose parenting time is suspended under this subsection estab-
6 lishes, and the court determines, that parenting time will not
7 harm the child, the court may order parenting time in the amount
8 and under the conditions the court determines appropriate.

9 (5) If the court finds that there are grounds for termina-
10 tion of parental rights, the court shall order termination of
11 parental rights and order that additional efforts for reunifica-
12 tion of the child with the parent not be made, unless the court
13 finds that termination of parental rights to the child is clearly
14 not in the child's best interests.

15 (6) As used in this section, "concerned person" means a
16 foster parent with whom the child is living or has lived who has
17 specific knowledge of behavior by the parent constituting grounds
18 for termination under subsection (3)(b) or (g) and who has con-
19 tacted the family independence agency, the prosecuting attorney,
20 the child's attorney, and the child's guardian ad litem, if any,
21 and is satisfied that none of these persons intend to file a
22 petition under this section.

23 SEC. 19D. (1) IF AN INDIVIDUAL LEAVES A NEWBORN WITH A HOS-
24 PITAL AND DOES NOT EXPRESS AN INTENT TO RETURN FOR THE NEWBORN,
25 THE HOSPITAL SHALL, WITHOUT COURT ORDER, TAKE THE NEWBORN INTO
26 TEMPORARY PROTECTIVE CUSTODY.

1 (2) A HOSPITAL THAT TAKES A NEWBORN INTO TEMPORARY
2 PROTECTIVE CUSTODY UNDER THIS SECTION SHALL PROVIDE THE
3 INDIVIDUAL LEAVING THE NEWBORN WITH THE INFORMATION PAMPHLET
4 PRODUCED UNDER SECTION 19E OF THIS CHAPTER. THE HOSPITAL SHALL
5 INFORM THE INDIVIDUAL LEAVING THE NEWBORN THAT PARENTAL RIGHTS TO
6 THE NEWBORN MAY BE TERMINATED UNDER SECTION 19B OF THIS CHAPTER
7 IF THE CHILD'S PARENT DOES NOT CONTACT THE FAMILY INDEPENDENCE
8 AGENCY WITHIN 28 DAYS. THE HOSPITAL MAY ASK THE INDIVIDUAL LEAV-
9 ING THE NEWBORN ABOUT THE MOTHER'S AND THE NEWBORN'S MEDICAL HIS-
10 TORY, BUT THE HOSPITAL SHALL INFORM THE INDIVIDUAL THAT HE OR SHE
11 IS NOT REQUIRED TO ANSWER ANY QUESTIONS OR PROVIDE ANY INFORMA-
12 TION REGARDING THE IDENTITY OF THE NEWBORN OR THE NEWBORN'S
13 PARENTS.

14 (3) THE HOSPITAL SHALL PROVIDE BOTH THE INDIVIDUAL LEAVING
15 THE NEWBORN AND THE NEWBORN WITH A NUMBERED IDENTIFICATION BRACE-
16 LET TO AID IN LINKING THE INDIVIDUAL TO THE NEWBORN AT A LATER
17 DATE, IF REUNIFICATION IS SOUGHT BEFORE TERMINATION OF PARENTAL
18 RIGHTS UNDER SECTION 19B OF THIS CHAPTER. THE BRACELET SHALL
19 CONTAIN INFORMATION THAT NOTIFIES HOSPITAL PERSONNEL THAT THE
20 NEWBORN HAS BEEN LEFT WITH THE HOSPITAL UNDER THIS SECTION. AN
21 IDENTIFICATION BRACELET PROVIDED UNDER THIS SUBSECTION IS AN
22 IDENTIFICATION AID ONLY AND DOES NOT PERMIT AN INDIVIDUAL POS-
23 SESSING THE BRACELET TO TAKE CUSTODY OF THE NEWBORN ON DEMAND.

24 (4) A HOSPITAL THAT TAKES A NEWBORN INTO TEMPORARY PROTEC-
25 TIVE CUSTODY UNDER THIS SECTION SHALL HAVE THE NEWBORN EXAMINED
26 BY A PHYSICIAN AND SHALL PERFORM ANY OTHER ACT NECESSARY TO
27 PROTECT THE PHYSICAL HEALTH AND SAFETY OF THE NEWBORN. THE

1 PHYSICIAN SHALL MAKE A DETERMINATION AS TO WHETHER THE NEWBORN
2 WAS A VICTIM OF CHILD ABUSE OR CHILD NEGLECT BEFORE HE OR SHE WAS
3 LEFT WITH THE HOSPITAL. NOT LATER THAN 24 HOURS AFTER A HOSPITAL
4 TAKES A NEWBORN INTO TEMPORARY PROTECTIVE CUSTODY UNDER THIS SEC-
5 TION, THE HOSPITAL SHALL NOTIFY THE FAMILY INDEPENDENCE AGENCY
6 THAT THE HOSPITAL HAS TAKEN THE NEWBORN INTO TEMPORARY PROTECTIVE
7 CUSTODY. AS USED IN THIS SECTION, "CHILD ABUSE" AND "CHILD
8 NEGLECT" MEAN THOSE TERMS AS DEFINED IN SECTION 2 OF THE CHILD
9 PROTECTION LAW, 1975 PA 238, MCL 722.622, EXCEPT THAT THE TERMS
10 DO NOT INCLUDE ANY UNINTENDED INJURY SUSTAINED BY A NEWBORN
11 DURING THE COURSE OF CHILDBIRTH.

12 (5) A HOSPITAL AND ITS AGENTS ARE IMMUNE IN A CIVIL ACTION
13 FOR DAMAGES FOR AN ACT OR OMISSION IN ACCEPTING A NEWBORN UNDER
14 THIS SECTION OR IN PERFORMING ANY ACT NECESSARY TO PROTECT THE
15 PHYSICAL HEALTH OR SAFETY OF THE NEWBORN.

16 (6) THE FAMILY INDEPENDENCE AGENCY SHALL DO ALL OF THE
17 FOLLOWING:

18 (A) PLACE A NEWBORN WHO IS LEFT WITH A HOSPITAL UNDER THIS
19 SECTION IN FOSTER CARE WITHIN 1 WEEK AFTER THE DATE THAT THE NEW-
20 BORN IS LEFT WITH THE HOSPITAL, OR AT SUCH TIME AS THE NEWBORN NO
21 LONGER REQUIRES HOSPITAL CARE IF THE NEWBORN IS HOSPITALIZED FOR
22 LONGER THAN 1 WEEK.

23 (B) ASSIST WITH THE REUNIFICATION OF THE NEWBORN WITH A BIO-
24 LOGICAL PARENT OR PARENTS IF REUNIFICATION IS ATTEMPTED BEFORE
25 TERMINATION OF PARENTAL RIGHTS UNDER SECTION 19B OF THIS
26 CHAPTER.

1 (C) REQUEST THE ASSISTANCE OF A LAW ENFORCEMENT AGENCY
2 WITHIN 30 DAYS AFTER THE DATE THE NEWBORN IS LEFT WITH A HOSPITAL
3 UNDER THIS SECTION TO DETERMINE THAT THE NEWBORN IS NOT LISTED AS
4 A MISSING PERSON OR THE SUBJECT OF A KIDNAPPING.

5 SEC. 19E. (1) THE ATTORNEY GENERAL, IN CONJUNCTION WITH THE
6 FAMILY INDEPENDENCE AGENCY, SHALL PRODUCE AN INFORMATIONAL PAM-
7 PHLET THAT SHALL AT A MINIMUM INCLUDE ALL OF THE FOLLOWING
8 INFORMATION:

9 (A) AN EXPLANATION OF THE REQUIREMENTS AND PROTECTIONS
10 ESTABLISHED IN THE SAFE HAVEN PROGRAM.

11 (B) AN EXPLANATION OF HOW TO CONTACT THE FAMILY INDEPENDENCE
12 AGENCY WITH ANY QUESTIONS CONCERNING THE SAFE HAVEN PROGRAM.

13 (C) AN EXPLANATION OF WHAT WILL HAPPEN TO A NEWBORN THAT IS
14 LEFT WITH A HOSPITAL UNDER SECTION 19D OF THIS CHAPTER, INCLUDING
15 THAT THE NEWBORN WILL BE PLACED BY THE FAMILY INDEPENDENCE AGENCY
16 IN FOSTER CARE, AND AN EXPLANATION OF TIMELINES CONCERNING THE
17 REUNIFICATION WITH THE NEWBORN, TERMINATION OF PARENTAL RIGHTS,
18 AND ADOPTION.

19 (D) INFORMATION ON THE AVAILABILITY OF COUNSELING, ADOPTION,
20 AND HUMAN SERVICES.

21 (E) A FAMILY HEALTH AND MEDICAL HISTORY QUESTIONNAIRE FOR
22 THE NEWBORN THAT AN INDIVIDUAL MAY RETURN TO THE FAMILY INDEPEN-
23 DENCE AGENCY. THE QUESTIONNAIRE SHALL BE IDENTIFIED ONLY BY THE
24 NEWBORN'S IDENTIFICATION NUMBER AND THE NAME OF THE HOSPITAL
25 WHERE THE NEWBORN WAS LEFT.

26 (2) THE FAMILY INDEPENDENCE AGENCY, IN COOPERATION WITH
27 STATE AND LOCAL AGENCIES INVOLVED WITH THE PROGRAM, SHALL CONDUCT

1 A PUBLIC AWARENESS CAMPAIGN FOR THE SAFE HAVEN PROGRAM THAT SHALL
2 INCLUDE PUBLIC DISTRIBUTION OF THE INFORMATIONAL PAMPHLETS
3 PRODUCED UNDER SUBSECTION (1).

4 Enacting section 1. This amendatory act does not take
5 effect unless all of the following bills of the 90th Legislature
6 are enacted into law:

7 (a) Senate Bill No. _____ or House Bill No. 5698
8 (request no. 05930'00*).

9 (b) Senate Bill No. _____ or House Bill No. 5697
10 (request no. 06345'00).