

HOUSE BILL No. 4853

June 17, 2003, Introduced by Reps. Gielegem, Plakas, Drolet, Elkins, Minore, Adamini, Sak and Hardman and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 7 and 15 of chapter XII (MCL 712.7 and
712.15), as added by 2000 PA 232.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XII

2 Sec. 7. Upon receipt of notice from a hospital under
3 section 5 of this chapter, the child placing agency shall do all
4 of the following:

5 (a) Immediately assume the care, control, and temporary
6 protective custody of the newborn.

7 (b) If a parent is known and willing, immediately meet with
8 the parent.

9 (c) Make a temporary placement of the newborn with a
10 prospective adoptive parent who has an approved preplacement

1 assessment and resides within the state.

2 (d) Immediately request assistance from law enforcement
3 officials to investigate and determine, through the missing
4 children information clearinghouse, the national center for
5 missing and exploited children, and any other national and state
6 resources, whether the newborn is a missing child.

7 (e) Not later than 48 hours after a transfer of physical
8 custody to a prospective adoptive parent, petition the court in
9 the county in which the prospective adoptive parent resides to
10 provide authority to place the newborn and provide care for the
11 newborn. The petition shall include all of the following:

12 (i) The date of the transfer of physical custody.

13 (ii) The name and address of the emergency service provider
14 to whom the newborn was surrendered.

15 (iii) Any information, either written or verbal, that was
16 provided by and to the parent who surrendered the newborn. The
17 emergency service provider that originally accepted the newborn
18 as required by section 3 of this chapter shall provide this
19 information to the child placing agency.

20 (f) Within 28 days, make reasonable efforts to identify and
21 locate a parent who did not surrender the newborn. If the
22 identity and address of that parent are unknown, the child
23 placing agency shall provide notice by publication in a newspaper
24 of general circulation in the county where the newborn was
25 surrendered. **The child placing agency shall certify to the court**
26 **that it has complied with the soldiers' and sailors' civil relief**
27 **act of 1940, chapter 888, 54 Stat. 1178, 50 U.S.C. Appx 501 to**

1 547 and 560 to 594.

2 Sec. 15. (1) Based on the court's finding of the newborn's
3 best interest under section 14 of this chapter, the court may
4 issue an order that does 1 of the following:

5 (a) Grants legal or physical custody, or both, of the newborn
6 to the parent, and either retains or relinquishes jurisdiction.

7 (b) Terminates the parent's parental rights and gives a child
8 placing agency custody and care of the newborn.

9 (2) The court shall review and determine on the record
10 whether the child placing agency that has custody of a
11 surrendered child has complied with the soldiers' and sailors'
12 civil relief act of 1940, chapter 888, 54 Stat. 1178, 50
13 U.S.C. Appx 501 to 547 and 560 to 594.