

**PROBATE CODE OF 1939 (EXCERPT)**  
**Act 288 of 1939**

**712.10 Custody action by surrendering or nonsurrendering parent; filing; hearing; determination of paternity or maternity.**

Sec. 10.

(1) If a surrendering parent wants custody of a newborn who was surrendered under section 3 of this chapter, the parent shall, within 28 days after the newborn was surrendered, file a petition with the court for custody. Not later than 28 days after notice of surrender of a newborn has been published, an individual claiming to be the nonsurrendering parent of that newborn may file a petition with the court for custody. The surrendering parent or nonsurrendering parent shall file the petition for custody in 1 of the following counties:

(a) If the parent has located the newborn, the county where the newborn is located.

(b) If subdivision (a) does not apply and the parent knows the location of the emergency service provider to whom the newborn was surrendered, the county where the emergency service provider is located.

(c) If neither subdivision (a) nor (b) applies, the county where the parent is located.

(2) If the court in which the petition for custody is filed did not issue the order placing the newborn, the court in which the petition for custody is filed shall locate and contact the court that issued the order and shall transfer the proceedings to that court.

(3) Before holding a custody hearing on a petition filed under this section and not later than 7 days after a petition for custody under this section has been filed, the court shall conduct a hearing to make the determinations of paternity or maternity as described in section 11.

**History:** Add. 2000 Act 232, Eff. Jan. 1, 2001 ;-- Am. 2006, Act 488, Eff. Jan. 1, 2007

**Compiler's Notes:** Enacting section 1 of Act 232 of 2000 provides:“Enacting section 1. Section 19b of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.19b, as amended by this amendatory act, and chapter XII of the probate code of 1939, 1939 PA 288, as added by this amendatory act, do not apply to a proceeding that arises before the effective date of this amendatory act.”

**Popular Name:** Baby Abandonment

**Popular Name:** Baby Drop Off