



**Senate Fiscal Agency**  
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**BILL ANALYSIS**

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House Bill 5097 (Substitute H-1 as passed by the House)  
Sponsor: Representative Amanda Price  
House Committee: Families, Children, and Seniors  
Senate Committee: Families, Seniors and Human Services

Date Completed: 12-5-12

**CONTENT**

The bill would amend the juvenile code to delete a provision authorizing the family division of circuit court (family court) to terminate a parent's parental rights to a child if the court finds by clear and convincing evidence that the child's parent voluntarily surrendered the child to an emergency service provider under the Safe Delivery of Newborns Law and did not petition the court to regain custody within 28 days after surrendering the child.

(The Safe Delivery of Newborns Law, which allows a parent to surrender a newborn to an emergency service provider, provides that a parent who surrenders a newborn and who does not file a custody action within 28 days is presumed to have knowingly released his or her parental rights to the child. If the nonsurrendering parent has not filed a petition for custody within 28 days of notice of surrender, the child placing agency with authority to place the newborn must immediately file a petition with the family court to determine whether the court will enter an order terminating the rights of the nonsurrendering parent. If the court finds by a preponderance of the evidence that the surrendering parent has knowingly released his or her rights to the child and that reasonable efforts were made to locate the nonsurrendering parent and a custody action has not been filed, the court must enter an order terminating parental rights of both parents.)

MCL 712A.19b

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.