

# HOUSE BILL NO. 5492

February 22, 2024, Introduced by Rep. Schriver and referred to the Committee on Government Operations.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 1 of chapter XII (MCL 712.1), as amended by 2006 PA 488.

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

- 1 CHAPTER XII
- 2 Sec. 1. (1) This chapter shall be known and may be cited as
- 3 the "safe delivery of newborns law".
- 4 (2) As used in this chapter:
- 5 (a) "Child placing agency" means that term as defined in

1 section 1 of 1973 PA 116, MCL 722.111.

2 (b) "Court" means the family division of circuit court.

3 (c) "Department" means the department of **health and** human  
4 services.

5 (d) "DNA identification profile" and "DNA identification  
6 profiling" mean those terms as defined in section 1 of the  
7 paternity act, 1956 PA 205, MCL 722.711.

8 (e) "Domestic violence" means that term as defined in section  
9 1 of 1978 PA 389, MCL 400.1501.

10 (f) "Emergency service provider" means a uniformed or  
11 otherwise identified employee or contractor of a fire department,  
12 hospital, or police station when that individual is inside the  
13 premises and on duty. Emergency service provider also includes a  
14 paramedic or an emergency medical technician when either of those  
15 individuals is responding to a 9-1-1 emergency call.

16 (g) "Fire department" means an organized fire department as  
17 that term is defined in section 1 of the fire prevention code, 1941  
18 PA 207, MCL 29.1.

19 (h) "Gross negligence" means conduct so reckless as to  
20 demonstrate a substantial lack of concern for whether an injury  
21 results.

22 (i) "Hospital" means a hospital that is licensed under article  
23 17 of the public health code, 1978 PA 368, MCL 333.20101 to  
24 ~~333.22260~~.**333.22121**.

25 (j) "Lawyer-guardian ad litem" means an attorney appointed  
26 under section 2 of this chapter. A lawyer-guardian ad litem  
27 represents the newborn, and has the powers and duties, as set forth  
28 in section 17d of chapter XIIA.

29 (k) "Newborn" means a child who a physician reasonably

1 believes to be not more than 72 hours old.

2 (l) "Police station" means that term as defined in section 43  
3 of the Michigan vehicle code, 1949 PA 300, MCL 257.43.

4 (m) "Preplacement assessment" means an assessment of a  
5 prospective adoptive parent as described in section 23f of chapter  
6 X.

7 (n) "Surrender" means to leave a newborn with an emergency  
8 service provider without expressing an intent to return for the  
9 newborn.

10 Enacting section 1. This amendatory act does not take effect  
11 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5477 (request no.  
12 01038'23) of the 102nd Legislature is enacted into law.