

PROCEDURE MANUAL

07-07



MICHIGAN STATE POLICE

Protective Custody of Surrendered Newborns

Purpose: This manual provides uniform procedures for protective custody of surrendered newborns in compliance with the "Safe Delivery Act."

Effective Date: April 19, 2022

Table of Contents

Protective Custody of Surrendered Newborns

Section 1: Protective Custody of Surrendered Newborns	1
1.1 The Safe Delivery Act	1
1.2 Required Reports	1
1.2 LEIN Broadcast	2
1.4 Investigations	2

Definitions:

None

Section 1: Protective Custody of Surrendered Newborns

1.1 The Safe Delivery Act

- a. The Safe Delivery Act ([MCL 712.1, et seq.](#)) mandates that emergency service providers take temporary protective custody of any newborn under the age of 72 hours that is surrendered to them by the parent.
- b. MCL 712.1 (e) defines “Emergency Service Provider” as a uniformed employee or otherwise identified employee or contractor of a fire department, hospital, or police station when that individual is inside the premise and on duty.
 - i. “Police station” is defined according to [MCL 257.43](#) as every county jail, every police station in any city, village, or township; and the headquarters and every regular sub-post of the Michigan State Police.
- c. MCL 712.1 (j) defines a “newborn” as a child who a physician reasonably believes to be under the age of 72 hours.
- d. MCL 712.1 (m) defines “surrender” as leaving a newborn with an emergency service provider without expressing intent to return for the newborn.

1.2 Required Reports

- a. In all cases, the proper incident report and other required reports shall be submitted.
- b. An official MDHHS “[Voluntary Medical Background Form for a Surrendered Newborn](#)” (DHS 4819, 2-19) shall be completed and submitted with the original incident report.
- c. The member accepting the newborn shall supply the surrendering parent with the following required MDHHS publications:
 - i. [DHS Publication 864](#) (11-15) “Surrendering Parents Rights.”
 - ii. [DHS Publication 4820](#) (2-19) “Voluntary Release for Adoption of a Surrendered Newborn by Parent.”

- iii. [DHS Publication 867](#) (1-12) "Safe Delivery Program Fact Sheet."
- d. The original copy of the DHS Publication 4819 (2-19) "Medical Background Form for a Surrendered Newborn," and the original copy of DHS Publication 4820 (2-19) "Voluntary Release for Adoption of a Surrendered Newborn by Parent" when completed, shall be forwarded to the emergency medical facility that has temporary custody of the child. Additional copies of both forms shall be attached to the original incident report.

1.2 LEIN Broadcast

The enlisted member investigating a surrendered newborn incident shall submit a regional LEIN broadcast to area law enforcement agencies. Area law enforcement agencies shall be asked for investigative leads to determine if the surrendered newborn matches the description of a missing child reported within their jurisdiction. The LEIN broadcast shall include a complete description of the surrendered newborn, including age, weight, height, sex, hair color and eye color, distinguishing marks, and a clothing description. The member shall document the dissemination of the LEIN broadcast in the incident report.

1.4 Investigations

- a. When a member accepts a child in compliance with the Safe Delivery Act, they shall assume the child is a newborn and take temporary protective custody of the newborn. Members shall take immediate action to protect the health and safety of the newborn ([MCL 712.3](#)). In every incident where a member takes protective custody of a surrendered newborn, emergency medical personnel will transport the surrendered newborn to the nearest medical facility. In each case of a surrendered newborn, the emergency medical personnel transporting the infant shall be given a copy of the completed DHS Publication 4819 (2-19) "Medical Background Form for a Surrendered Newborn." The medical facility will take custody of the surrendered newborn.
 - i. If the member that accepts the surrendered newborn is not enlisted, they shall immediately relinquish the surrendered newborn incident to the proper departmental authority empowered to conduct criminal investigations of this nature.
- b. If the member accepting the newborn believes the surrendering parent is a minor in need of immediate medical assistance, they shall render first aid to the surrendering parent and contact emergency medical personnel to transport the minor to the nearest medical facility.
- c. If the member believes the surrendering parent is not a minor but is still in need of medical attention, the member shall offer first aid and medical assistance. If medical assistance is declined, the member investigating the incident shall document in the incident report that the surrendering parent did not want medical assistance.
- d. The member accepting the newborn shall inform the surrendering parent that:
 - i. By surrendering the newborn, the parent is releasing the child to a child-placing agency to be placed for adoption.
 - ii. The parent has 28 days after surrendering the newborn to petition the court to regain custody of the newborn.
 - iii. After the 28-day period to petition for custody has lapsed, there will be a hearing to terminate parental rights.

- iv. There will be a public notice of this hearing; the notice will not contain the parent's name.
 - v. The parent will not receive personal notice of this hearing.
 - vi. The information the parent provides to the emergency service provider will not be made public.
 - vii. A parent can contact the toll-free safe delivery telephone number 1-866-733-7733 for more information.
- e. The member accepting the newborn will make a reasonable effort to obtain from the surrendering parent relevant family or medical information, utilizing the Family Independence Agency Medical Background Form for a Surrendered Newborn (FIA Publication 4819, 2-19).
- f. Once the newborn is examined by a physician at a hospital ([MCL 712.5](#)) and it is determined that the newborn is not a victim of abuse or neglect, the member investigating the incident shall document the physician's findings in the incident report before closing the incident.
- i. If the physician who examines the newborn determines there is a reason to suspect abuse or neglect, or has reason to believe that the child is not a newborn under this section, then the physician must report the incident according to Michigan's Child Protection Law ([MCL 722.621-722.638](#)). A member who accepts a newborn and has reasonable cause to suspect that the newborn may be the victim of abuse or neglect, or is not a newborn according to the Safe Delivery Act by the examining physician, shall notify the proper departmental authority.
- g. The member who accepts a newborn and has reasonable cause to suspect the surrendering parent is a minor child that is a victim of child abuse or neglect shall immediately notify the proper departmental authority.
- h. If the surrendering parent wants to be anonymous, and does not want to answer any questions, and the member does not suspect the newborn or the surrendering parent are victims of child abuse or neglect, the member shall take the newborn into temporary protective custody and not detain the surrendering parent, nor compel the surrendering parent to answer any questions.
- i. The member investigating the incident of a surrendered newborn shall take photographs of the newborn (depicting the face and shoulders of the infant) and forward a copy of the incident report and the photograph to Michigan's Missing Children Information Clearinghouse located within the Michigan Intelligence Operations Center.

Michigan State Police
Michigan Intelligence Operations Center
7150 Harris Drive
Dimondale, MI 48821
Telephone number 517-284-3267

- i. Michigan's Missing Children Information Clearinghouse shall conduct an investigation to determine if a surrendered newborn is a missing child. If a surrendered newborn is a missing child, Michigan's Missing Children Information Clearinghouse shall immediately

- notify the emergency service provider that accepted the newborn and the child-placing agency that has temporary custody of the surrendered newborn.
- ii. The member investigating the incident of a surrendered newborn shall not close the incident report until they have been notified by Michigan's Missing Children Information Clearinghouse that the surrendered newborn is not a missing child.
 - iii. Michigan's Missing Children Information Clearinghouse shall keep a record of all newborns surrendered in Michigan in compliance with Michigan's Safe Delivery Act.
- j. If the surrendered newborn is a missing child, the department shall conduct a criminal investigation and immediately notify the MDHHS that has temporary custody of the newborn.