

# Everything You Need to Know About the Safe Delivery of Newborns Law

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# Safe Delivery - Purpose

- The Safe Delivery of Newborns Law provides a mechanism for a parent (typically, the mother) to surrender a newborn safely, without fear of criminal prosecution or a child abuse and neglect proceeding.
- **The statutory goal of SDNL:**
  - o Save the lives of newborns
  - o Protect privacy of surrendering parent, who is typically in a crisis pregnancy due to DV or drug use
  - o Move the proceedings quickly

Michigan is the most restrictive  
state in the whole country:  
3 days and reasonable efforts

# Safe Delivery – Current data

## **Number of Surrenders**

**Between 01/01/2001 - 04/02/2025**

Total Number of Surrenders: 374

Location of Surrender:

- Hospital: 366\*
- Fire Department: 7
- Police Station: 1
- 9-1-1 Call: 0

\* In most cases, the surrendering parent delivered the newborn at the hospital.

# Safe Delivery – Michigan Statistics

In first 17 years, the surrender rate averaged 11/year

2018 Vital Records Act Amendment - birth certificate will state that the mother is unknown, the father is unknown, and the baby is “Baby Doe.”  
MCL 333.2822(1)(C).

2017 – 2021, average increased to 18/year

2022 Apr 2025, **average increased to 25/year!**



# Key Features of Michigan's Safe Delivery of Newborn Laws

# Key Features

- 3 days to surrender - the child **must be a newborn** – if not, hospital shall immediately report to DHHS.
- Surrender can occur at EMS, Fire or Police Station, or a hospital.

MCL 712.1 & 712.2

# Key Features

- Surrendering Parent is **not required** to share any identifying information.
- But the hospital social worker should try to obtain as much information as possible about the parents and their health histories.

MCL 712.3

# Key Features – Emergency Service

## Provider

- The hospital calls child placing agency and that agency finds an adoptive homes ready and willing to accept newborn into their home.
- If birth was not witnessed by emergency service provider, must check missing child registry.

MCL 712.7

# Child Placing Agency Duties

- File **Petition with Court** in the County where Prospective Adoptive Parent resides.
- This will provide authority to place the newborn and provide care for the newborn.
- Must occur **no later than 48 hours** of transfer.

# Petition Requirements

- The date of the transfer of physical custody.
- The name and address of the emergency service provider to whom the newborn was surrendered.
- Any information, either written or verbal, that was provided by and to the parent who surrendered the newborn.

MCL

712.7(e)

# Petition Requirements

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	PETITION FOR PLACEMENT ORDER OF SURRENDERED NEWBORN CHILD	CASE NO.
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In the matter of \_\_\_\_\_, a surrendered newborn child  
Full name of child

1. I am an employee of \_\_\_\_\_, a child-placing agency that assumed  
Name of agency  
temporary protective custody of the newborn child named above. The child was surrendered on \_\_\_\_\_.  
Date

2. The newborn child is believed to have been born on \_\_\_\_\_ at \_\_\_\_\_.  
Date of birth Location of birth

3. Mother of newborn is: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Name  
\_\_\_\_\_  
Street address, city, state, zip and county

Father of newborn is: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Name  
\_\_\_\_\_  
Street address, city, state, zip and county

4. On \_\_\_\_\_ petitioner temporarily placed the newborn with prospective adoptive parent(s),  
Date  
\_\_\_\_\_ residing at \_\_\_\_\_  
Name(s) Address  
within this county. Their preplacement assessment has been approved by the agency.

5.  a. The emergency service provider gave information (as required by MCL 712.3) to the parent surrendering the newborn.  
The information was  written (attached).  verbal and is as follows: \_\_\_\_\_  
\_\_\_\_\_

b. The parent surrendering the newborn gave the emergency service provider information. The information was  
 written (attached).  verbal and is as follows: \_\_\_\_\_  
\_\_\_\_\_

c. Neither the emergency service provider or the parent surrendering the newborn exchanged written or verbal information  
because: \_\_\_\_\_  
\_\_\_\_\_

(SEE SECOND PAGE)

# Petition Requirements

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**I REQUEST** that the court authorize the:

6. Placement of the child with the prospective adoptive parent(s).
7. Child-placing agency and prospective adoptive parent(s) to provide care for the newborn.
8. Prospective adoptive parent(s) to consent to all medical, surgical, dental, optical, psychological, educational, and related services while having custody of the newborn.

I declare that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

/s/

Attorney signature

Attorney name (type or print)

Bar no.

Address

City, state, zip

Telephone no.

Date

/s/

Signature of petitioner

Name (type or print)

Address

City, state, zip

Telephone no.

Agency Contact Information:

Name of agency representative (type or print)

Agency name

Telephone no.

Address

City, state, zip

E-mail

# Child Placing Agency Duties

- Child placing agency must make “reasonable efforts” to identify, locate, and provide notice to the nonsurrendering parent.
- The nonsurrendering parent typically receives notice by publication because the identity of the nonsurrendering parent is unknown.
- Public notice in county where newborn surrendered.

MCL 712.7

# Safe Delivery – Public Notice

All public notices in Michigan are now available at:

<https://www.mipublicnotices.com/#/>

And are searchable by county, date range, and also type of notice

# Safe Delivery – Public Notice


## BIRTH PARENTS OF A BABY born




 Published:

05/20/2025

 Probate

 Oakland County Legal News

 Oakland

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**Case #:** Not Available

**Notice ID:** 1562363

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PUBLICATION OF NOTICE OF SAFE DELIVERY OF NEWBORN (MCL 712.7) MARQUETTE COUNTY CIRCUIT COURT – FAMILY DIVISION 234 W. BARAGA AVENUE, MARQUETTE, MI 49855 MARQUETTE COUNTY, MICHIGAN IN THE MATTER OF BABY DOE TO: BIRTH PARENTS OF A BABY born and surrendered on May 3, 2025 at Henry Ford (formerly Ascension Providence) Rochester Hospital, 1101 W. University Drive, Rochester, Oakland County, Michigan. TAKE NOTICE: When a newborn is surrendered it is the same as releasing the newborn to a child placing agency to be placed for adoption. You have 28 days from the date of this notice to petition the Circuit Court Family Division for custody of your child. Your petition must be filed in Marquette County where the newborn is located, or Oakland County where the emergency service provider is located, or where you as a parent are located. After the 28 days end, there will be a hearing to terminate your parental rights. You will not receive personal notice of this hearing. You, as the parent, can call Adoption Associates, Inc. at 616.667.0677 for more information. (5-20)

# Child Placing Agency Duties

- Child Placing Agency must file **written report** with the Court:
  - State efforts made in attempting to identify and locate NSP.
  - State result of those efforts.

MCL 712.7

# Key Features – Requesting Custody

- The Surrendering Parent has 28 days from surrender to request custody.
- The Nonsurrendering Parent has 28 days from NOTICE of surrender to request custody.

MCL 712.10

# Key Features –Custody Not Requested

- If neither SP or NSP request custody, then:
  - Agency to **immediately petition** Court to accept SP's surrender as release of parental rights.
  - Agency to **immediately petition** Court to terminate NSP's parental rights.

# Key Features – Where to File Custody Request

- County where newborn is located (typically, County where NB case was filed), if known.
- County where Surrender occurred, if known.
- County where the parent is located.

MCL 712.10

# Safe Delivery Custody Petition

<b>STATE OF MICHIGAN</b> JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	<b>PETITION OF PARENT FOR CUSTODY OF SURRENDERED NEWBORN CHILD</b>	<b>CASE NO. AND JUDGE</b>
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In the matter of \_\_\_\_\_  
First, middle, and last name of surrendered newborn child

1. I am the  mother  father of the above named newborn child born on \_\_\_\_\_  
Date of birth  
at \_\_\_\_\_  
Location of birth

2. The newborn was surrendered to \_\_\_\_\_, an emergency services  
Name of emergency services provider (indicate if unknown)  
provider located at \_\_\_\_\_  
Street address, city, and county of emergency services provider

The surrender was made by the  mother  father on \_\_\_\_\_, less than 28 days from  
Date  
filing this petition.

3.  The newborn is located in \_\_\_\_\_ County, Michigan.  
 I do not know where the child is presently located.

4. Mother of newborn: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Name  
\_\_\_\_\_  
Street address, city, state, zip and county

Father of newborn: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Name  
\_\_\_\_\_  
Street address, city, state, zip and county

5. I wish to revoke surrender of my child and release of parental rights, if any.

**I REQUEST:**  
6. That I be given custody of the child.  
7. That blood or tissue typing be ordered if required by law.  
8. Other:

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

_____ <small>Date</small>	_____ <small>Date</small>
_____ <small>Signature of petitioner</small>	_____ <small>Signature of petitioner</small>
_____ <small>Name (type or print)</small>	_____ <small>Name (type or print)</small>
_____ <small>Address</small>	_____ <small>Address</small>
_____ <small>City, state, zip</small>	_____ <small>City, state, zip</small>
_____ <small>Telephone no.</small>	_____ <small>Telephone no.</small>

# Key Features – Where to File

## *CAVEAT:*

If petition is filed in SP's or NSP's county, the judge in that other county **MUST locate** NB court and **transfer** custody request to NB court.

MCL 712.10

# Safe Delivery– DNA Testing

- If neither parent files a custody petition, their rights can be terminated to make way for adoption.
- If either person claiming to be the parent files for custody, **DNA testing is mandatory** for:
  - o any man who claims to be father and
  - o a woman who claims to be mother but did not give birth in presence of emergency service provider.

MCL 712.11

# Safe Delivery – Best Interests

- If DNA established, then the court shall determine custody of the newborn based on the newborn's best interest.
- The court shall consider, evaluate, and make findings on each factor of the newborn's best interest **with the goal of achieving permanence** for the newborn **at the earliest possible date.**

MCL

712.14(1).

# Safe Delivery – Best Interests

BIC factors include:

- § The love, affection, and other emotional ties existing between the newborn and the parent. MCL 712.14(2)(a).
- § The parent's capacity and disposition to provide the newborn with food, clothing, medical care, or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs. MCL 712.14(2)(c).
- § Whether the parent has a history of domestic violence. MCL 712.14(2)(g).
- § If the parent is not the parent who surrendered the newborn, the opportunity the parent had to provide appropriate care and custody of the newborn before the newborn's birth or surrender. MCL 712.14(2)(h).

# Key Features

- When faced with custody petition, the trial court can do 1 of 3 things:
  - Grant custody and retain or relinquish jurisdiction. [= BIC to be with parent]
  - Determine best interests not served by granting custody to parent and order child placing agency to petition court for jurisdiction under Juvenile Code. [= BIC is not with parent and agency can seek to terminate parental rights when there is legal parent]
  - Dismiss the petition. [= petition for custody so agency can pursue TPR and adoption under adoption code when putative father]

MCL 712.15



# Important Aspects You Should Know

# Important!

- It does **not** matter that mother is **married**.  
Even if a husband comes into court, he has to submit to **DNA testing**.
- Child Custody Act, Juvenile Code, and Adoption Code do **NOT** apply to SDNL.
- Cases move **fast!**

# Safe Delivery – Important Aspects

- If newborn has experienced **child abuse or child neglect**, the physician shall immediately report to DHHS. MCL 712.5.
- **BUT** a mother's drug use during pregnancy is not child abuse under MCL 712.5, and is not a reason to prevent a safe delivery placement from moving forward.

# Safe Delivery – Procedural Issues

- Paternity can be established under SDNL once there is DNA evidence and the court grants the parent's motion for summary disposition on the issue of paternity. *In re Baby Boy Doe*, \_\_ Mich App \_\_ (Docket No. 366773, January 25, 2024).
- MCL 712.11(3): "If the probability of paternity or maternity determined by the blood or tissue typing or DNA identification profiling is 99% or higher **and the DNA identification profile and summary report are admissible**, paternity or maternity is presumed and **the petitioner may move for summary disposition on the issue of paternity** or maternity."

# Thank you!

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