

HB 5751 Safe Haven Device

Definitions

Newborn: A child a physician reasonably believes to be not more than 72 hours old.

Newborn Safety Device (NSD): A device provided by an emergency service provider that would allow a newborn to be safely abandoned.

Emergency Service Provider: A uniformed employee of a fire department, hospital, or police station.

Child Placing Agency: A governmental or non-profit organization such as an adoption or foster care agency that places children in homes for adoption or foster care.

Preponderance of the Evidence: The majority of the evidence points toward a certain conclusion being true. It is more likely to be true than untrue.

Adoptee: The person being adopted.

History

The Michigan Safe Delivery law allows for child abandonment without penalty provided the child is abandoned 1) within three days of birth and 2) to a uniformed worker who is “inside and on duty at any hospital, fire department, police station, or to an emergency medical technician or paramedic by calling 9-1-1.” https://www.michigan.gov/mdhhs/0,5885,7-339-71548_7200---,00.html Parents may abandon their child anonymously. An emergency service provider may ask for information regarding the child’s health, but parents may choose to refuse to answer.

Summary

HB 5751 would allow newborn safety devices (NSDs) to be installed and used at emergency service provider locations. The NSD would allow a parent to safely and anonymously abandon a newborn child. After a child has been placed in the NSD, the NSD would alert the authorities and lock to prevent access by an unauthorized person. Specific details regulating the NDS would be determined after the passing of the bill.

Arguments

Supporting

- As Rep. Bronna Kahle, a co-sponsor of the bill said, “This legislation takes the necessary steps to ensure that no mother feels that she has to abandon her child illegally.” (Quoted in *The Detroit News*, “Infants could be left in ‘baby boxes’ under bill,” 12/18/18.)
- Unfortunately, some parents are too ashamed to have the face-to-face interaction required under current law. This plays a role in abandoned infants being found at or near legal, surrender sites. (See *MLive* article “Newborn found in vehicle at Grand Rapids hospital.”)

Opposing

- The bill doesn’t address who would be held liable if something happens to a baby placed in an NSD.
- Rather than outlining the standards for NSDs, the bill requires that these standards be determined by the Michigan Department of Health and Human Services within 180 days of the bill passing. This means that no one can know what is going to be required as part of this bill.