

FIRST REGULAR SESSION

HOUSE BILL NO. 1179

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STORCH.

2534L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 210.950, RSMo, and to enact in lieu thereof one new section relating to the safe place for newborns act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 210.950, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.950, to read as follows:

210.950. 1. This section shall be known and may be cited as the "Safe Place for Newborns Act of 2002". The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

2. As used in this section, the following terms mean:

(1) "Hospital", as defined in section 197.020, RSMo;

(2) "Nonrelinquishing parent", the biological parent who does not leave a newborn infant with any person listed in subsection 3 of this section in accordance with this section;

(3) "Relinquishing parent", the biological parent or person acting on such parent's behalf who leaves a newborn infant with any person listed in subsection 3 of this section in accordance with this section.

3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045 or 568.050, RSMo, for actions related to the voluntary relinquishment of a child up to [five] **thirty** days old pursuant to this section and it shall be an affirmative defense to prosecution for a violation of sections 568.030, 568.032, 568.045 and 568.050, RSMo, that a parent who is a defendant voluntarily relinquished a child no more than [one year] **thirty days** old pursuant to this section if:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (1) Expressing intent not to return for the child, the parent voluntarily delivered the child
19 safely to the physical custody of any of the following persons:

20 (a) An employee, agent, or member of the staff of any hospital, in a health care provider
21 position or on duty in a nonmedical paid or volunteer position;

22 (b) A firefighter or emergency medical technician on duty in a paid position or on duty
23 in a volunteer position; or

24 (c) A law enforcement officer;

25 (2) The child was no more than one year old when delivered by the parent to any person
26 listed in subdivision (1) of this subsection; and

27 (3) The child has not been abused or neglected by the parent prior to such voluntary
28 delivery.

29 4. A person listed in subdivision (1) of subsection 3 of this section shall, without a court
30 order, take physical custody of a child the person reasonably believes to be no more than one year
31 old and is delivered in accordance with this section by a person purporting to be the child's
32 parent. If delivery of a newborn is made pursuant to this section in any place other than a
33 hospital, the person taking physical custody of the child shall arrange for the immediate
34 transportation of the child to the nearest hospital licensed pursuant to chapter 197, RSMo.

35 5. The hospital, its employees, agents and medical staff shall perform treatment in
36 accordance with the prevailing standard of care as necessary to protect the physical health or
37 safety of the child. The hospital shall notify the division of family services and the local juvenile
38 officer upon receipt of a child pursuant to this section. The local juvenile officer shall
39 immediately begin protective custody proceedings and request the child be made a ward of the
40 court during the child's stay in the medical facility. Upon discharge of the child from the medical
41 facility and pursuant to a protective custody order ordering custody of the child to the division,
42 the division of family services shall take physical custody of the child. The parent's voluntary
43 delivery of the child in accordance with this section shall constitute the parent's implied consent
44 to any such act and a voluntary relinquishment of such parent's parental rights.

45 6. In any termination of parental rights proceeding initiated after the relinquishment of
46 a child pursuant to this section, the juvenile officer shall make public notice that a child has been
47 relinquished, including the sex of the child, and the date and location of such relinquishment.
48 Within thirty days of such public notice, the nonrelinquishing parent wishing to establish parental
49 rights shall identify himself or herself to the court and state his or her intentions regarding the
50 child. The court shall initiate proceedings to establish paternity, or if no person identifies himself
51 as the father within thirty days, maternity. The juvenile officer shall make examination of the
52 putative father registry established in section 192.016, RSMo, to determine whether attempts
53 have previously been made to preserve parental rights to the child. If such attempts have been

54 made, the juvenile officer shall make reasonable efforts to provide notice of the abandonment
55 of the child to such putative father.

56 7. (1) If a relinquishing parent of a child relinquishes custody of the child to any person
57 listed in subsection 3 of this section in accordance with this section and to preserve the parental
58 rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps necessary
59 to establish parentage within thirty days after the public notice or specific notice provided in
60 subsection 6 of this section.

61 (2) If a nonrelinquishing parent fails to take steps to establish parentage within the
62 thirty-day period specified in subdivision (1) of this subsection, the nonrelinquishing parent may
63 have all of his or her rights terminated with respect to the child.

64 (3) When a nonrelinquishing parent inquires at a hospital regarding a child whose
65 custody was relinquished pursuant to this section, such facility shall refer the nonrelinquishing
66 parent to the division of family services and the juvenile court exercising jurisdiction over the
67 child.

68 8. The persons listed in subdivision (1) of subsection 3 of this section shall be immune
69 from civil, criminal, and administrative liability for accepting physical custody of a child
70 pursuant to this section if such persons accept custody in good faith. Such immunity shall not
71 extend to any acts or omissions, including negligent or intentional acts or omissions, occurring
72 after the acceptance of such child.

73 9. The division of family services shall:

74 (1) Provide information and answer questions about the process established by this
75 section on the statewide, toll-free telephone number maintained pursuant to section 210.145;

76 (2) Provide information to the public by way of pamphlets, brochures, or by other ways
77 to deliver information about the process established by this section.

78 10. Nothing in this section shall be construed as conflicting with section 210.125.

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