

SECOND REGULAR SESSION  
[PERFECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1443**  
**91ST GENERAL ASSEMBLY**

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Reported from the Committee on Children, Families and Health, March 14, 2002, with recommendation that the House Committee Substitute for House Bill No. 1443 Do Pass.

Taken up for Perfection April 8, 2002. House Committee Substitute for House Bill No. 1443 ordered Perfected and printed.

TED WEDEL, Chief Clerk

3865L.02P

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**AN ACT**

To amend chapter 210, RSMo, by adding thereto one new section relating to the Safe Place for Newborns Act.

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

Section A. Chapter 210, RSMo, is amended by adding thereto one new section, 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) "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;**

**(2) "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 be immune from prosecution for a violation of section 568.030, 568.045 or 568.050, RSMo, for actions related to the voluntary relinquishment of a child pursuant to this section if:**

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

16           (a) An employee, agent, or member of the staff of any twenty-four hour medical  
17 facility licensed pursuant to chapter 197, RSMo, in a health care provider position or on  
18 duty in a nonmedical paid or volunteer position;

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

21           (c) A law enforcement officer; or

22           (d) A duly ordained ministry or clergy of a well-recognized church or religious  
23 denomination;

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

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

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

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

48           6. In any termination of parental rights proceeding initiated after the  
49 relinquishment of a child pursuant to this section, the juvenile officer shall make public  
50 notice that a child has been relinquished, including the sex of the child, and the date and  
51 location of such relinquishment. Within thirty days of such public notice, the

52 nonrelinquishing parent shall identify himself or herself to the court and state his or her  
53 intentions regarding the child. The court shall initiate proceedings to establish paternity.  
54 The juvenile officer shall make examination of the putative father registry established in  
55 section 192.016, RSMo, to determine whether attempts have previously been made to  
56 preserve parental rights to the child. If such attempts have been made, the juvenile officer  
57 shall make reasonable efforts to provide notice of the abandonment of the child to such  
58 putative father.

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

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

67 (3) When a nonrelinquishing parent inquires at a twenty-four hour medical facility  
68 regarding a child whose custody was relinquished pursuant to this section, such facility  
69 shall refer the nonrelinquishing parent to the division of family services and the juvenile  
70 court exercising jurisdiction over the child.

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

76 9. The division of family services shall work with the children's trust fund board,  
77 subject to approval by the board, or other child advocacy groups, community groups, and  
78 health organizations to provide information to the public through pamphlets, brochures,  
79 or by other means to deliver information concerning the process established by this section.

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