

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 673 &
2 560, Page 28, Section 210.195, Line 24, by inserting after all of said section and line the following:

3
4 "210.950. 1. This section shall be known and may be cited as the "Safe Place for Newborns
5 Act of 2002". The purpose of this section is to protect newborn children from injury and death
6 caused by abandonment by a parent, and to provide safe and secure alternatives to such
7 abandonment.

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

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

10 (2) "Maternity home", the same meaning as such term is defined in section 135.600;

11 (3) "Newborn safety incubator", a medical device used to
12 maintain an optimal environment for the care of a newborn infant;

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

15 ~~[(4)]~~ (5) "Pregnancy resource center", the same meaning as such term is defined in section
16 135.630;

17 ~~[(5)]~~ (6) "Relinquishing parent", the biological parent or person acting on such parent's
18 behalf who leaves a newborn infant with any person listed in subsection 3 of this section in
19 accordance with this section.

20 3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045 or
21 568.050 for actions related to the voluntary relinquishment of a child up to forty-five days old
22 pursuant to this section if:

23 (1) Expressing intent not to return for the child, the parent voluntarily delivered the child
24 safely to a newborn safety incubator as defined under this section, or to the physical custody of any
25 of the following persons:

26 (a) An employee, agent, or member of the staff of any hospital, maternity home, or
27 pregnancy resource center in a health care provider position or on duty in a nonmedical paid or
28 volunteer position;

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

31 (c) A law enforcement officer;

32 (2) The child was no more than forty-five days old when delivered by the parent to any
33 person listed in subdivision (1) of this subsection; and

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

36 4. A parent voluntarily relinquishing a child under this section shall not be required to

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1 provide any identifying information about the child or the parent. No person shall induce or coerce,
 2 or attempt to induce or coerce, a parent into revealing his or her identity. No officer, employee, or
 3 agent of this state or any political subdivision of this state shall attempt to locate or determine the
 4 identity of such parent. In addition, any person who obtains information on the relinquishing parent
 5 shall not disclose such information except to the following:

- 6 (1) A birth parent who has waived anonymity or the child's adoptive parent;
- 7 (2) The staff of the department of health and senior services, the department of social
 8 services, or any county health or social services agency or licensed child welfare agency that
 9 provides services to the child;
- 10 (3) A person performing juvenile court intake or dispositional services;
- 11 (4) The attending physician;
- 12 (5) The child's foster parent or any other person who has physical custody of the child;
- 13 (6) A juvenile court or other court of competent jurisdiction conducting proceedings relating
 14 to the child;
- 15 (7) The attorney representing the interests of the public in proceedings relating to the child;

16 and

- 17 (8) The attorney representing the interests of the child.

18 5. A person listed in subdivision (1) of subsection 3 of this section shall, without a court
 19 order, take physical custody of a child the person reasonably believes to be no more than forty-five
 20 days old and is delivered in accordance with this section by a person purporting to be the child's
 21 parent. If delivery of a newborn is made pursuant to this section in any place other than a hospital,
 22 the person taking physical custody of the child shall arrange for the immediate transportation of the
 23 child to the nearest hospital licensed pursuant to chapter 197.

24 6. The hospital, its employees, agents and medical staff shall perform treatment in
 25 accordance with the prevailing standard of care as necessary to protect the physical health or safety
 26 of the child. The hospital shall notify the children's division and the local juvenile officer upon
 27 receipt of a child pursuant to this section. The local juvenile officer shall immediately begin
 28 protective custody proceedings and request the child be made a ward of the court during the child's
 29 stay in the medical facility. Upon discharge of the child from the medical facility and pursuant to a
 30 protective custody order ordering custody of the child to the division, the children's division shall
 31 take physical custody of the child. The parent's voluntary delivery of the child in accordance with
 32 this section shall constitute the parent's implied consent to any such act and a voluntary
 33 relinquishment of such parent's parental rights.

34 7. In any termination of parental rights proceeding initiated after the relinquishment of a
 35 child pursuant to this section, the juvenile officer shall make public notice that a child has been
 36 relinquished, including the sex of the child, and the date and location of such relinquishment.
 37 Within thirty days of such public notice, the parent wishing to establish parental rights shall identify
 38 himself or herself to the court and state his or her intentions regarding the child. The court shall
 39 initiate proceedings to establish paternity, or if no person identifies himself as the father within thirty
 40 days, maternity. The juvenile officer shall make examination of the putative father registry
 41 established in section 192.016 to determine whether attempts have previously been made to preserve
 42 parental rights to the child. If such attempts have been made, the juvenile officer shall make
 43 reasonable efforts to provide notice of the abandonment of the child to such putative father.

44 8. (1) If a relinquishing parent of a child relinquishes custody of the child to any person
 45 listed in subsection 3 of this section in accordance with this section and to preserve the parental
 46 rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps necessary to
 47 establish parentage within thirty days after the public notice or specific notice provided in
 48 subsection 7 of this section.

- 49 (2) If either parent fails to take steps to establish parentage within the thirty-day period

1 specified in subdivision (1) of this subsection, either parent may have all of his or her rights
2 terminated with respect to the child.

3 (3) When either parent inquires at a hospital regarding a child whose custody was
4 relinquished pursuant to this section, such facility shall refer such parent to the children's division
5 and the juvenile court exercising jurisdiction over the child.

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

11 10. The children's division shall:

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

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

16 11. It shall be an affirmative defense to prosecution for a violation of sections 568.030,
17 568.032, 568.045, and 568.050 that a parent who is a defendant voluntarily relinquished a child no
18 more than one year old under this section.

19 12. Nothing in this section shall be construed as conflicting with section 210.125.

20 13. (1) A newborn safety incubator shall:

21 (a) Be located within fifty feet of a police station, fire station, or medical facility licensed
22 under chapter 197 that is staffed at all hours;

23 (b) Have safety mechanisms including but not limited to, climate controls, a backup power
24 supply in the event of a power failure, and an alarm to notify personnel when an infant is placed in
25 the incubator; and

26 (c) Be cleaned and disinfected in accordance with equipment guidelines and health care best
27 practices.

28 (2) The director of the Missouri department of health and senior services may promulgate
29 all necessary rules and regulations for the administration of this section, including rules governing
30 the specifications, installation, maintenance, and oversight of newborn safety incubators as defined
31 under this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
32 created under the authority delegated in this section shall become effective only if it complies with
33 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
34 and chapter 536 are nonseverable, and if any of the powers vested with the general assembly
35 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
36 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
37 adopted after August 28, 2020, shall be invalid and void."; and

38
39 Further amend said bill by amending the title, enacting clause, and intersectional references
40 accordingly.