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Section 2. Children's Code Articles 1150(2)(e) and 1152(A)(3) are hereby repealed in their entirety.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 891 Engrossed

2024 Regular Session

Chenevert

**Abstract:** Revises provisions relative to the "Safe Haven Law".

Present law clarifies definitions of "crime against the child" and "designated emergency care facility".

Proposed law adds "Safe Haven Law" provisions to the aforementioned definitions. Proposed law otherwise retains present law.

Present law provides that if a parent wishes to relinquish his infant, the parent may leave the infant in the care of any employee of a designated emergency care facility or in a newborn safety device that meets the specifications provided in present law and is physically located inside of a facility which is licensed as a hospital with an emergency department that is staffed 24 hours a day, 7 days a week.

Proposed law extends the places that a parent may relinquish an infant to include a fire department or with certain law enforcement personnel.

Present law provides that if the parent is unable to travel to a designated emergency care facility, the parent may call "911", and a firefighter, a law enforcement officer, or an emergency medical service provider shall immediately be dispatched to meet the parent and transport the child to a hospital.

Proposed law retains present law.

Present law further provides that every designated emergency care facility shall appoint as its representative 1 or more employees on duty during regular business hours who are knowledgeable about the requirements provided for in present law and provides that each facility shall designate a representative who can be reached by emergency telephone service or post instructions to contact "911" for a safe haven relinquishment if outside of normal operating hours.

Present law further requires each designated emergency care facility that installs a newborn safety device to install, adjacent to the device, a card holder, stocked with safe haven informational cards supplied by the Dept. of Children and Family Services (DCFS) and other safe haven informational materials.

Proposed law removes the representative requirement and the requirement to install a card holder stocked with safe haven informational cards and instead requires the safe haven informational materials to be included in an orange envelope placed in the newborn safety device. Proposed law otherwise retains present law.

Present law provides that instruction by a designated emergency care facility on safe haven relinquishment procedures may utilize the downloadable instructional video and training materials provided by DCFS on its website.

Proposed law adds that the training materials shall also be provided by the manufacturer of the newborn safety device. Proposed law otherwise retains present law.

Present law provides that a physician shall promptly conduct a comprehensive medical examination and such tests to determine all of the following:

- (1) If the infant suffers from HIV or hepatitis, if suspected.
- (2) If the infant suffered fetal exposure to alcohol or drugs.

(3) If the infant appears to have been abused or neglected.

(4) The infant's estimated date of birth, if not previously known.

Proposed law provides that if the infant is found to have drugs in his system, proposed law shall prompt an investigation by DCFS. Proposed law further provides that if the infant has been abused, proposed law shall require DCFS to open an investigation.

Present law provides that immediately after notification that an infant has been relinquished, DCFS shall request an oral instant order of custody from the court and shall take physical custody of the infant within 12 hours of notice that the infant is ready to be discharged from the hospital. Proposed law retains present law.

Present law provides that DCFS shall exercise due diligence in attempting to identify and locate any non-relinquishing parent, including but not limited to performing a missing children search. Proposed law retains present law.

Proposed law further requires DCFS to exercise due diligence to perform a missing children search that includes contacting the Missing and Exploited Children Information Clearinghouse for information on missing endangered adults and missing children to determine if the child was reported missing.

Present law provides that a designated emergency care facility means any Child Advocacy Center accredited by the National Children's Alliance, during normal and customary hours of operation.

Proposed law repeals present law.

Present law provides that the La. Dept. of Health may promulgate hospital licensing rules regarding newborn safety devices installed in hospitals. Present law further provides that the provisions of present law may include but not be limited to adequate alarms, testing, cleaning, documentation, policies, procedures, and training of staff. Proposed law repeals present law.

(Amends Ch.C.Art. 502(4)(intro. para.), 1150(2)(a), 1151(A)(1), (B), and (C) and 1152(A)(1) and (2)(f), (C)(3) and (G), 1153(B)(2) and (3), 1154(A), and 1157(A)(1); Repeals Ch.C.Art. 1150(2)(e) and 1152(A)(3))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Restore the present law provision that identifies criminal abandonment as a "crime against a child".
2. Restore the present law provision that details which hospitals or other centers shall be identified as designated emergency care facilities.
3. Remove the requirement for a dual alarm system for dispatch of a first responder.
4. Restore the present law requirement for the utilization of a downloadable instructional video on DCFS' website.
5. Require a prompt investigation in instances where there has been fetal exposure to alcohol or drugs.
6. Restore the present law requirement for DCFS to do its due diligence to locate a non-relinquishing parent.
7. Require fire departments to be manned 24 hours on a daily by an emergency response provider as provided in present law.
8. Make technical corrections.