

2018 Regular Session

HOUSE BILL NO. 527

BY REPRESENTATIVE STAGNI

CHILDRENS CODE: Revises certain provisions of the Safe Haven Law

1 AN ACT

2 To amend and reenact Children's Code Articles 1150(2) through (4), 1151(A), and 1152(A),
3 (B), (D), (E), (F)(introductory paragraph), and (G) through (I), and to enact
4 Children's Code Article 1150(5), relative to safe haven relinquishments; to provide
5 for emergency care facility responsibilities; to provide for definitions; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Articles 1150(2) through (4), 1151(A), and 1152(A), (B),
9 (D), (E), (F)(introductory paragraph), and (G) through (I) are hereby amended and reenacted
10 and Children's Code Article 1150(5) is hereby enacted to read as follows:

11 Art. 1150. Definitions

12 As used in this Chapter:

13 * * *

14 (2) "Designated emergency care facility" means any of the following:
15 ~~any hospital licensed in the state of Louisiana, any public health unit, any emergency~~
16 ~~medical service provider, any medical clinic, any fire station, any police station, any~~
17 ~~crisis pregnancy center, or any child advocacy center.~~

18 (a) Any hospital licensed in the state of Louisiana.

1 (b) Any of the following medical clinics during normal and customary hours
2 of operation: local or parish public health units, licensed rural health clinics, licensed
3 ambulatory surgical centers, and Federally Qualified Health Centers, offices, clinics,
4 or other types of treatment facilities, private physicians or dentist not listed above are
5 not designated emergency care facilities within the meaning of this Subparagraph.

6 (c) Any manned fire station.

7 (d) Any manned law enforcement station.

8 (e) any Child Advocacy Center accredited by the National Children's
9 Alliance, during normal and customary hours of operation.

10 ~~(3) "Infant" means a child not previously subjected to abuse or neglect, who~~
11 ~~is not more than sixty days old as determined within a reasonable degree of medical~~
12 ~~certainty by an examining physician.~~ "Emergency medical service provider" means
13 a licensed emergency medical service provider, when dispatched as a result of a
14 "911" call from a parent who wishes to relinquish his infant under this Chapter.

15 ~~(4) "Relinquish" or "relinquishment" of an infant means to give over~~
16 ~~possession or control of him by a parent to another in compliance with this Chapter,~~
17 ~~with the settled intent to forego all parental responsibilities.~~ "Infant" means a child
18 not previously subjected to abuse or neglect, who is not more than sixty days old as
19 determined within a reasonable degree of medical certainty by an examining
20 physician.

21 (5) "Relinquish" or "relinquishment" of an infant means to give over
22 possession or control of him by a parent to another in compliance with this Chapter,
23 with the settled intent to forego all parental responsibilities.

24 Art. 1151. Relinquishment of infants; defense to prosecution

25 A. If a parent wishes to relinquish his infant, he may leave the infant in the
26 care of any employee of a designated emergency care facility. If the parent is unable
27 to travel to such a facility, he may call "911", and a fireman, a law enforcement
28 officer, or an emergency medical service provider shall immediately be dispatched

1 to meet the parent and transport the child to a hospital, and to ensure all requirements
2 listed in Article 1152 (D) through (I) have been met.

3 * * *

4 Art. 1152. Designated emergency care facility, emergency medical service provider,
5 fireman, and law enforcement officer responsibilities

6 A. Every designated emergency care facility shall appoint as its
7 representative one or more employees on duty during regular business hours who is
8 knowledgeable about the requirements of this Chapter. In addition, at other times
9 each facility shall designate a representative who can be reached by emergency
10 telephone service or post instructions to contact 911 for a safe haven relinquishment
11 if outside of normal operating hours.

12 B. Every designated emergency care facility, emergency medical service
13 provider, fire station, or law enforcement station shall provide, on a periodic basis,
14 instruction regarding safe haven relinquishment procedures to all employees who
15 work in the facility or at the station. ~~A~~ An employer or volunteer of a designated
16 emergency care facility or an emergency medical service provider, or its employees
17 ~~or volunteers~~ a fireman, or a law enforcement officer shall not be held liable for any
18 civil penalty for failure to comply with the provisions of this Subsection.

19 * * *

20 D. The department shall create a card that will be supplied to designated
21 emergency care facilities, emergency medical service providers, firemen, or law
22 enforcement officer which shall be provided to the individual relinquishing an infant
23 into the care of a designated emergency care facility. The card shall contain a toll
24 free number to the department and a section on the card for the designated
25 emergency care facility, emergency medical service providers, firemen, or law
26 enforcement officer to provide their address and contact information.

27 E. In the event that the relinquishing parent makes contact with the
28 department, ~~or the~~ a designated emergency care facility, emergency medical service
29 providers, firemen, or law enforcement officer; the relinquishing parent shall be

1 asked to voluntarily provide information about any prenatal care and the name of the
2 other parent.

3 F. The representative, provider, fireman, or law enforcement officer shall
4 provide to the parent written information about:

5 * * *

6 G. In the event that an infant is relinquished to a designated emergency care
7 facility other than a hospital, or to an emergency medical service provider, firemen,
8 or law enforcement officer; the staff of the facility, the provider, the fireman, or the
9 law enforcement officer shall immediately transfer him to a hospital.

10 H. The representative, provider, fireman, or law enforcement officer shall
11 immediately notify the department of the relinquishment.

12 I. Absent evidence of willful or intentional misconduct or gross negligence
13 in carrying out these responsibilities, the representative and other staff of the
14 designated emergency facility, emergency medical service provider, the fireman, or
15 the law enforcement officer shall be immune from civil and criminal liability in any
16 legal action arising from the examination, testing, care, and treatment of the infant.

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)]

HB 527 Original

2018 Regular Session

Abstract: Revises provisions within the Children's Code Safe Haven Law.

Present law designates as an emergency care facility any hospital licensed in the state of Louisiana, any public health unit, any emergency medical service provider, any medical clinic, any fire station, any police station, any crisis pregnancy center, or any child advocacy center.

Proposed law designates as an emergency care facility the following:

- (1) any hospital licensed in the state of Louisiana.
- (2) any of the following medical clinics during normal and customary hours of operation: local or parish public health units, licensed rural health clinics, licensed ambulatory surgical centers, and Federally Qualified Health Centers, offices, clinics, or other types of treatment facilities, private physicians or dentist not listed above are not designated emergency care facilities within the meaning of this Subparagraph.

- (3) any manned fire station.
- (4) any manned law enforcement station.
- (5) any Child Advocacy Center accredited by the National Children's Alliance, during normal and customary hours of operation.

Proposed law defines "emergency medical service provider" as a licensed emergency medical service provider, when dispatched as a result of a "911" call from a parent who wishes to relinquish his infant.

Proposed law adds firemen to list of 911 persons who may be dispatched in the event a parent wants to relinquish his rights but does not have transportation.

Present law list responsibilities of designated emergency care facilities.

Proposed law adds emergency medical service provider, fire station, or law enforcement station to the list containing designated emergency facilities responsible under present law, the Safe Haven Law.

(Amends Ch. C. Arts. 1150(2)-(4), 1151(A), and 1152(A), (B), (D), (E), (F)(intro. para.), and (G)-(I); Adds Ch. C. Art. 1150(5))