

ACT No. 223

2015 Regular Session

HOUSE BILL NO. 603

BY REPRESENTATIVES WILLMOTT, ARMES, BARROW, BOUIE, BROWN, HENRY BURNS, CARTER, COX, EDWARDS, FOIL, HAZEL, HILL, HOWARD, JEFFERSON, MIKE JOHNSON, ROBERT JOHNSON, LEGER, MIGUEZ, MONTOUCET, REYNOLDS, SIMON, SMITH, AND ST. GERMAIN

1 AN ACT

2 To amend and reenact Children's Code Articles 1149 and 1160 and R.S. 46:2403(D), relative
3 to laws providing for safe and anonymous relinquishment of an infant known as the
4 safe haven law; to provide for duties of the Department of Children and Family
5 Services relative to public awareness of the safe haven law; to provide for
6 communication plans and dissemination of public information by the Department of
7 Children and Family Services; to provide for information and training resources to
8 be utilized by designated emergency care facilities; to authorize funding by the
9 Children's Trust Fund of outreach concerning the safe haven law; to provide for
10 reporting; to provide a short title; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Children's Code Articles 1149 and 1160 are hereby amended and
13 reenacted to read as follows:

14 Art. 1149. Purpose; short title

15 A. The purpose of this Chapter is to provide a mechanism whereby any
16 parent may relinquish the care of an infant to the state in safety, anonymity, and
17 without fear of prosecution.

18 B. This Chapter shall be known and may be cited as the "Safe Haven Law".

19 * * *

20 Art. 1160. Additional regulations; Administrative Procedure Act; reporting

21 A. The department, in accordance with the Administrative Procedure Act,
22 shall promulgate all rules and regulations necessary to carry out the provisions of this
23 Chapter, including but not limited to the following:

1 (1) Notice to the public of the existence of designated emergency care
2 facilities and the use of safe havens through the following actions:

3 (a) The establishment of a toll-free telephone number to direct individuals
4 to designated emergency care facilities.

5 (b) The provision of safe haven publicity and informational materials on the
6 department's website for review and download by the public.

7 (2)(a) Written information, training materials, and an instructional video to
8 be made available for download on the department's website, for the instruction of
9 representatives of emergency medical care facilities who are designated to receive
10 relinquished children and to interview relinquishing parents.

11 (b) The department shall review all information, materials, video, and any
12 other media produced in accordance with this Paragraph at least annually; and, to the
13 extent that funding is available for such purposes, shall update, revise, and reissue
14 these resources as the secretary of the department deems necessary.

15 (3) Procedures and forms informing a relinquishing parent about his right to
16 file a claim and be heard in accordance with Articles 1156 and 1157 of this Chapter
17 and his right to use the services of the voluntary registry in accordance with Chapter
18 15 of Title XII.

19 (4) Procedures for use by a physician in conducting the medical evaluation
20 of the child in accordance with Article 1153 of this Chapter.

21 (5) The department shall utilize existing funds to effectuate the provisions
22 of Paragraphs (A)(1) and (A)(2) of this Article.

23 B. In addition to any other duties as may be required by this Article, the
24 department shall develop and implement annually each of the following plans:

25 (1) An annual communication and public information action plan to increase
26 public awareness of the Safe Haven Law. This plan shall include, without limitation,
27 all of the following actions:

28 (a) Issuing media releases for distribution to print, radio, and television
29 media.

30 (b) Disseminating information through social media.

1 (c) Conducting outreach to the public through collaborations with
2 community-based organizations, child protection stakeholder groups, offices of state
3 government, and any other entities the secretary of the department deems
4 appropriate.

5 (d) Undertaking any other communication or publicity activity deemed
6 necessary by the secretary of the department and for which sufficient funding is
7 available.

8 (2)(a) An action plan providing for dissemination of information and training
9 resources relating to the Safe Haven Law to designated emergency care facilities.

10 (b) To the extent the secretary of the department deems appropriate, and
11 contingent upon availability of funding for this purpose, the department may also
12 disseminate the information and resources provided for in Subparagraph (a) of this
13 Paragraph to any of the following:

- 14 (i) Schools of medicine.
- 15 (ii) Schools of nursing.
- 16 (iii) Law enforcement training schools.
- 17 (iv) Firefighter training programs.
- 18 (v) Emergency medical service provider training programs.
- 19 (vi) Any other institutions that train professionals who typically work in a
20 designated emergency care facility.

21 C. On or before January first annually, the department shall submit to the
22 House Committee on Health and Welfare and the Senate Committee on Health and
23 Welfare a report addressing efforts undertaken in the period covered by the report
24 to raise public awareness of the Safe Haven Law. The report shall include but not
25 be limited to a recapitulation of content of the communication and public
26 information action plan and action plan for dissemination of safe haven information
27 and training resources required by this Article.

28 Section 2. R.S. 46:2403(D) is hereby amended and reenacted to read as follows:

29 §2403. Creation of the Children's Trust Fund

30 * *

1 D.(1) The monies in the fund shall be used solely for programs designed to
2 prevent the physical and sexual abuse and gross neglect of children. Disbursement
3 of the amount appropriated each year shall be made as determined by the Children's
4 Trust Fund Board. All unexpended and unencumbered monies in this fund at the end
5 of the fiscal year shall remain to the credit of the fund.

6 (2) Outreach, communications, and other efforts to raise public awareness
7 concerning the Safe Haven Law relative to infant relinquishment, Ch. C. Art. 1149
8 et seq., are hereby declared to be consistent with the purposes of this Subsection, and
9 are hereby deemed to qualify as programs eligible for funding pursuant to the
10 provisions of this Chapter.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____