

HOUSE

AMENDMENT NO. _____

Offered by

of

1 AMEND House Committee Substitute for House Bill No. 1515, Page 1,
2 In the Title, Line 2, by deleting the section number "210.1014"
3 and inserting in lieu there of the following: "210.950,
4 210.1014, 211.444"; and

5 Further amend said bill, Page 1, In the Title, Line 4, by
6 deleting the word "sixteen" and inserting in lieu thereof the
7 word "eighteen"; and

8 Further amend said bill, Page 1, Section A, Line 1, by
9 deleting the section number "210.1014" and inserting in lieu
10 there of the following: "210.950, 210.1014, 211.444"; and

11 Further amend said bill, Page 1, Section A, Line 2, by
12 deleting the word "sixteen" and inserting in lieu thereof the
13 word "eighteen"; and

14 Further amend said bill, Page 1, Section A, Line 3, by
15 deleting the section number "210.1014" and inserting in lieu
16 there of the following: "210.950, 210.1014, 211.444"; and

17 Further amend said bill, Page 1, Section A, Line 5, by
18 inserting after all of said line the following:

19 "210.950. 1. This section shall be known and may be cited
20 as the "Safe Place for Newborns Act of 2002". The purpose of
21 this section is to protect newborn children from injury and death
22 caused by abandonment by a parent, and to provide safe and secure
23 alternatives to such abandonment.

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

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

26 (2) "Nonrelinquishing parent", the biological parent who
27 does not leave a newborn infant with any person listed in
28 subsection 3 of this section in accordance with this section;

29 (3) "Relinquishing parent", the biological parent or person

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1 acting on such parent's behalf who leaves a newborn infant with
2 any person listed in subsection 3 of this section in accordance
3 with this section.

4 3. A parent shall not be prosecuted for a violation of
5 section 568.030, 568.032, 568.045 or 568.050 for actions related
6 to the voluntary relinquishment of a child up to ~~five~~ forty-
7 five days old pursuant to this section [and it shall be an
8 affirmative defense to prosecution for a violation of sections
9 568.030, 568.032, 568.045 and 568.050, that a parent who is a
10 defendant voluntarily relinquished a child no more than one year
11 old pursuant to this section] if:

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

15 (a) An employee, agent, or member of the staff of any
16 hospital, in a health care provider position or on duty in a
17 nonmedical paid or volunteer position;

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

20 (c) A law enforcement officer;

21 (2) The child was no more than ~~one year~~ forty-five days
22 old when delivered by the parent to any person listed in
23 subdivision (1) of this subsection; and

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

26 4. A parent voluntarily relinquishing a child under this
27 section shall not be required to provide any identifying
28 information about the child or the parent. No person shall
29 induce or coerce, or attempt to induce or coerce, a parent into
30 revealing his or her identity. No officer, employee, or agent of
31 this state or any political subdivision of this state shall
32 attempt to locate or determine the identity of such parent. In
33 addition, any person who obtains information on the relinquishing
34 parent shall not disclose such information except to the
35 following:

36 (1) A birth parent who has waived anonymity or the child's
37 adoptive parent;

1 (2) The staff of the department of health and senior
2 services, the department of social services, or any county health
3 or social services agency or licensed child welfare agency that
4 provides services to the child;

5 (3) Persons performing juvenile court intake or
6 dispositional services;

7 (4) The attending physician;

8 (5) The child's foster parent or any other person who has
9 physical custody of the child;

10 (6) A juvenile court or other court of competent
11 jurisdiction conducting proceedings relating to the child;

12 (7) The attorney representing the interests of the public
13 in proceedings relating to the child; and

14 (8) The attorney representing the interests of the child.

15 5. A person listed in subdivision (1) of subsection 3 of
16 this section shall, without a court order, take physical custody
17 of a child the person reasonably believes to be no more than [one
18 year] forty-five days old and is delivered in accordance with
19 this section by a person purporting to be the child's parent. If
20 delivery of a newborn is made pursuant to this section in any
21 place other than a hospital, the person taking physical custody
22 of the child shall arrange for the immediate transportation of
23 the child to the nearest hospital licensed pursuant to chapter
24 197, RSMo.

25 [5.] 6. The hospital, its employees, agents and medical
26 staff shall perform treatment in accordance with the prevailing
27 standard of care as necessary to protect the physical health or
28 safety of the child. The hospital shall notify the children's
29 division [of family services] and the local juvenile officer upon
30 receipt of a child pursuant to this section. The local juvenile
31 officer shall immediately begin protective custody proceedings
32 and request the child be made a ward of the court during the
33 child's stay in the medical facility. Upon discharge of the
34 child from the medical facility and pursuant to a protective
35 custody order ordering custody of the child to the division, the
36 children's division [of family services] shall take physical
37 custody of the child. The parent's voluntary delivery of the

1 child in accordance with this section shall constitute the
2 parent's implied consent to any such act and a voluntary
3 relinquishment of such parent's parental rights.

4 [6.] 7. In any termination of parental rights proceeding
5 initiated after the relinquishment of a child pursuant to this
6 section, the juvenile officer shall make public notice that a
7 child has been relinquished, including the sex of the child, and
8 the date and location of such relinquishment. Within thirty days
9 of such public notice, the [nonrelinquishing] parent wishing to
10 establish parental rights shall identify himself or herself to
11 the court and state his or her intentions regarding the child.
12 The court shall initiate proceedings to establish paternity, or
13 if no person identifies himself as the father within thirty days,
14 maternity. The juvenile officer shall make examination of the
15 putative father registry established in section 192.016 to
16 determine whether attempts have previously been made to preserve
17 parental rights to the child. If such attempts have been made,
18 the juvenile officer shall make reasonable efforts to provide
19 notice of the abandonment of the child to such putative father.

20 [7.] 8. (1) If a relinquishing parent of a child
21 relinquishes custody of the child to any person listed in
22 subsection 3 of this section in accordance with this section and
23 to preserve the parental rights of the nonrelinquishing parent,
24 the nonrelinquishing parent shall take such steps necessary to
25 establish parentage within thirty days after the public notice or
26 specific notice provided in subsection [6] 7 of this section.

27 (2) If [a nonrelinquishing] either parent fails to take
28 steps to establish parentage within the thirty-day period
29 specified in subdivision (1) of this subsection, [the
30 nonrelinquishing] either parent may have all of his or her rights
31 terminated with respect to the child.

32 (3) When [a nonrelinquishing] either parent inquires at a
33 hospital regarding a child whose custody was relinquished
34 pursuant to this section, such facility shall refer [the
35 nonrelinquishing] either parent to the children's division [of
36 family services] and the juvenile court exercising jurisdiction

1 over the child.

2 [8.] 9. The persons listed in subdivision (1) of subsection
3 3 of this section shall be immune from civil, criminal, and
4 administrative liability for accepting physical custody of a
5 child pursuant to this section if such persons accept custody in
6 good faith. Such immunity shall not extend to any acts or
7 omissions, including negligent or intentional acts or omissions,
8 occurring after the acceptance of such child.

9 [9.] 10. The children's division [of family services]
10 shall:

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

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

17 [10.] 11. It shall be an affirmative defense to prosecution
18 for a violation of sections 568.030, 568.032, 568.045, and
19 568.050 that a parent who is a defendant voluntarily relinquished
20 a child no more than one year old under this section.

21 12. Nothing in this section shall be construed as
22 conflicting with section 210.125."; and

23 Further amend said bill, Page 2, Section 210.1014, Line 36,
24 by inserting after all of said line the following:

25 "211.444. 1. The juvenile court may, upon petition of the
26 juvenile officer or a child-placing agency licensed under
27 sections 210.481 to 210.536 in conjunction with a placement with
28 such agency under subsection 6 of section 453.010, or the court
29 before which a petition for adoption has been filed pursuant to
30 the provisions of chapter 453, terminate the rights of a parent
31 to a child if the court finds that such termination is in the
32 best interests of the child and the parent has consented in
33 writing to the termination of his or her parental rights.

34 2. If a parent relinquishes a child under section 210.950,
35 it shall be considered a voluntary consent of his or her rights
36 to a termination of parental rights under this section.

37 3. The written consent required by subsection 1 of this

1 section may be executed before or after the institution of the
2 proceedings and shall be acknowledged before a notary public. In
3 lieu of such acknowledgment, the signature of the person giving
4 the written consent shall be witnessed by at least two adult
5 persons who are present at the execution whose signatures and
6 addresses shall be plainly written thereon and who determine and
7 certify that the consent is knowingly and freely given. The two
8 adult witnesses shall not be the prospective parents. The notary
9 public or witnesses shall verify the identity of the party
10 signing the consent.

11 [3.] 4. The written consent required by subsection 1 of
12 this section shall be valid and effective only after the child is
13 at least forty-eight hours old and if it complies with the other
14 requirements of section 453.030."; and

15 Further amend said title, enacting clause and intersectional
16 references accordingly.