

SENATE FILE NO. SF0142

Regan's safe haven for abandoned newborns-2.

Sponsored by: Senator(s) Job, Devin, Mockler and Peck and
Representative(s) Illoway, Law, Meyer,
Prosser, Robinson and Warren

A BILL

for

1 AN ACT relating to children; providing a safe haven for a
2 newborn child; providing for the termination of parental
3 rights; authorizing rulemaking; requiring reports; making
4 conforming amendments; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 14-11-101 through 14-11-109 are
9 created to read:

10

11

CHAPTER 11

12

SAFETY FOR A NEWBORN CHILD

13

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14-11-101. Purpose and intent.

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1 The purpose of this act is to provide to a parent of a
2 newborn child the means to relinquish the child so that the
3 child may be cared for and protected in a safe haven.

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5 **14-11-102. Definitions.**

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7 (a) As used in this act:

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9 (i) "Abuse" means as defined by W.S.
10 14-3-202(a)(ii);

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12 (ii) "Child protective agency" means as defined
13 by W.S. 14-3-202(a)(iv);

14

15 (iii) "Fire station" means a fire station that
16 is open and operating twenty-four (24) hours a day, seven
17 (7) days a week, and that is continually staffed with full-
18 time, paid firefighters who have emergency medical services
19 training;

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21 (iv) "Hospital" means a general acute hospital
22 that is:

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24 (A) Equipped with an emergency room;

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2 (B) Open twenty-four (24) hours a day,
3 seven (7) days a week; and

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5 (C) Employs full-time health care
6 professionals who have emergency medical services training.

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8 (v) "Neglect" means as defined by W.S.
9 14-3-202(a)(vii);

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11 (vi) "Newborn child" means a child who is thirty
12 (30) days of age or younger as determined within a
13 reasonable degree of medical certainty;

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15 (vii) "Safe haven provider" means any of the
16 following that is staffed twenty-four (24) hours a day,
17 seven (7) days a week:

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19 (A) A fire station;

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21 (B) A hospital;

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23 (C) A police department or sheriff's
24 office; or

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14-11-103. Relinquishment of a newborn child.

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(D) Any other place of shelter and safety identified by the department of family services which meets the requirements of rules and regulations promulgated pursuant to W.S. 14-11-107.

(viii) "This act" means W.S. 14-11-101 through 14-11-109.

(a) A parent or a parent's designee may relinquish a newborn child to a safe haven provider in accordance with the provisions of this act and retain complete anonymity, so long as the child has not been subject to actual or suspected abuse or neglect.

(b) Relinquishment of a newborn child shall not, in and of itself, constitute abuse or neglect and the child shall not be considered an abused or neglected child, so long as the relinquishment is carried out in substantial compliance with provisions of this act.

1 (c) A safe haven provider shall accept a newborn
2 child who is relinquished pursuant to the provisions of
3 this act, and may presume that the person relinquishing is
4 the child's parent or parent's designee.

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6 (d) The parent or parent's designee may provide
7 information regarding the parent and newborn child's
8 medical histories, and identifying information regarding
9 the nonrelinquishing parent of the child, but the safe
10 haven provider may not require that any information be
11 given unless there is actual or suspected abuse or neglect
12 of the child, or the person relinquishing expresses an
13 intent for return of the child.

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15 (e) A safe haven provider may provide any necessary
16 emergency medical care to the newborn child and shall
17 deliver custody of the newborn child to the nearest
18 hospital as soon as possible.

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20 (f) A hospital receiving a relinquished newborn child
21 may provide any necessary medical care to the child and
22 shall notify the local child protective agency as soon as
23 possible, but no later than twenty-four (24) hours after
24 receiving the child.

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2 (g) The local child protective agency shall assume
3 care and custody of the child immediately upon notice from
4 the hospital. After receiving custody, the local child
5 protective agency shall assist in placement of the newborn
6 child pursuant to W.S. 14-11-105(a).

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8 **14-11-104. Newborn child identity.**

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10 Unless identifying information relating to the newborn
11 child has been provided, the department of family services
12 shall work with law enforcement agencies in an effort to
13 ensure that the newborn child has not been identified as a
14 missing child.

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16 **14-11-105. Child placement; termination of parental**
17 **rights.**

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19 (a) The department of family services shall
20 immediately place or contract for placement of the newborn
21 child in a potential adoptive home.

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23 (b) If neither parent of the newborn child
24 affirmatively seeks the return of the child within three

1 (3) months after the date of delivery to a safe haven
2 provider, the department of family services shall file a
3 petition for the termination of the parent-child legal
4 relationship in accordance with W.S. 14-2-308 through
5 14-2-319.

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7 (c) The department of family services shall conduct a
8 search of the putative father registry for unmarried
9 biological fathers and if the putative father is
10 identified, the petition shall be served pursuant to W.S.
11 14-2-313.

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13 **14-11-106. Safe relinquishment is an affirmative**
14 **defense.**

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16 If the person relinquishing a newborn child is the child's
17 parent or the parent's designee, and there is no actual or
18 suspected abuse or neglect, relinquishment of a newborn
19 child in substantial compliance with the provisions of this
20 act is an affirmative defense to any potential criminal
21 liability for abandonment or neglect relating to that
22 relinquishment.

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1 **14-11-107. Authority of department of family services**
2 **to promulgate rules and regulations.**

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4 The department of family services may promulgate rules and
5 regulations necessary for the effective implementation of
6 this act. The rules and regulations shall specify
7 conditions and qualifications for safe haven providers.

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9 **14-11-108. Immunity from liability.**

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11 Any person, official, institution or agency participating
12 in good faith in any act required or permitted by this act
13 is immune from any civil or criminal liability that might
14 otherwise result by reason of the action. For the purpose
15 of any civil or criminal proceeding, the good faith of any
16 person, official, institution or agency participating in
17 any act permitted or required by W.S. 14-11-101 through
18 14-11-109 shall be presumed.

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20 **14-11-109. Reports of relinquishments.**

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22 Each local child protective agency shall maintain and
23 update on a monthly basis a report of the number of newborn
24 children who have been relinquished pursuant to this act

1 and shall submit the information to the department of
2 family services. The department of family services shall
3 submit an annual report to the joint labor, health and
4 social services interim committee beginning July 1, 2004,
5 and annually thereafter, that compiles the monthly reports
6 required by this section.

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8 **Section 2.** W.S. 14-2-309(a) by creating a new
9 paragraph (vii) and 14-3-202(a)(ii)(intro) are amended to
10 read:

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12 **14-2-309. Grounds for termination of parent-child**
13 **relationship; clear and convincing evidence.**

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15 (a) The parent-child legal relationship may be
16 terminated if any one (1) or more of the following facts is
17 established by clear and convincing evidence:

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19 (vii) The child was relinquished to a safe haven
20 provider in accordance with W.S. 14-11-101 through
21 14-11-109, and neither parent has affirmatively sought the
22 return of the child within three (3) months from the date
23 of relinquishment.

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1 **14-3-202. Definitions.**

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3 (a) As used in W.S. 14-3-201 through 14-3-215:

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5 (ii) "Abuse" means inflicting or causing
6 physical or mental injury, harm or imminent danger to the
7 physical or mental health or welfare of a child other than
8 by accidental means, including abandonment, unless the
9 abandonment is a relinquishment substantially in accordance
10 with W.S. 14-11-101 through 14-11-109, excessive or
11 unreasonable corporal punishment, malnutrition or
12 substantial risk thereof by reason of intentional or
13 unintentional neglect, and the commission or allowing the
14 commission of a sexual offense against a child as defined
15 by law:

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17 **Section 3.** This act is effective July 1, 2003.

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(END)