

NEWBORN SAFE HAVEN AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kera Birkeland

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the safe relinquishment of a newborn child.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the locations in which a newborn child may be safely relinquished; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

80-4-501, as last amended by Laws of Utah 2023, Chapter 330

80-4-502, as last amended by Laws of Utah 2023, Chapter 139

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **80-4-501** is amended to read:

80-4-501. Definitions.

As used in this part:



28 (1) "Children's Justice Center" means a Children's Justice Center established in
29 accordance with Section 67-5b-102.

30 (2) "Designated facility" means:

31 (a) a hospital;

32 (b) a law enforcement agency, during hours when the law enforcement agency is
33 staffed;

34 (c) a fire station, during hours when the fire station is staffed;

35 (d) a Children's Justice Center, during hours when the Children's Justice Center is
36 staffed; and

37 (e) the Division of Child and Family Services, during hours when the division is
38 staffed.

39 (3) "Division" means the Division of Child and Family Services created in Section
40 80-2-201.

41 (4) "Hospital" means a general acute hospital, as that term is defined in Section
42 26B-2-201, that is:

43 (a) equipped with an emergency room;

44 (b) open 24 hours a day, seven days a week; and

45 (c) employs full-time health care professionals who have emergency medical services
46 training.

47 (5) "Law enforcement agency" means the same as that term is defined in Section
48 53-6-210.5.

49 [~~2~~] (6) "Newborn child" means a child who is approximately [30] 90 days old or
50 younger, as determined within a reasonable degree of medical certainty.

51 Section 2. Section **80-4-502** is amended to read:

52 **80-4-502. Safe relinquishment of a newborn child -- Termination of parental**
53 **rights -- Affirmative defense.**

54 (1) (a) A parent or a parent's designee may safely relinquish a newborn child at a
55 [~~hospital~~] designated facility in accordance with this part and retain complete anonymity, so
56 long as the newborn child has not been subject to abuse or neglect.

57 (b) Safe relinquishment of a newborn child who has not otherwise been subject to
58 abuse or neglect shall not, in and of itself, constitute neglect, and the newborn child may not be

59 considered a neglected child so long as the relinquishment is carried out in substantial
60 compliance with this part.

61 (2) (a) Personnel employed by a [~~hospital~~] designated facility shall accept a newborn
62 child who is relinquished under this part, and may presume that the individual relinquishing is
63 the newborn child's parent or the parent's designee.

64 (b) The person receiving the newborn child may request information regarding the
65 parent and newborn child's medical histories, and identifying information regarding the
66 nonrelinquishing parent of the newborn child.

67 (c) If the newborn child's parent or the parent's designee provides the person receiving
68 the newborn child with any of the information described in Subsection (2)(b) or any other
69 personal items, the person shall provide the information or personal items to the division.

70 (d) Personnel employed by the [~~hospital~~] designated facility shall ~~[(i) provide any~~
71 ~~necessary medical care to the newborn child;~~ (ii) notify the division of receipt of the newborn
72 child as soon as possible, but no later than 24 hours after receipt of the newborn child ~~[, and]~~.

73 ~~[(iii) prepare a birth certificate or foundling birth certificate if parentage is unknown~~
74 ~~for the newborn child and file the certificate with the Office of Vital Records and Statistics~~
75 ~~within the Department of Health.]~~

76 (e) If the newborn child is safely relinquished at a hospital, personnel employed by the
77 hospital shall:

78 (i) provide any necessary medical care to the newborn child; and

79 (ii) prepare a birth certificate or foundling birth certificate if parentage is unknown for
80 the newborn child and file the certificate with the Office of Vital Records and Statistics within
81 the Department of Health and Human Services.

82 ~~[(e)]~~ (f) A [~~hospital~~] designated facility and personnel employed by a [~~hospital~~]
83 designated facility are immune from any civil or criminal liability arising from accepting a
84 newborn child if the personnel employed by the [~~hospital~~] designated facility substantially
85 comply with the provisions of this part and, as applicable, if medical treatment is administered
86 according to standard medical practice.

87 (3) The division shall assume care and protective custody of the newborn child
88 immediately upon notice from the [~~hospital~~] designated facility.

89 (4) So long as the division determines there is no abuse or neglect of the newborn

90 child, neither the newborn child nor the child's parents are subject to:

91 (a) the investigation provisions contained in Section [80-2-701](#); or

92 (b) the provisions of Chapter 3, Abuse, Neglect, and Dependency Proceedings.

93 (5) (a) Unless identifying information relating to the nonrelinquishing parent of the
94 newborn child is provided, the division shall:

95 (i) work with local law enforcement and the Bureau of Criminal Identification within
96 the Department of Public Safety in an effort to ensure that the newborn child has not been
97 identified as a missing child;

98 (ii) immediately place or contract for placement of the newborn child in a potential
99 adoptive home and, within 10 days after the day on which the child is received, file a petition
100 for termination of parental rights in accordance with this chapter;

101 (iii) direct the Office of Vital Records and Statistics within the Department of Health to
102 conduct a search for:

103 (A) a birth certificate for the newborn child; and

104 (B) unmarried biological fathers in the registry maintained by the Office of Vital
105 Records and Statistics in accordance with Title 78B, Chapter 15, Part 4, Registry; and

106 (iv) provide notice to each potential father identified on the registry described in
107 Subsection (5)(a)(iii) in accordance with Title 78B, Chapter 15, Part 4, Registry.

108 (b) (i) If no individual has affirmatively identified himself or herself within two weeks
109 after the day on which notice under Subsection (5)(a)(iv) is complete and established paternity
110 by scientific testing within as expeditious a time frame as practicable, a hearing on the petition
111 for termination of parental rights shall be scheduled and notice provided in accordance with
112 this chapter.

113 (ii) If a nonrelinquishing parent is not identified, relinquishment of a newborn child
114 under this part is considered grounds for termination of parental rights of both the relinquishing
115 and nonrelinquishing parents under Section [80-4-301](#).

116 (6) If at any time before the day on which the newborn child is adopted, the juvenile
117 court finds it is in the best interest of the newborn child, the court shall deny the petition for
118 termination of parental rights.

119 (7) The division shall provide for, or contract with a child-placing agency to provide
120 for expeditious adoption of the newborn child.

121 (8) So long as the individual relinquishing a newborn child is the newborn child's
122 parent or designee, and there is no abuse or neglect, safe relinquishment of a newborn child in
123 substantial compliance with this part is an affirmative defense to any potential criminal liability
124 for abandonment or neglect relating to the relinquishment.

125 Section 3. **Effective date.**

126 This bill takes effect on May 1, 2024.