

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0108.01 Jane Ritter x4342

SENATE BILL 18-050

SENATE SPONSORSHIP

Smallwood,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING INCLUDING STAFF OF FREE-STANDING EMERGENCY
102 FACILITIES AS PART OF COLORADO'S SAFE HAVEN LAWS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill expands Colorado's safe haven laws to include staff members of free-standing emergency facilities as persons allowed to take temporary physical custody of infants 72 hours old or younger when the infant is voluntarily surrendered by its parent or parents.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-6-401, **amend** (9)
3 as follows:

4 **18-6-401. Child abuse.** (9) If a parent is charged with permitting
5 a child to be unreasonably placed in a situation that poses a threat of
6 injury to the child's life or health, pursuant to ~~paragraph (a) of subsection~~
7 ~~(1)~~ SUBSECTION (1)(a) of this section, and the child was seventy-two
8 hours old or younger at the time of the alleged offense, it is an affirmative
9 defense to the charge that the parent safely, reasonably, and knowingly
10 handed the child over to a firefighter, as defined in section 18-3-201 (1.5),
11 or to a hospital OR FREE-STANDING EMERGENCY FACILITY staff member
12 who engages in the admission, care, or treatment of patients, when the
13 firefighter is at a fire station, or the hospital OR FREE-STANDING
14 EMERGENCY FACILITY staff member is at a hospital OR THE
15 FREE-STANDING EMERGENCY FACILITY, AS DEFINED IN SECTION 19-1-103
16 (51.7).

17 **SECTION 2.** In Colorado Revised Statutes, 19-1-115, **amend**
18 (7)(b) as follows:

19 **19-1-115. Legal custody - guardianship - placement out of the**
20 **home - petition for review for need of placement.** (7) Reasonable
21 efforts are not required to prevent the child's removal from the home or
22 to reunify the child and the family in the following circumstances:

23 (b) When the parental rights of the parent with respect to a sibling
24 of the child have been involuntarily terminated; unless the prior sibling
25 termination resulted from a parent delivering a child to a firefighter or a
26 hospital OR FREE-STANDING EMERGENCY FACILITY staff member, pursuant
27 to the provisions of section 19-3-304.5; or

1 **SECTION 3.** In Colorado Revised Statutes, 19-3-304.5, **amend**
2 (1) introductory portion, (2) introductory portion, (3), and (4.5) as
3 follows:

4 **19-3-304.5. Emergency possession of certain abandoned**
5 **children.** (1) If a parent voluntarily delivers a child to a firefighter, as
6 defined in section 18-3-201 (1.5), ~~C.R.S.~~, or a hospital OR FREE-STANDING
7 EMERGENCY FACILITY staff member who engages in the admission, care,
8 or treatment of patients, when the firefighter is at a fire station or the
9 hospital OR FREE-STANDING EMERGENCY FACILITY staff member is at a
10 hospital OR THE FREE-STANDING EMERGENCY FACILITY, the firefighter or
11 hospital OR FREE-STANDING EMERGENCY FACILITY staff member shall,
12 without a court order, take temporary physical custody of the child if:

13 (2) If a firefighter or hospital OR FREE-STANDING EMERGENCY
14 FACILITY staff member takes temporary physical custody of a child
15 pursuant to subsection (1) of this section, the firefighter or hospital OR
16 FREE-STANDING EMERGENCY FACILITY staff member shall:

17 (3) A firefighter or hospital OR FREE-STANDING EMERGENCY
18 FACILITY staff member shall incur no civil or criminal liability for any
19 good faith acts or omissions performed pursuant to this section.

20 (4.5) Any document prepared by a firefighter, ~~member of a~~
21 hospital OR FREE-STANDING EMERGENCY FACILITY staff, or A law
22 enforcement officer pursuant to this section ~~shall be~~ IS a dependency and
23 neglect record and ~~shall be~~ IS subject to the confidentiality provisions of
24 section 19-1-307.

25 **SECTION 4.** In Colorado Revised Statutes, 19-1-103, **add** (51.7)
26 as follows:

27 **19-1-103. Definitions.** As used in this title 19 or in the specified

1 portion of this title 19, unless the context otherwise requires:

2 (51.7) "FREE-STANDING EMERGENCY FACILITY" MEANS A HEALTH
3 CARE FACILITY THAT PROVIDES EMERGENCY CARE BUT IS SEPARATE FROM
4 AN ACUTE CARE HOSPITAL.

5 **SECTION 5. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.