

Senate Bill 187

By: Senators Setzler of the 37th, Payne of the 54th, Watson of the 11th, Harbin of the 16th and Moore of the 53rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations,
2 so as to make numerous revisions to Chapter 10A, the "Safe Place for Newborns Act of
3 2002"; to provide for a short title; to provide for definitions; to provide for the inclusion of
4 child-placing agencies and churches as safe haven facilities; to provide for annual reports;
5 to provide for the Department of Human Services to contract with a nonprofit entity
6 experienced in this chapter to create a training program and 24 hour telephone hotline; to
7 provide for how safe haven facilities shall take physical custody of newborn infants; to
8 provide for how the department shall take physical custody of newborn infants; to provide
9 that the department shall create and keep a rotating contact list of child-placing agencies to
10 take physical custody of newborn infants and place them for adoption; to provide for when
11 only the department shall take physical custody of a newborn infant; to provide for
12 reimbursement by the department of reasonable costs to medical facilities and safe haven
13 facilities; to provide for the department to bring the newborn infant before the juvenile court;
14 to provide for an effective date; to provide for related matters; to repeal conflicting laws; and
15 for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 187

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17

SECTION 1.

18 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
19 amended by revising Chapter 10A, the "Safe Place for Newborns Act of 2002," as follows:

20

"CHAPTER 10A

21 19-10A-1.

22 This chapter shall be known and may be cited as the 'Safe Place for Newborns
23 Improvement Act of 2002.'"

24 19-10A-2.

25 As used in this chapter, the term:

26 (1) 'Child-placing agency' shall have the same meaning as in Code Section 49-5-3.27 (2) 'Church' means a place of public religious worship.28 (3) 'Department' means the Department of Human Services.

29 (4) 'Fire station' means a facility of any fire department which is authorized to exercise
30 the general and emergency powers enumerated in Code Sections 25-3-1 and 25-3-2.

31 ~~(2)~~(5) 'Medical facility' means any licensed general or specialized hospital, institutional
32 infirmary, health center operated by a county board of health, or facility where human
33 births occur on a regular and ongoing basis which is classified by the Department of
34 Community Health as a birthing center, but shall not mean physicians' or dentists' private
35 offices.

36 ~~(3)~~(6) 'Police station' means a facility of any sheriff's office, municipal police
37 department, or county police department.

38 (7) 'Safe haven facility' means a child-placing agency, church, fire station, medical
39 facility, or police station.

40 19-10A-3.

41 It is the express purpose and intent of the General Assembly in enacting this chapter to
42 prevent injuries to and deaths of newborn children that are caused by a mother who
43 abandons the newborn.

44 19-10A-4.

45 A mother shall not be prosecuted for violating Code Section 16-5-70, 16-12-1, or 19-10-1
46 because of the act of leaving her newborn ~~child~~ infant in the physical custody of an
47 employee, agent, or member of the staff of a ~~medical facility, fire station, or police station~~
48 safe haven facility who is on duty, whether there in a paid or volunteer position, provided
49 that the newborn ~~child~~ infant is no more than 30 days old and the mother shows proof of
50 her identity, if willing, to the person with whom the newborn is left and provides her name
51 and address, if willing.

52 19-10A-5.

53 ~~(a) The Department of Human Services~~ department shall investigate and report to the
54 General Assembly on an annual basis as to ~~children~~ infants left with a ~~medical facility, fire~~
55 ~~station, or police station~~ pursuant to Code Section 19-10A-4, including in such report the
56 ~~desirability and cost effectiveness of a dedicated toll-free telephone line for providing~~
57 ~~information to and answering questions from the public and employees and staff members~~
58 ~~of medical facilities, fire stations, and police stations concerning the acts and consequences~~
59 ~~thereof contemplated in Code Section 19-10A-4~~ safe haven facility pursuant to this chapter.

60 (b) The department shall contract with a nonprofit organization that has experience
61 implementing the former provisions of this chapter to establish and maintain:

62 (1) An ongoing training program for employees, agents, and staff of safe haven facilities
63 concerning the provisions of this chapter; and

64 (2) A toll-free 24 hour telephone hotline for providing information to and answering
65 questions from mothers or other concerned individuals and employees, agents, and staff
66 of safe haven facilities concerning the provisions of this chapter.

67 19-10A-6.

68 ~~A medical facility which accepts for inpatient admission or a fire station or police station~~
69 ~~which accepts a child left pursuant to Code Section 19-10A-4 shall be reimbursed by the~~
70 ~~Department of Human Services for all reasonable medical and other reasonable costs~~
71 ~~associated with the child prior to the child being placed in the care of the department. A~~
72 ~~medical facility, fire station, or police station shall notify the Department of Human~~
73 ~~Services at such time as the child is left and at the time the child is medically ready for~~
74 ~~discharge. Upon notification that the child is medically ready for discharge, the~~
75 ~~Department of Human Services shall take physical custody of the child within six hours.~~
76 ~~The Department of Human Services upon taking physical custody shall promptly bring the~~
77 ~~child before the juvenile court as required by Code Section 15-11-145.~~

78 (a) If a mother or agent of a mother voluntarily delivers the mother's newborn infant to a
79 safe haven facility, the facility shall take physical custody of the newborn infant if:

80 (1) The mother or agent of the mother did not express an intent to return for the newborn
81 infant; and

82 (2) The safe haven facility reasonably believes that the newborn infant is no more than
83 30 days old.

84 (b) A mother or agent of a mother who leaves a newborn infant with a safe haven facility
85 may remain anonymous and no safe haven facility employee, agent, or staff shall require
86 the mother or agent of a mother to answer any questions. A safe haven facility shall offer
87 written information about referral organizations.

88 (c) If a newborn infant is left with a child-placing agency, the agency shall:

- 89 (1) Immediately transport or arrange for transport of the newborn infant to a hospital for
90 physical examination;
- 91 (2) Immediately notify the department:
- 92 (A) That a newborn infant has been left with the agency;
93 (B) Of the location of the hospital where the newborn infant was transported; and
94 (C) Whether the agency will take physical custody of the newborn infant after
95 completion of the physical examination, and if so, the agency shall take physical
96 custody of the newborn infant from the hospital within 24 hours after completion of the
97 physical examination to place the infant for adoption.
- 98 (d) If a newborn infant is left with a church, the church shall:
- 99 (1) Immediately transport or arrange for transport of the newborn infant to a hospital for
100 physical examination;
- 101 (2) Immediately notify the department:
- 102 (A) That a newborn infant has been left with the church;
103 (B) Of the location of the hospital where the newborn infant was transported; and
104 (3) If affiliated with a child-placing agency, immediately contact and inform such agency
105 that a newborn infant has been left with the church to determine if the agency has the
106 ability and desire to take physical custody of the newborn infant and place the infant for
107 adoption, and then immediately notify the department of whether or not the child-placing
108 agency will take physical custody of the newborn infant within 24 hours of completion
109 of the physical examination.
- 110 (e) If a newborn infant is left at a fire station, police station, or medical facility, the station
111 or facility shall:
- 112 (1) Immediately transport or arrange for transport of the newborn infant to a hospital for
113 a physical examination; and
- 114 (2) Immediately notify the department:
- 115 (A) That a newborn infant has been left with the station or facility; and

116 (B) Of the location of the hospital where the newborn infant was transported.
117 (f)(1) The department shall maintain and keep a rotating contact list of child-placing
118 agencies that have the ability and desire to take physical custody of newborn infants and
119 to place them for adoption.
120 (2) The department shall notify a child-placing agency when it is next in line to take
121 physical custody of a newborn infant left with a safe haven facility.
122 (3) A child-placing agency may contact the department for inclusion on the rotating
123 contact list maintained and kept by the department pursuant to this subsection, and the
124 department shall place such agency on the list if it:
125 (A) Is a nonprofit agency;
126 (B) Maintains a 24 hour emergency contact number; and
127 (C) Does not specialize in international adoptions.
128 (g)(1) Within eight hours after the department is contacted pursuant to subsections (c),
129 (d), and (e) of this Code section and if no child-placing agency has agreed to take
130 physical custody of the newborn infant, the department shall contact the next
131 child-placing agency on the department's rotating contact list until one agrees to take
132 physical custody of the newborn infant.
133 (2) A child-placing agency shall take physical custody of a newborn infant from a
134 hospital within 24 hours of completion of the physical examination.
135 (3) If a child-placing agency fails to take physical custody of a newborn infant within 24
136 hours of completion of the physical examination, the hospital shall contact the department
137 and the department shall contact the next child-placing agency on its rotating contact list
138 until one agrees to take physical custody of the newborn infant.
139 (4) If no child-placing agency takes physical custody of a newborn infant pursuant to this
140 subsection within 48 hours of completion of the physical examination, the department
141 shall take physical custody of the newborn infant.

142 (h) The provisions of this Code section shall apply to an unharmed newborn infant who
143 is no more than 30 days of age and who is not alleged to have been neglected or abused.
144 If a newborn infant is transported to a hospital for physical examination and is reasonably
145 believed to be older than 30 days or to have been neglected or abused, the hospital shall
146 contact the department and the department shall take physical custody of the newborn
147 infant.

148 (i) A medical facility which accepts for inpatient admission or a safe haven facility which
149 accepts a newborn infant left pursuant to Code Section 19-10A-4 shall be reimbursed by
150 the department for all reasonable medical costs and other reasonable costs associated with
151 the infant prior to the infant being placed in the care of the department. The department
152 upon taking physical custody shall promptly bring the infant before the juvenile court as
153 required by Code Section 15-11-145.

154 19-10A-7.

155 Safe haven facilities ~~Medical facilities, fire stations, and police stations~~ and their
156 employees, agents, and staff ~~members~~ shall not be liable for civil damages or subject to
157 criminal prosecution for failure to discharge the duties provided for in this chapter. The
158 immunity provided in this chapter shall in no way be construed as providing immunity for
159 any acts of negligent treatment of the child taken into custody.

160 19-10A-8.

161 ~~The Department of Human Services~~ department shall develop standards for a sign that shall
162 be posted at any ~~medical facility, fire station, or police station~~ safe haven facility to inform
163 the general public that such facility is an authorized location to leave a newborn child as
164 provided in this chapter. ~~The Department of Human Services~~ department shall provide by
165 rule and regulation for the size and type of such sign and where such sign should be located
166 within or outside of such facility."

167

SECTION 2.

168 This Act shall become effective upon its approval by the Governor or upon its becoming law
169 without such approval.

170

SECTION 3.

171 All laws and parts of laws in conflict with this Act are repealed.