

HOUSE BILL No. 1230

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-34-2.5-1.

Synopsis: Safe haven 911. Provides that due to extenuating circumstances, if a child's parent or a person is unable to give up custody of a child under the procedure set forth in Indiana's safe haven law, the child's parent or the person may request that an emergency medical services provider (provider) take custody of the child by: (1) dialing the 911 emergency call number; and (2) staying with the child until a provider arrives to take custody of the child. Provides that the emergency medical dispatch agency or the provider shall inform the child's parent or the person giving up custody of the child concerning the ability to remain anonymous.

Effective: July 1, 2021.

Lauer

January 14, 2021, read first time and referred to Committee on Family, Children and Human Affairs.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1230

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 31-34-2.5-1, AS AMENDED BY P.L.205-2018,
- 2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2021]: Sec. 1. (a) An emergency medical services provider (as
- 4 defined in IC 16-41-10-1) shall, without a court order, take custody of
- 5 a child who is, or who appears to be, not more than thirty (30) days of
- 6 age if:
- 7 (1) **except as provided in subsection (g)**, the child is voluntarily
- 8 left:
- 9 (A) with the provider by the child's parent;
- 10 (B) in a newborn safety device that:
- 11 (i) has been approved by a hospital licensed under IC 16-21;
- 12 (ii) is physically located inside a hospital that is staffed
- 13 continuously on a twenty-four (24) hour basis every day to
- 14 provide care to patients in an emergency; and
- 15 (iii) is located in an area that is conspicuous and visible to
- 16 hospital staff;
- 17 (C) in a newborn safety device that was installed on or before



1 January 1, 2017, and is located at a site that is staffed by an
 2 emergency medical services provider (as defined in
 3 IC 16-41-10-1); or

4 (D) in a newborn safety device that:

5 (i) is located at a fire department, including a volunteer fire
 6 department, that is staffed by an emergency medical services
 7 provider (as defined in IC 16-41-10-1) on a twenty-four (24)
 8 hour seven (7) day a week basis;

9 (ii) is located in an area that is conspicuous and visible to
 10 staff; and

11 (iii) includes an adequate dual alarm system connected to
 12 the site that is tested at least one (1) time per month to
 13 ensure the alarm system is in working order; and

14 (2) the parent does not express an intent to return for the child.

15 (b) An emergency medical services provider who takes custody of
 16 a child under this section shall perform any act necessary to protect the
 17 child's physical health or safety.

18 (c) Any person who in good faith voluntarily leaves a child:

19 (1) with an emergency medical services provider; or

20 (2) in a newborn safety device described in subsection ~~(a)(1)(B)~~;

21 **(a)(1);**

22 is not obligated to disclose the parent's name or the person's name.

23 (d) A hospital that approves the operation of a newborn safety
 24 device that meets the requirements set forth in subsection (a)(1)(B) is
 25 immune from civil liability for an act or omission relating to the
 26 operation of the newborn safety device unless the act or omission
 27 constitutes gross negligence or willful or wanton misconduct.

28 (e) A newborn safety device described in subsection (a)(1)(C) may
 29 continue to operate without meeting the conditions set forth in
 30 subsection (a)(1)(B).

31 (f) A fire department, including a volunteer fire department, that
 32 meets the requirements set forth in subsection (a)(1)(D) is immune
 33 from civil liability for an act or omission relating to the operation of the
 34 newborn safety device unless the act or omission constitutes gross
 35 negligence or willful or wanton misconduct.

36 **(g) Due to extenuating circumstances, if a child's parent or a**
 37 **person is unable to give up custody of the child as described in**
 38 **subsection (a)(1), the child's parent or the person may request that**
 39 **an emergency medical services provider (as defined in**
 40 **IC 16-41-10-1) take custody of the child by:**

41 **(1) dialing the 911 emergency call number; and**

42 **(2) staying with the child until an emergency medical services**



1 **provider (as defined in IC 16-41-10-1) arrives to take custody**
2 **of the child.**
3 **The emergency medical dispatch agency (as defined in**
4 **IC 16-31-3.5-1) or the emergency medical services provider (as**
5 **defined in IC 16-41-10-1) shall inform the child's parent or the**
6 **person described in this subsection concerning the ability to remain**
7 **anonymous as described in subsection (c).**

