

SENATE BILL No. 60

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-13-5; IC 31-9-2; IC 31-34-2.5; IC 31-35-1.5.

Synopsis: Safe haven infants. Requires the Indiana clearinghouse for information on missing children and missing endangered adults to cooperate with licensed child placing agencies for purposes of locating missing children. Amends the definition of "safe haven infant" to provide that the term means any infant taken into custody by an emergency medical services provider under specified circumstances. Amends the definition of "abandoned infant" for purposes of juvenile law to provide that the term does not include a safe haven infant. Requires an emergency medical services provider who takes custody of a safe haven infant at a location other than a hospital to transport the safe haven infant to a hospital. Requires the department of child services (department) to do the following: (1) Create and maintain: (A) a means by which licensed child placing agencies may opt to receive notice of a safe haven infant having been taken into custody by an emergency medical services provider; and (B) a registry of licensed child placing agencies that have opted to receive notice. (2) Accurately track the number of safe haven infants taken into custody by emergency medical services providers. Requires a licensed child placing agency that assumes custody of a safe haven infant to immediately notify the department that the licensed child placing agency has assumed custody of the safe haven infant. Provides that if a licensed child placing agency assumes custody of a safe haven infant from an emergency medical services provider with which the licensed child placing agency, or an employee of the licensed child placing agency, has a financial relationship that could be construed as providing an incentive for the emergency medical services provider to give custody of the safe haven (Continued next page)

Effective: July 1, 2024.

Holdman

January 8, 2024, read first time and referred to Committee on Family and Children Services.



Digest Continued

infant to the licensed child placing agency, the licensed child placing agency: (1) may not place the safe haven infant; and (2) shall, without unnecessary delay after taking custody of the safe haven infant, transfer custody of the safe haven infant to the department. Provides that if the department or a licensed child placing agency files a petition to terminate the parent-child relationship, the petition must be accompanied by an affidavit attesting to the existence of specified conditions. Specifies that notice to an unnamed or unknown putative parent regarding the surrender of a safe haven infant must be published only in Indiana counties. Makes technical corrections.



Introduced

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 60



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

1 SECTION 1. IC 10-13-5-6, AS AMENDED BY P.L.43-2009,
 2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2024]: Sec. 6. (a) The superintendent shall designate staff
 4 responsible for the operation of the clearinghouse.
 5 (b) The staff's duties include the following:
 6 (1) Creation and operation of an intrastate network of
 7 communication designed for the speedy collection and processing
 8 of information concerning missing children and missing
 9 endangered adults.
 10 (2) Creation and operation of a central data storage, retrieval, and
 11 information distribution system designed for the exchange of
 12 information on missing children and missing endangered adults
 13 within and outside Indiana. The system must be capable of
 14 interacting with:
 15 (A) the Indiana data and communication system under



- 1 IC 10-13-3-35; and
 2 (B) the National Crime Information Center.
 3 (3) Development of appropriate forms for the reporting of missing
 4 children and missing endangered adults that may be used by law
 5 enforcement agencies and private citizens to provide useful
 6 information about a missing child or a missing endangered adult
 7 to the clearinghouse.
 8 **(4) Coordinating efforts to locate missing children and**
 9 **missing endangered adults in cooperation:** ~~with the following~~
 10 ~~agencies concerning the location of missing children and missing~~
 11 ~~endangered adults:~~
 12 **(A) with:**
 13 ~~(A) (i)~~ state and local public and private nonprofit agencies
 14 involved with the location and recovery of missing persons;
 15 ~~(B) (ii)~~ agencies of the federal government; **and**
 16 ~~(C) (iii)~~ state and local law enforcement agencies within and
 17 outside Indiana;
 18 **concerning the location of missing children and missing**
 19 **endangered adults; and**
 20 **(B) with child placing agencies licensed under IC 31-27-6**
 21 **concerning the location of missing children.**
 22 ~~(5) Coordinating efforts to locate missing children and missing~~
 23 ~~endangered adults with the agencies listed in subdivision (4):~~
 24 ~~(6) (5)~~ Operation of the toll free telephone line created under
 25 section 7(a) of this chapter.
 26 ~~(7) (6)~~ Publishing and updating, on a quarterly basis, a directory
 27 of missing children and missing endangered adults.
 28 ~~(8) (7)~~ Compiling statistics on missing children and missing
 29 endangered adult cases handled by the clearinghouse, including
 30 the number of cases resolved each year.
 31 SECTION 2. IC 10-13-5-7, AS AMENDED BY P.L.56-2023,
 32 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2024]: Sec. 7. (a) The clearinghouse shall do the following:
 34 (1) Collect, process, and maintain identification and investigative
 35 information to aid in finding missing children and missing
 36 endangered adults.
 37 (2) Establish a statewide, toll free telephone line for the reporting:
 38 (A) of missing children and missing endangered adults; and
 39 (B) of sightings of missing children and missing endangered
 40 adults.
 41 (3) Prescribe a uniform reporting form concerning missing
 42 children and missing endangered adults for use by law



1 enforcement agencies within Indiana.

2 (4) Assist in training law enforcement and other professionals on
3 issues relating to missing children and missing endangered adults.

4 (5) Operate a resource center of information regarding the
5 prevention of:

6 (A) the abduction of children; and

7 (B) the sexual exploitation of children.

8 (6) Distribute the quarterly directory prepared under section
9 ~~6(b)(7)~~ **6(b)(6)** of this chapter to schools and hospitals.

10 (7) Distribute the quarterly directory described in subdivision (6)
11 to child care centers and child care homes that make an annual
12 contribution of four dollars (\$4) to the clearinghouse. The
13 contributions must be used to help defray the cost of publishing
14 the quarterly directory.

15 (b) For a missing child who was born in Indiana, the clearinghouse
16 shall notify the vital statistics division of the Indiana department of
17 health:

18 (1) within fifteen (15) days after receiving a report under
19 IC 31-36-1-3 (or IC 31-6-13-4 before its repeal) of a missing child
20 less than thirteen (13) years of age; and

21 (2) promptly after the clearinghouse is notified that a missing
22 child has been found.

23 (c) Upon receiving notification under subsection (b) that a child is
24 missing or has been found, the vital statistics division of the Indiana
25 department of health shall notify the local health department or the
26 health and hospital corporation that has jurisdiction over the area where
27 the child was born.

28 (d) Information collected, processed, or maintained by the
29 clearinghouse under subsection (a) is confidential and is not subject to
30 IC 5-14-3, but may be disclosed by the clearinghouse for purposes of
31 locating missing children and missing endangered adults.

32 SECTION 3. IC 31-9-2-0.5, AS AMENDED BY P.L.128-2012,
33 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2024]: Sec. 0.5. **(a)** "Abandoned infant", for purposes of
35 IC 31-34-21-5.6, means

36 ~~(+)~~ a child who is less than twelve (12) months of age and whose
37 parent, guardian, or custodian has knowingly or intentionally left
38 the child in:

39 ~~(A)~~ **(1)** an environment that endangers the child's life or health; or

40 ~~(B)~~ **(2)** a hospital or medical facility;

41 and has no reasonable plan to assume the care, custody, and control of
42 the child. ~~or~~



1 (2) a child who is, or who appears to be, not more than thirty (30)
2 days of age and whose parent:

3 (A) has knowingly or intentionally left the child with an
4 emergency medical services provider; and

5 (B) did not express an intent to return for the child:

6 **(b) The term does not include a safe haven infant.**

7 SECTION 4. IC 31-9-2-113.1, AS ADDED BY P.L.45-2023,
8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2024]: Sec. 113.1. "Safe haven infant", for purposes of
10 IC 31-34 and IC 31-35, means a child

11 (1) who is, or appears to be, not more than thirty (30) days of age;
12 and

13 (2) who has been voluntarily left:

14 (A) by a parent with taken into custody by an emergency
15 medical services provider (as defined in IC 16-41-10-1); or

16 (B) in a newborn safety device;

17 under IC 31-34-2.5-1.

18 SECTION 5. IC 31-34-2.5-1, AS AMENDED BY P.L.45-2023,
19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2024]: Sec. 1. (a) An emergency medical services provider (as
21 defined in IC 16-41-10-1) shall, without a court order, take custody of
22 a child who is, or who appears to be, not more than thirty (30) days of
23 age if except as provided in subsection (h), the child is voluntarily left:

24 (1) with the provider by the child's parent;

25 (2) in a newborn safety device that:

26 (A) has been approved by a hospital licensed under IC 16-21;

27 (B) is physically located inside a hospital that is staffed
28 continuously on a twenty-four (24) hour basis every day to
29 provide care to patients in an emergency; and

30 (C) is located in an area that is conspicuous and visible to
31 hospital staff;

32 (3) in a newborn safety device that was installed on or before
33 January 1, 2017, and is located at a site that is staffed by an
34 emergency medical services provider (as defined in
35 IC 16-41-10-1);

36 (4) in a newborn safety device that:

37 (A) is located at a facility, fire department, or emergency
38 medical services station that:

39 (i) is staffed by an emergency medical services provider (as
40 defined in IC 16-41-10-1) on a twenty-four (24) hour seven

41 (7) day a week basis; and

42 (ii) has a dual alarm system to dispatch the nearest



- 1 emergency medical services provider to retrieve the
 2 newborn infant if all emergency medical services providers
 3 are dispatched to an emergency;
 4 (B) is located in an area that is conspicuous and visible to
 5 staff; and
 6 (C) includes an adequate dual alarm system connected to the
 7 site that is tested at least one (1) time per month to ensure the
 8 alarm system is in working order;
 9 (5) in a newborn safety device that:
 10 (A) is located at a volunteer fire department that:
 11 (i) meets the minimum response time established by the
 12 county, not to exceed four (4) minutes; and
 13 (ii) is located within one (1) mile of a hospital, police
 14 station, or emergency medical services station that is staffed
 15 on a twenty-four (24) hour per day, seven (7) day a week
 16 basis with full-time personnel who hold a valid
 17 cardiopulmonary resuscitation certification and that meets
 18 the minimum response time established by the county, not
 19 to exceed four (4) minutes;
 20 (B) is equipped with an alert system:
 21 (i) that, when the newborn safety device is opened,
 22 automatically connects to the 911 system and transmits a
 23 request for immediate dispatch of an emergency medical
 24 services provider (as defined in IC 16-41-10-1) to the
 25 location of the newborn safety device; and
 26 (ii) that is tested at least one (1) time per month to ensure
 27 the alert system is in working order; and
 28 (C) is equipped with a video surveillance system that allows
 29 members of a fire department to monitor the inside of the
 30 newborn safety device twenty-four (24) hours a day and that:
 31 (i) has at least two (2) firefighters who are responsible for
 32 monitoring the inside of the newborn safety device
 33 twenty-four (24) hours a day; and
 34 (ii) is an independent surveillance system from the alert
 35 system described in clause (B); or
 36 (6) with medical staff after delivery in a hospital or other medical
 37 facility when the child's parent notifies the medical staff that the
 38 parent is voluntarily relinquishing the child;
 39 and the parent does not express an intent to return for the child.
 40 (b) An emergency medical services provider who takes custody of
 41 a child under this section shall perform any act necessary to protect the
 42 child's physical health or safety. **An emergency medical services**



1 **provider who takes custody of a child under this section at a**
 2 **location other than a hospital shall transport the child to a hospital.**

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

4 (1) with an emergency medical services provider;

5 (2) in a newborn safety device described in this section; or

6 (3) with medical staff as described in subsection (a)(6);

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

8 (d) The following are immune from civil liability, unless the act or
 9 omission constitutes gross negligence or willful or wanton misconduct:

10 (1) An:

11 (A) emergency medical services provider; or

12 (B) employee of an emergency medical services provider;

13 for an act or omission relating to taking custody of a child under
 14 subsection (a).

15 (2) A:

16 (A) medical staff person; or

17 (B) hospital or other medical facility;

18 for an act or omission relating to taking custody of a child under
 19 subsection (a)(6).

20 (e) A hospital that approves the operation of a newborn safety
 21 device that meets the requirements set forth in subsection (a)(2) is
 22 immune from civil liability for an act or omission relating to the
 23 operation of the newborn safety device unless the act or omission
 24 constitutes gross negligence or willful or wanton misconduct.

25 (f) A newborn safety device described in subsection (a)(3) may
 26 continue to operate without meeting the conditions set forth in
 27 subsection (a)(2).

28 (g) A:

29 (1) facility, fire department, or emergency medical services
 30 station or an employee of a facility, fire department, or emergency
 31 medical services station that meets the requirements set forth in
 32 subsection (a)(4); or

33 (2) volunteer fire department or a member of a volunteer fire
 34 department that meets the requirements set forth in subsection
 35 (a)(5);

36 is immune from civil liability for an act or omission relating to the
 37 operation of the newborn safety device unless the act or omission
 38 constitutes gross negligence or willful or wanton misconduct.

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



1 child by:

- 2 (1) dialing the 911 emergency call number; and
 3 (2) staying with the child until an emergency medical services
 4 provider (as defined in IC 16-41-10-1) arrives to take custody of
 5 the child.

6 The emergency medical dispatch agency (as defined in IC 16-31-3.5-1)
 7 or the emergency medical services provider (as defined in
 8 IC 16-41-10-1) shall inform the child's parent or the person described
 9 in this subsection of the ability to remain anonymous as described in
 10 subsection (c).

11 SECTION 6. IC 31-34-2.5-2, AS AMENDED BY P.L.45-2023,
 12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2024]: Sec. 2. (a) Immediately after an emergency medical
 14 services provider takes custody of a safe haven infant under section 1
 15 of this chapter, the provider shall notify either:

- 16 (1) the department of child services; or
 17 (2) a licensed child placing agency **that has opted under section**
 18 **2.1 of this chapter to receive notices under this section;**

19 that the provider has taken custody of the safe haven infant.

20 (b) If notified under subsection (a), the department of child services
 21 or a licensed child placing agency shall:

- 22 (1) assume the care, control, and custody of the safe haven infant
 23 immediately after receiving notice under subsection (a);
 24 (2) not later than forty-eight (48) hours after the department of
 25 child services or a licensed child placing agency has taken
 26 custody of the safe haven infant, contact the Indiana
 27 clearinghouse for information on missing children and missing
 28 endangered adults established by IC 10-13-5-5 and the National
 29 Center for Missing and Exploited Children to determine if the
 30 safe haven infant has been reported missing; and
 31 (3) fifteen (15) days after the department of child services or a
 32 licensed child placing agency has taken custody of the safe haven
 33 infant, contact the National Center for Missing and Exploited
 34 Children a second time to determine if the safe haven infant has
 35 been reported missing.

36 SECTION 7. IC 31-34-2.5-2.1 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2024]: **Sec. 2.1. The department shall create**
 39 **and maintain:**

- 40 (1) **a means by which a licensed child placing agency may opt**
 41 **to receive notifications from emergency medical services**
 42 **providers under section 2 of this chapter;**



- 1 **(2) a registry of licensed child placing agencies that have**
 2 **opted to receive notifications from emergency medical**
 3 **services providers under section 2 of this chapter; and**
 4 **(3) a means by which an emergency medical services provider**
 5 **may access the registry created under subdivision (2).**

6 SECTION 8. IC 31-34-2.5-3, AS AMENDED BY P.L.45-2023,
 7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2024]: Sec. 3. A safe haven infant for whom:

- 9 (1) the department of child services; or
 10 (2) a licensed child placing agency;

11 assumes care, control, and custody under section 2 of this chapter shall
 12 be treated as a child taken into custody without a court order, except
 13 that efforts to locate the safe haven infant's parents or reunify the safe
 14 haven infant's family are not necessary, if the court makes a finding to
 15 that effect under ~~IC 31-34-21-5.6(b)(5)~~: **IC 31-34-21-5.6(b)(6)**.

16 SECTION 9. IC 31-34-2.5-5, AS ADDED BY P.L.45-2023,
 17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2024]: Sec. 5. **(a) Subject to section 5.1 of this chapter**, if a
 19 licensed child placing agency assumes custody of a safe haven infant
 20 under section 2 of this chapter, the licensed child placing agency shall
 21 do the following:

- 22 **(1) Immediately notify the department that the licensed child**
 23 **placing agency has assumed custody of the safe haven infant.**
 24 ~~(+)~~ **(2)** Without unnecessary delay, place the safe haven infant in
 25 a preapproved adoptive home with a prospective adoptive parent
 26 who intends to adopt the safe haven infant.
 27 ~~(=)~~ **(3)** File a petition to terminate the parent-child relationship
 28 under IC 31-35-1.5.

29 **(b) The department shall create and maintain a means by which**
 30 **a licensed child placing agency may provide notice to the**
 31 **department under subsection (a).**

32 SECTION 10. IC 31-34-2.5-5.1 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2024]: **Sec. 5.1. (a) For purposes of this**
 35 **section, a licensed child placing agency has a prohibited financial**
 36 **relationship with an emergency medical services provider if, at the**
 37 **time the licensed child placing agency assumes custody of a safe**
 38 **haven infant from the emergency medical services provider, the**
 39 **licensed child placing agency or an employee of the licensed child**
 40 **placing agency:**

- 41 **(1) is engaged in a financial relationship with the emergency**
 42 **medical services provider; or**



1 (2) has made a gift or donation to the emergency medical
2 services provider;
3 that could be construed as providing an incentive for the
4 emergency medical services provider to give custody of the safe
5 haven infant to the licensed child placing agency.

6 (b) If a licensed child placing agency assumes custody of a safe
7 haven infant from an emergency medical services provider with
8 which the licensed child placing agency has a prohibited financial
9 relationship, the licensed child placing agency:

10 (1) may not place the safe haven infant under section 5 of this
11 chapter; and

12 (2) shall, without unnecessary delay after the licensed child
13 placing agency knows, or reasonably should know, that the
14 licensed child placing agency has a prohibited financial
15 relationship with the emergency medical services provider,
16 transfer custody of the safe haven infant to the department.

17 (c) A gift made by an employee of a licensed child placing
18 agency to an individual who is:

19 (1) an employee of an emergency medical services provider;
20 and

21 (2) a family or household member of the employee of the
22 licensed child placing agency;

23 is not a gift to the emergency medical services provider for
24 purposes of subsection (a)(2).

25 SECTION 11. IC 31-34-2.5-7 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2024]: **Sec. 7. The department shall**
28 **accurately track the number of children taken into custody under**
29 **this chapter.**

30 SECTION 12. IC 31-35-1.5-4, AS ADDED BY P.L.45-2023,
31 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2024]: Sec. 4. (a) The:

- 33 (1) department's attorney; or
- 34 (2) licensed child placing agency;

35 shall sign and file a verified petition for the termination of the
36 parent-child relationship not more than fifteen (15) days after taking
37 custody of a safe haven infant.

38 (b) The petition must:

- 39 (1) be entitled "In the Matter of the Termination of the
40 Parent-Child Relationship of _____, a Safe Haven
41 Infant"; and

42 (2) allege that the:



- 1 (A) child was left in a newborn safety device or by a parent
 2 with an emergency medical services provider; and
 3 (B) termination of the parent-child relationship is:
 4 (i) in the child's best interest; and
 5 (ii) in furtherance of an adoption.
- 6 (c) At the time the **department's attorney files a** verified petition
 7 ~~described in~~ **under** subsection (a), ~~is filed:~~ ~~(†)~~ the department's
 8 attorney shall also file:
 9 (1) a permanency plan for the safe haven infant; ~~or and~~
 10 (2) **an affidavit attesting that:**
 11 (A) **the department has contacted the Indiana**
 12 **clearinghouse for information on missing children and**
 13 **missing endangered adults and the National Center for**
 14 **Missing and Exploited Children as required under**
 15 **IC 31-34-2.5-2(b); and**
 16 (B) **neither the Indiana clearinghouse for information on**
 17 **missing children and missing endangered adults nor the**
 18 **National Center for Missing and Exploited Children has**
 19 **notified the department that the safe haven infant has been**
 20 **reported missing.**
- 21 ~~(2)~~ ~~(d)~~ ~~the~~ **At the time a** licensed child placing agency **files a**
 22 **verified petition under subsection (a), the licensed child placing**
 23 **agency** shall also file:
 24 (1) a recommendation in support of the prospective adoptive
 25 parent with whom the safe haven infant is placed; **and**
 26 (2) **an affidavit:**
 27 (A) **attesting that:**
 28 (i) **the licensed child placing agency has contacted the**
 29 **Indiana clearinghouse for information on missing**
 30 **children and missing endangered adults and the National**
 31 **Center for Missing and Exploited Children as required**
 32 **under IC 31-34-2.5-2(b); and**
 33 (ii) **neither the Indiana clearinghouse for information on**
 34 **missing children and missing endangered adults nor the**
 35 **National Center for Missing and Exploited Children has**
 36 **notified the licensed child placing agency that the safe**
 37 **haven infant has been reported missing; and**
 38 (B) **attesting that the licensed child placing agency or an**
 39 **employee of the licensed child placing agency does not have**
 40 **a financial relationship with the emergency medical**
 41 **services provider from which the licensed child placing**
 42 **agency assumed custody of the safe haven infant, as**



1 **described in IC 31-34-2.5-5.1.**
2 SECTION 13. IC 31-35-1.5-6, AS ADDED BY P.L.45-2023,
3 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2024]: Sec. 6. Notice given to an unnamed or unknown
5 putative parent under section 5 of this chapter must be published once
6 a week for three (3) consecutive weeks in the print edition or electronic
7 edition of a newspaper of general circulation in:
8 (1) the county in which the safe haven infant was voluntarily
9 surrendered; and
10 (2) each **Indiana county that is** contiguous ~~county~~ to the county
11 described in subdivision (1).

