

AN ACT relating to abandoned infants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 405.075 is amended to read as follows:

- (1) As used in this section, "newborn infant" means an infant who is medically determined to be less than seventy-two (72) hours old.
- (2) A parent who places a newborn infant with an emergency medical services provider~~[,]~~ ***or at a staffed*** police station, fire station, ~~[or]~~hospital, ***or church*** and expresses no intent to return for the infant shall have the right to remain anonymous and not be pursued and shall not be considered to have abandoned or endangered the newborn infant under KRS Chapters 508 and 530.
- (3) Any emergency medical services provider, police officer, ~~[or]~~firefighter, ***or church staff member*** who accepts physical custody of a newborn infant in accordance with this section shall immediately arrange for the infant to be taken to the nearest hospital emergency room and shall have implied consent to any and all appropriate medical treatment.
- (4) By placing a newborn infant in the manner described in this section, the parent:
 - (a) Waives the right to notification required by subsequent court proceedings conducted under KRS Chapter 620 until such time as a claim of parental rights is made; and
 - (b) Waives legal standing to make a claim of action against any person who accepts physical custody of the newborn infant.
- (5) ***Actions taken by an emergency medical services provider, police officer, firefighter, or church staff member in conformity with the duty granted in this section shall be immune from criminal or civil liability. The immunity granted by this subsection shall not be construed to cover torts resulting in personal injury to the infant caused by the willful and wanton misconduct or gross negligence of an emergency medical services provider, police officer, firefighter, or church staff***

member.

(6) The provisions of subsection (2) of this section shall not apply when indicators of child physical abuse or child neglect are present.

~~(7)~~ KRS 211.951, 216B.190, 311.6526, 405.075, 620.350, and 620.355 shall be known as "The Representative Thomas J. Burch Safe Infants Act."

➔Section 2. KRS 216B.190 is amended to read as follows:

- (1) As used in this section, "newborn infant" means an infant who is medically determined to be less than seventy-two (72) hours old.
- (2) Every hospital of this state that offers emergency services shall admit and provide all necessary medical care, diagnostic tests, and medical treatment to any newborn infant brought to the hospital when the identity of the parents is unknown. Any person performing medical care, diagnostic testing, or medical treatment shall be immune from criminal or civil liability for having performed the act. Nothing in this subsection shall limit liability for negligence.
- (3) Any person or parent, other than an emergency medical services provider, a police officer, ~~or~~ a firefighter, or a church staff member acting in the course of his or her official duties, who leaves a newborn infant at an emergency room, or brings a newborn infant to an emergency room and expresses an intent to leave the infant and not return, shall have the right to remain anonymous and to leave at any time, and shall not be pursued or followed. The physician shall consider these actions as implied consent for treatment.
- (4) Upon admittance, the physician or hospital administrator shall immediately contact the local office of the Department for Community Based Services. The Department for Community Based Services shall immediately seek an emergency custody order in accordance with KRS 620.350.
- (5) Every emergency room shall make available materials to gather health and medical information concerning the infant and the parents. The materials shall be offered to

the person leaving the newborn infant and it shall be clearly stated that acceptance is completely voluntary and completion of the materials may be done anonymously.

- (6) The provisions of subsection (3) of this section shall not apply when indicators of child physical abuse or child neglect are present.

➔Section 3. KRS 620.355 is amended to read as follows:

- (1) The cabinet shall make available standardized health, medical, and background information forms for use in gathering voluntary, nonidentifying information from a person who leaves an infant in accordance with KRS 405.075 and as required by KRS 216B.190 ~~and 311.6526~~. The materials shall clearly state on each page that the information requested is designed to facilitate medical care for the infant. The material shall include information on family services, termination of parental rights, and adoption. The material shall also include:
- (a) Information on the importance of medical and health information regarding the infant; and
 - (b) Written notification that failure to contact the Department for Community Based Services and assert a claim of parental rights within thirty (30) days of the receipt of the material shall result in the commencement of proceedings for involuntary termination of parental rights and placement of the child for adoption.
- (2) Subject to available funding, the cabinet shall produce and distribute a media campaign to promote safe placement alternatives for newborn infants, the confidentiality offered to birth parents, and information regarding adoption procedures.