

2024 Regular Session

HOUSE BILL NO. 891

BY REPRESENTATIVES CHENEVERT AND MYERS

CHILDREN/NEWBORNS: Provides relative to the Safe Haven Law

1 AN ACT

2 To amend and reenact Children's Code Articles 502(4)(introductory paragraph) and (h),
3 1150(2)(a) through (c), 1151(A)(1), (B) and (C) and 1152(A)(1) and (2)(f), (C)(3)
4 and (G), 1153(B)(2) and (3), 1154(A), and 1157(A)(1) and to repeal Children's Code
5 Articles 1150(2)(e) and 1152(A)(3), relative to the Safe Haven Law; to provide for
6 definitions; to require twenty-four hour medical services; to establish certain
7 provisions for first responders upon dispatch; to remove requirements for a designee;
8 to establish requirements for the production of safe haven informational materials;
9 to repeal the requirement for an instructional video; to require certain determinations
10 by a physician; to include contacting the Missing and Exploited Children
11 Information Clearinghouse for information on missing children and endangered
12 adults; to provide that certain actions constitute a crime against a child; and to
13 provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Children's Code Articles 502(4)(introductory paragraph) and (h),
16 1150(2)(a) through (c), 1151(A)(1), (B) and (C) and 1152(A)(1) and (2)(f), (C)(3) and (G),
17 1153(B)(2) and (3), 1154(A), and 1157(A)(1) are hereby amended and reenacted to read as
18 follows:

19 Art. 502. Definitions

20 For the purposes of this Title, the following terms have the following
21 meanings, unless the context clearly indicates otherwise:

22 * * *

1 (4) "Crime against the child" ~~shall include~~ includes the commission of or the
2 attempted commission of any of the following crimes against the child as provided
3 by federal or state statutes:

4 * * *

5 (h) Criminal Abandonment, which includes an infant, as defined in Article
6 1150, surrendered in accordance with the Safe Haven Law, Article 1149 et seq.

7 * * *

8 Art. 1150. Definitions

9 As used in this Chapter:

10 * * *

11 (2) "Designated emergency care facility" means any of the following:

12 (a) Any hospital licensed in the state of Louisiana that has an emergency
13 department staffed twenty-four hours per day, seven days per week.

14 (b) Any ~~of the following~~ medical clinics ~~during normal and customary hours~~
15 ~~of operation:~~ staffed twenty-four hours per day seven days per week, local or parish
16 public health units, licensed rural health clinics, licensed ambulatory surgical centers,
17 and federally qualified health centers. Offices, clinics, or other types of treatment
18 facilities, private physicians, or dentists not listed above are not designated
19 emergency care facilities within the meaning of this Subparagraph.

20 (c) Any manned fire station that is staffed by an emergency medical services
21 provider twenty-four hours per day, seven days per week, unless all staff are
22 responding to an emergency when the next nearest first responder will be dispatched
23 as in any other emergency.

24 * * *

25 Art. 1151. Relinquishment of infants; defense to prosecution

26 A.(1) If a parent wishes to relinquish ~~his~~ an infant, ~~he~~ the parent may leave
27 the infant in the care of any employee of a designated emergency care facility or in
28 a newborn safety device that meets the specifications provided in Subparagraph (2)
29 of this Paragraph and is physically located inside of a facility which is licensed as a

1 hospital in accordance with the Hospital Licensing Law, R.S. 40:2100 et seq., ~~and~~
 2 that has an emergency department that is staffed twenty-four hours per day, fire
 3 department as defined in R.S. 40:1567, or law enforcement personnel who are hired
 4 to provide emergency medical services as defined in R.S. 40:1131 on a twenty-four
 5 hour, seven days a week basis. When all first responders are dispatched for an
 6 emergency from a fire station or medical service center the dual alarm system will
 7 dispatch the nearest first responder to retrieve the infant as in any similar emergency
 8 situation.

9 * * *

10 B. If the parent is unable to travel to a designated emergency care facility,
 11 ~~he~~ the parent may call "911", and a firefighter, a law enforcement officer, or an
 12 emergency medical service provider shall immediately be dispatched to meet the
 13 parent and transport the child to a hospital, and to ensure that all requirements listed
 14 in Article 1152(D) through (I) have been met.

15 C. Relinquishment of an infant in accordance with this Chapter is not a
 16 criminal act of neglect, abandonment, cruelty, or a crime against the child and shall
 17 not be subject to an investigation for abandonment by the department.

18 Art. 1152. Designated emergency care facility, emergency medical service provider,
 19 firefighter, and law enforcement officer responsibilities; newborn safety
 20 devices authorized

21 A.(1) Every designated emergency care facility shall appoint as its
 22 representative one or more employees on duty during regular business hours who is
 23 knowledgeable about the requirements of this Chapter. ~~In addition, at other times~~
 24 ~~each facility shall designate a representative who can be reached by emergency~~
 25 ~~telephone service or post instructions to contact "911" for a safe haven~~
 26 ~~relinquishment if outside of normal operating hours.~~

27 (2)

28 * * *

1 (f) Each designated emergency care facility that installs a newborn safety
 2 device as authorized by this Subparagraph shall ~~install adjacent to the device a card~~
 3 ~~holder and shall keep the card holder stocked with safe haven informational cards~~
 4 provide all information required by the state and supplied by the department pursuant
 5 to Paragraph D of this Article and other safe haven informational materials produced
 6 in accordance with Article 1160 in an orange envelope conspicuous and readily
 7 available in the newborn safety device for the relinquishing parent.

8 * * *

9 C. Instruction by a designated emergency care facility on safe haven
10 relinquishment procedures may:

11 * * *

12 (3) Utilize the ~~downloadable instructional video and~~ training materials
 13 provided by the ~~Department of Children and Family Services on the department's~~
 14 ~~website~~ manufacturer of the newborn safety device.

15 * * *

16 G. ~~In the event that~~ When an infant is relinquished ~~to a designated~~
 17 ~~emergency care facility other than a hospital, or to an emergency medical service~~
 18 ~~provider, firefighter, or law enforcement officer, the staff of the facility, the~~
 19 emergency medical service provider, the firefighter, or the law enforcement officer
 20 shall immediately transfer the infant to a hospital.

21 * * *

22 Art. 1153. Medical evaluation of the infant

23 * * *

24 B. A physician shall promptly conduct a comprehensive medical
 25 examination and such tests to determine:

26 * * *

1 (2) If the infant suffered fetal exposure to alcohol or drug, which shall not
2 prompt an investigation by the department.

3 (3) If the infant appears to have been abused or neglected, which shall
4 require the department to open an investigation.

5 * * *

6 Art. 1154. Safe haven continued custody hearing; instanter order

7 A. Immediately after notification that an infant has been relinquished, the
8 department shall request an oral instanter order of custody from the court in
9 accordance with Article 620 and shall take physical custody of the infant within
10 twelve hours of notice that the infant is ready to be discharged from the hospital.
11 The department shall exercise due diligence ~~in attempting to identify and locate any~~
12 ~~non-relinquishing parent, including but not limited to performing~~ perform a missing
13 children search, which shall include contacting the Missing and Exploited Children
14 Information Clearinghouse, as defined in R.S. 46:1431, for information on missing
15 endangered adults and missing children to determine if the child has been reported
16 missing.

17 * * *

18 Art. 1157. Reclaiming of parental rights by the relinquishing parent; hearing

19 A. A relinquishing parent may reclaim parental rights by proving by clear
20 and convincing evidence that:

21 (1) ~~He~~ The parent is the parent of the child.

22 * * *

23 Section 2. Children's Code Articles 1150(2)(e) and 1152(A)(3) are hereby repealed
24 in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 891 Original

2024 Regular Session

Chenevert

Abstract: Revises provisions relative to the "Safe Haven Law".

Present law defines "crime against the child", "criminal abandonment", and "designated emergency care facility".

Proposed law adds "Safe Haven Law" provisions to the aforementioned definitions. Proposed law otherwise retains present law.

Present law provides that if a parent wishes to relinquish his infant, the parent may leave the infant in the care of any employee of a designated emergency care facility or in a newborn safety device that meets the specifications provided in present law and is physically located inside of a facility which is licensed as a hospital with an emergency department that is staffed 24 hours a day, 7 days a week.

Proposed law extends the places that a parent may relinquish an infant to include a fire department or with certain law enforcement personnel.

Present law provides that if the parent is unable to travel to a designated emergency care facility, the parent may call "911", and a firefighter, a law enforcement officer, or an emergency medical service provider shall immediately be dispatched to meet the parent and transport the child to a hospital.

Proposed law retains present law.

Present law further provides that every designated emergency care facility shall appoint as its representative 1 or more employees on duty during regular business hours who are knowledgeable about the requirements provided for in present law and provides that each facility shall designate a representative who can be reached by emergency telephone service or post instructions to contact "911" for a safe haven relinquishment if outside of normal operating hours.

Proposed law removes the provision relative to designating a representative for the safe haven relinquishment. Proposed law otherwise retains present law.

Present law requires each designated emergency care facility that installs a newborn safety device to install, adjacent to the device, a card holder, stocked with safe haven informational cards supplied by the department and other safe haven informational materials.

Proposed law removes the requirement of installing a card holder stocked with safe haven informational cards and instead requires the safe haven informational materials to be included in an orange envelope placed in the newborn safety device. Proposed law otherwise retains present law.

Present law provides that instruction by a designated emergency care facility on safe haven relinquishment procedures may utilize the downloadable instructional video and training materials provided by the Dept. of Children and Family Services on the department's website.

Proposed law instead provides that the training materials be provided by the manufacturer of the newborn safety device. Proposed law otherwise retains present law.

Present law provides that a physician shall promptly conduct a comprehensive medical examination and such tests to determine all of the following:

- (1) If the infant suffers from HIV or hepatitis, if suspected.

- (2) If the infant suffered fetal exposure to alcohol or drugs.
- (3) If the infant appears to have been abused or neglected.
- (4) The infant's estimated date of birth, if not previously known.

Proposed law provides that if the infant is found to have drugs in his system, proposed law shall not prompt an investigation by the department. Proposed law further provides that if the infant has been abused, proposed law shall require the department to open an investigation.

Present law provides that immediately after notification that an infant has been relinquished, the department shall request an oral instant order of custody from the court and shall take physical custody of the infant within 12 hours of notice that the infant is ready to be discharged from the hospital.

Proposed law retains present law.

Present law provides that the department shall exercise due diligence in attempting to identify and locate any non-relinquishing parent, including but not limited to performing a missing children search.

Proposed law removes the requirement for the department to exercise due diligence in attempting to identify and locate any non-relinquishing parent, and instead requires the department to exercise due diligence to perform a missing children search that includes contacting the Missing and Exploited Children Information Clearinghouse for information on missing endangered adults and missing children to determine if the child was reported missing.

Present law provides that a designated emergency care facility means any Child Advocacy Center accredited by the National Children's Alliance, during normal and customary hours of operation.

Proposed law repeals present law.

Present law provides that the La. Dept. of Health may promulgate hospital licensing rules regarding newborn safety devices installed in hospitals. Present law further provides that the provisions of present law may include but not be limited to adequate alarms, testing, cleaning, documentation, policies, procedures, and training of staff.

Proposed law repeals present law.

(Amends Ch.C.Art. 502(4)(intro. para.) and (h), 1150(2)(a)-(c), 1151(A)(1), (B), and (C) and 1152(A)(1) and (2)(f), (C)(3) and (G), 1153(B)(2) and (3), 1154(A), and 1157(A)(1); Repeals Ch.C.Art. 1150(2)(e) and 1152(A)(3))