

HOUSE BILL 167

D4, O1, D3

9lr0096

By: **Chair, Judiciary Committee (By Request – Departmental – Human Services)**

Introduced and read first time: January 23, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes – Safe Haven Newborns**

3 FOR the purpose of requiring a local department of social services that files a petition
4 alleging that a safe haven newborn is a child in need of assistance to publish in a
5 newspaper or a certain other publication and post on a certain website a certain
6 notice containing certain information; requiring the juvenile court to exclude the
7 general public from a hearing where the proceedings involve discussion of any
8 information pertaining to the confidential identity of a mother of a safe haven
9 newborn; specifying certain requirements for a child in need of assistance petition
10 alleging that a child is a safe haven newborn; authorizing a child to be taken into
11 custody under certain provisions of law in accordance with certain provisions of law
12 relating to safe haven newborns; authorizing a local department to place a child in
13 emergency shelter care before a hearing if the child is a safe haven newborn under
14 certain circumstances; prohibiting a local department from giving certain notice to
15 the mother of a safe haven newborn under certain circumstances; altering certain
16 provisions of law relating to the disposition of a child in need of assistance petition
17 involving a safe haven newborn; requiring the juvenile court to hold a permanency
18 plan hearing within a certain period of time after a petition is filed alleging that a
19 child is a safe haven newborn; specifying procedures for permanency plan hearings
20 for safe haven newborns; specifying that certain provisions of law relating to children
21 in need of assistance hearings do not apply to a safe haven newborn's mother under
22 certain circumstances; altering certain procedures in certain provisions of law
23 relating to persons who leave an unharmed newborn with a responsible adult within
24 a certain period of time after the birth of the newborn; altering certain provisions of
25 law relating to notice of the filing of a petition for guardianship of a certain child to
26 include specified notice if the child is a safe haven newborn; specifying the
27 circumstances under which the juvenile court may grant guardianship of a safe
28 haven newborn; making certain conforming changes; altering a certain definition;
29 defining a certain term; and generally relating to safe haven newborns.

30 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Courts and Judicial Proceedings
2 Section 3–819(a), (b–1), and (e)
3 Annotated Code of Maryland
4 (2013 Replacement Volume and 2018 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Courts and Judicial Proceedings
7 Section 3–801(f) and (x) through (ee), 3–810, 3–811, 3–814(a), 3–815(b) and (c),
8 3–819(b) through (d) and (f), 3–822, and 5–641
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2018 Supplement)

11 BY adding to
12 Article – Courts and Judicial Proceedings
13 Section 3–801(x) and 3–819.3
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Family Law
18 Section 5–315 and 5–320
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2018 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Human Services
23 Section 2–302
24 Annotated Code of Maryland
25 (2007 Volume and 2018 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That the Laws of Maryland read as follows:

28 **Article – Courts and Judicial Proceedings**

29 3–801.

30 (f) “Child in need of assistance” means a child who requires court intervention
31 because:

32 (1) The child has been abused, has been neglected, has a developmental
33 disability, [or] has a mental disorder, **OR HAS BEEN RELINQUISHED AS A SAFE HAVEN**
34 **NEWBORN**; and

35 (2) The child’s parents, guardian, or custodian are unable or unwilling to
36 give proper care and attention to the child and the child’s needs.

1 **(X) “SAFE HAVEN NEWBORN” MEANS A CHILD WHO HAS BEEN**
2 **RELINQUISHED IN ACCORDANCE WITH § 5-641 OF THIS ARTICLE.**

3 **[(x)] (Y) “Sex trafficking” means the recruitment, harboring, transportation,**
4 **provision, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex**
5 **act.**

6 **[(y)] (Z) “Sexual abuse” means an act that involves:**

7 (1) Sexual molestation or exploitation of a child by:

8 (i) A parent or other individual who has permanent or temporary
9 care or custody or responsibility for supervision of the child; or

10 (ii) A household or family member; or

11 (2) Sex trafficking of a child by any individual.

12 **[(z)] (AA) “Sexual molestation or exploitation” includes:**

13 (1) Allowing or encouraging a child to engage in:

14 (i) Obscene photography, films, poses, or similar activity;

15 (ii) Pornographic photography, films, poses, or similar activity; or

16 (iii) Prostitution;

17 (2) Incest;

18 (3) Rape;

19 (4) Sexual offense in any degree;

20 (5) Sodomy; and

21 (6) Unnatural or perverted sexual practices.

22 **[(aa)] (BB) “Shelter care” means a temporary placement of a child outside of the**
23 **home at any time before disposition.**

24 **[(bb)] (CC) “Shelter care hearing” means a hearing held before disposition to**
25 **determine whether the temporary placement of the child outside of the home is warranted.**

26 **[(cc)] (DD) “TPR proceeding” means a proceeding to terminate parental rights.**

1 **5. NOTICE TO THE MOTHER THAT A FAILURE TO FILE**
2 **WRITTEN NOTICE REVOKING HER VOLUNTARY RELINQUISHMENT OF THE SAFE**
3 **HAVEN NEWBORN WITH THE CLERK OF THE JUVENILE COURT FOR THE COUNTY**
4 **WHERE THE CINA PROCEEDING IS FILED WITHIN 90 DAYS AFTER THE DATE OF THE**
5 **RELINQUISHMENT SHALL CONSTITUTE AN IRREVOCABLE CONSENT TO THE**
6 **TERMINATION OF HER PARENTAL RIGHTS AND A WAIVER OF THE RIGHT TO**
7 **NOTIFICATION OF ANY SUBSEQUENT NOTICE OF ADOPTION OR FURTHER COURT**
8 **PROCEEDINGS CONCERNING THE CHILD;**

9 **6. NOTICE TO ANYONE SEEKING TO CLAIM PATERNITY**
10 **OF THE CHILD THAT FAILURE TO FILE A WRITTEN CLAIM OF PATERNITY WITH THE**
11 **CLERK OF THE JUVENILE COURT FOR THE COUNTY WHERE THE CINA PROCEEDING**
12 **IS FILED WITHIN 90 DAYS AFTER THE DATE OF THE RELINQUISHMENT CONSTITUTES**
13 **A BAR TO BRINGING OR MAINTAINING ANY ACTION TO ESTABLISH PATERNITY OF**
14 **THE NEWBORN AND CONSTITUTES AN IRREVOCABLE CONSENT TO THE**
15 **TERMINATION OF PARENTAL RIGHTS AND A WAIVER OF THE RIGHT TO**
16 **NOTIFICATION OF ANY SUBSEQUENT NOTICE OF ADOPTION OR FURTHER COURT**
17 **PROCEEDINGS CONCERNING THE CHILD; AND**

18 **7. ANY OTHER RELEVANT INFORMATION.**

19 **(III) THE NOTICES REQUIRED UNDER THIS PARAGRAPH MAY NOT**
20 **INCLUDE THE NAME OF THE MOTHER OR THE NEWBORN.**

21 (b) (1) In any proceeding in which a child is alleged to be in need of assistance
22 or in any voluntary placement hearing, the court may exclude the general public from a
23 hearing and admit only those persons having a direct interest in the proceeding and their
24 representatives.

25 (2) The court shall exclude the general public from a hearing where the
26 proceedings involve discussion of confidential information from the child abuse and neglect
27 report and record, **ANY INFORMATION PERTAINING TO THE CONFIDENTIAL IDENTITY**
28 **OF A MOTHER OF A SAFE HAVEN NEWBORN**, or any information obtained from the child
29 welfare agency concerning a child or family who is receiving Title IV–B child welfare
30 services or Title IV–E foster care or adoption assistance.

31 (c) The clerk of the court shall make a separate file for each case.

32 3–811.

33 (a) (1) A CINA petition under this subtitle shall allege that a child is in need
34 of assistance and shall set forth in clear and simple language the facts supporting that
35 allegation.

1 (2) A voluntary placement petition under this subtitle shall allege that
2 continuation of a voluntary placement is in the best interests of the child or former CINA
3 and shall set forth in clear and simple language the facts supporting that allegation.

4 (3) A CINA PETITION UNDER THIS SUBTITLE ALLEGING THAT A
5 CHILD IS A SAFE HAVEN NEWBORN:

6 (I) MAY NOT IDENTIFY THE MOTHER UNLESS SHE REVOKES
7 HER RELINQUISHMENT OF THE NEWBORN;

8 (II) SHALL CONFIRM THAT THE LOCAL DEPARTMENT HAS
9 SUBMITTED AN INQUIRY TO STATE AND NATIONAL DATABASES FOR MISSING
10 CHILDREN TO DETERMINE IF THE CHILD HAS BEEN REPORTED MISSING; AND

11 (III) SHALL CONTAIN THE NOTICES DESCRIBED IN § 3-810(A)(3)
12 OF THIS SUBTITLE.

13 (b) A separate petition shall be filed as to each child.

14 3-814.

15 (a) A child may be taken into custody under this subtitle by any of the following
16 methods:

17 (1) In accordance with an order of the court;

18 (2) IN ACCORDANCE WITH § 5-641 OF THIS ARTICLE;

19 [(2)] (3) In accordance with § 5-709 of the Family Law Article; or

20 [(3)] (4) By a law enforcement officer if the officer has reasonable grounds
21 to believe that the child is in immediate danger from the child's surroundings and that the
22 child's removal is necessary for the child's protection.

23 3-815.

24 (b) A local department may place a child in emergency shelter care before a
25 hearing if:

26 (1) Placement is required to protect the child from serious immediate
27 danger OR THE CHILD IS A SAFE HAVEN NEWBORN;

28 (2) There is no parent, guardian, custodian, relative, or other person able
29 to provide supervision; and

1 (3) (i) 1. The child's continued placement in the child's home is
2 contrary to the welfare of the child; and

3 2. Because of an alleged emergency situation, removal from
4 the home is reasonable under the circumstances to provide for the safety of the child; or

5 (ii) 1. Reasonable efforts have been made but have been
6 unsuccessful in preventing or eliminating the need for removal from the child's home; and

7 2. As appropriate, reasonable efforts are being made to
8 return the child to the child's home.

9 (c) (1) Whenever a child is not returned to the child's parent, guardian, or
10 custodian, the local department shall immediately file a petition to authorize continued
11 shelter care.

12 (2) (i) The court shall hold a shelter care hearing on the petition before
13 disposition to determine whether the temporary placement of the child outside of the home
14 is warranted.

15 (ii) Unless extended on good cause shown, a shelter care hearing
16 shall be held not later than the next day on which the circuit court is in session.

17 (3) **(I) [If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
18 **PARAGRAPH, IF** the child's parents, guardian, custodian, or relatives can be located,
19 reasonable notice, oral or written, stating the time, place, and purpose of the shelter care
20 hearing shall be given.

21 **(II) A LOCAL DEPARTMENT MAY NOT GIVE THE NOTICE**
22 **DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH TO THE MOTHER OF A SAFE**
23 **HAVEN NEWBORN UNLESS THE MOTHER HAS REVOKED HER VOLUNTARY**
24 **RELINQUISHMENT.**

25 (4) A court may not order shelter care for more than 30 days except that
26 shelter care may be extended for up to an additional 30 days if the court finds after a
27 hearing held as part of an adjudication that continued shelter care is needed to provide for
28 the safety of the child.

29 (5) Unless good cause is shown, a court shall give priority to the child's
30 relatives over nonrelatives when ordering shelter care for a child.

31 3-819.

32 (a) (1) Unless a CINA petition under this subtitle is dismissed, the court shall
33 hold a separate disposition hearing after an adjudicatory hearing to determine whether the
34 child is a CINA.

1 (2) The disposition hearing shall be held on the same day as the
2 adjudicatory hearing unless on its own motion or motion of a party, the court finds that
3 there is good cause to delay the disposition hearing to a later day.

4 (3) If the court delays a disposition hearing, it shall be held no later than
5 30 days after the conclusion of the adjudicatory hearing unless good cause is shown.

6 (b) (1) In making a disposition on a CINA petition under this subtitle, the
7 court shall:

8 (i) Find that the child is not in need of assistance and, except as
9 provided in subsection (e) of this section, dismiss the case;

10 (ii) **[Hold] EXCEPT FOR A SAFE HAVEN NEWBORN, HOLD** in
11 abeyance a finding on whether a child with a developmental disability or a mental illness
12 is a child in need of assistance and:

13 1. Order the local department to assess or reassess the
14 family's and child's eligibility for placement of the child in accordance with a voluntary
15 placement agreement under § 5-525(b)(1)(i) of the Family Law Article;

16 2. Order the local department to report back to the court in
17 writing within 30 days unless the court extends the time period for good cause shown;

18 3. If the local department does not find the child eligible for
19 placement in accordance with a voluntary placement agreement, hold a hearing to
20 determine whether the family and child are eligible for placement of the child in accordance
21 with a voluntary placement agreement; and

22 4. After the hearing:

23 A. Find that the child is not in need of assistance and order
24 the local department to offer to place the child in accordance with a voluntary placement
25 agreement under § 5-525(b)(1)(i) of the Family Law Article;

26 B. Find that the child is in need of assistance; or

27 C. Dismiss the case; or

28 (iii) Subject to paragraph (2) of this subsection, find that the child is
29 in need of assistance and:

30 1. Not change the child's custody status; or

31 2. Commit the child on terms the court considers appropriate
32 to the custody of:

1 A. A parent;

2 B. Subject to § 3–819.2 of this subtitle, a relative, or other
3 individual; or

4 C. A local department, the Maryland Department of Health,
5 or both, including designation of the type of facility where the child is to be placed.

6 (2) (i) 1. In this paragraph, “disability” means:

7 A. A physical or mental impairment that substantially limits
8 one or more of an individual’s major life activities;

9 B. A record of having a physical or mental impairment that
10 substantially limits one or more of an individual’s major life activities; or

11 C. Being regarded as having a physical or mental
12 impairment that substantially limits one or more of an individual’s major life activities.

13 2. “Disability” shall be construed in accordance with the ADA
14 Amendments Act of 2008, P.L. 110–325.

15 (ii) In making a disposition on a CINA petition under this subtitle, a
16 disability of the child’s parent, guardian, or custodian is relevant only to the extent that
17 the court finds, based on evidence in the record, that the disability affects the ability of the
18 parent, guardian, or custodian to give proper care and attention to the child and the child’s
19 needs.

20 (3) Unless good cause is shown, a court shall give priority to the child’s
21 relatives over nonrelatives when committing the child to the custody of an individual other
22 than a parent.

23 (b–1) (1) If the court finds that a child enrolled in a public elementary or
24 secondary school is in need of assistance and commits the child to the custody of a local
25 department, the court may notify the county superintendent, the supervisor of pupil
26 personnel, or any other official designated by the county superintendent of the fact that the
27 child has been found to be in need of assistance and has been committed to the custody of
28 a local department.

29 (2) If the court rescinds the commitment order for a child enrolled in a
30 public elementary or secondary school, the court may notify the county superintendent, the
31 supervisor of pupil personnel, or any other official designated by the county superintendent
32 of the fact that the child is no longer committed to the custody of a local department of
33 social services.

34 (3) The notice authorized under paragraphs (1) and (2) of this subsection

1 may not include any order or pleading related to the child in need of assistance case.

2 (c) In addition to any action under subsection (b)(1)(iii) of this section, the court
3 may:

4 (1) (i) Place a child under the protective supervision of the local
5 department on terms the court considers appropriate;

6 (ii) Grant limited guardianship to the department or an individual
7 or both for specific purposes including medical and educational purposes or for other
8 appropriate services if a parent is unavailable, unwilling, or unable to consent to services
9 that are in the best interest of the child; or

10 (iii) Order the child and the child's parent, guardian, or custodian to
11 participate in rehabilitative services that are in the best interest of the child and family;

12 (2) Determine custody, visitation, support, or paternity of a child in
13 accordance with § 3–803(b) of this subtitle; [and]

14 (3) For a child with a developmental disability, direct the provision of
15 services to obtain ongoing care, if any, needed after the court's jurisdiction ends; AND

16 (4) **FOR A SAFE HAVEN NEWBORN, GRANT LIMITED GUARDIANSHIP TO**
17 **THE DEPARTMENT FOR MEDICAL OR OTHER APPROPRIATE SERVICES.**

18 (d) **[If EXCEPT FOR A SAFE HAVEN NEWBORN, IF** guardianship of a child is
19 awarded to the local department under this subtitle, the local department shall notify the
20 parents of the child and their attorneys as soon as practicable of any emergency decision
21 made by the guardian with respect to the child under § 3–801(o) of this subtitle.

22 (e) If the allegations in the petition are sustained against only one parent of a
23 child, and there is another parent available who is able and willing to care for the child, the
24 court may not find that the child is a child in need of assistance, but, before dismissing the
25 case, the court may award custody to the other parent.

26 (f) If the disposition removes a child from the child's home, the order shall:

27 (1) Set forth specific findings of fact as to the circumstances that caused
28 the need for the removal; [and]

29 (2) Inform the parents, custodian, or guardian, if any, that the person or
30 agency to which the child is committed may change the permanency plan of reunification
31 to another permanency plan, which may include the filing of a petition for termination of
32 parental rights if the parents:

33 (i) Have not made significant progress to remedy the circumstances

1 that caused the need for the removal as specified in the court order; and

2 (ii) Are unwilling or unable to give the child proper care and
3 attention within a reasonable period of time; AND

4 (3) FOR A SAFE HAVEN NEWBORN, CONTAIN THE NOTICES SPECIFIED
5 IN § 3-810(A)(3) OF THIS SUBTITLE.

6 3-819.3.

7 (A) WITHIN 120 DAYS AFTER A PETITION IS FILED ALLEGING THAT A CHILD
8 IS A SAFE HAVEN NEWBORN, THE COURT SHALL HOLD A PERMANENCY PLAN
9 HEARING.

10 (B) (1) IF, WITHIN 90 DAYS AFTER RELINQUISHMENT, A MOTHER SEEKS
11 TO REVOKE HER RELINQUISHMENT OR A FATHER FILES A CLAIM OF PATERNITY, THE
12 COURT SHALL:

13 (I) SCHEDULE A HEARING WITHIN 10 DAYS AFTER THE DATE OF
14 THE REVOCATION OR CLAIM; AND

15 (II) DETERMINE WHETHER THE PERSON SEEKING TO REVOKE
16 THE RELINQUISHMENT OF THE SAFE HAVEN NEWBORN OR CLAIMING PATERNITY IS
17 THE CHILD'S BIOLOGICAL PARENT, INCLUDING ORDERING ANY NECESSARY
18 TESTING.

19 (2) AT A HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE
20 COURT SHALL:

21 (I) DETERMINE WHETHER THE LOCAL DEPARTMENT HAS
22 DEMONSTRATED THAT THE CHILD REMAINS A CINA DUE TO THE PARENTS'
23 INABILITY OR UNWILLINGNESS TO GIVE PROPER CARE AND ATTENTION TO THE
24 CHILD AND THE CHILD'S NEEDS;

25 (II) DETERMINE WHETHER REASONABLE EFFORTS HAVE BEEN
26 MADE TO REUNIFY THE CHILD WITH A PARENT WHO HAS COME FORWARD TO CLAIM
27 THE CHILD;

28 (III) IF THE COURT FINDS THAT THE CHILD IS NO LONGER A
29 CINA, ORDER THE IMMEDIATE RETURN OF THE CHILD TO THE PARENT; AND

30 (IV) IF THE COURT FINDS THAT THE CHILD REMAINS A CINA,
31 MAKE ANY FURTHER DISPOSITIONS AUTHORIZED UNDER § 3-819 OF THIS SUBTITLE.

1 **(C) IF THE COURT DETERMINES THAT THE PERSON CLAIMING THE CHILD IS**
2 **THE CHILD'S PARENT, AND THE LOCAL DEPARTMENT DOES NOT RECOMMEND THE**
3 **IMMEDIATE RETURN OF THE CHILD TO THE PARENT, THE COURT SHALL:**

4 **(1) DIRECT THE LOCAL DEPARTMENT TO FILE A WRITTEN REPORT**
5 **WITHIN 30 DAYS AFTER THE COURT'S DETERMINATION SETTING FORTH THE**
6 **REASONS WHY THE PARENT IS UNABLE OR UNWILLING TO GIVE PROPER CARE AND**
7 **ATTENTION TO THE CHILD AND THE CHILD'S NEEDS; AND**

8 **(2) SCHEDULE A HEARING WITHIN 45 DAYS AFTER THE COURT'S**
9 **DETERMINATION TO DETERMINE WHETHER THE CHILD SHOULD BE RETURNED TO**
10 **THE PARENT.**

11 **(D) IF THE COURT DETERMINES THAT AN INDIVIDUAL IS THE BIOLOGICAL**
12 **FATHER OF A SAFE HAVEN NEWBORN AND THE MOTHER HAS NOT REVOKED HER**
13 **RELINQUISHMENT, THE BIOLOGICAL MOTHER'S IDENTITY SHALL REMAIN**
14 **CONFIDENTIAL FOR ALL PURPOSES.**

15 **(E) IF THE COURT FINDS THAT NO INDIVIDUAL HAS RESPONDED TO THE**
16 **NOTICE SPECIFIED IN § 3-810(A)(3) OF THIS SUBTITLE:**

17 **(1) THE COURT SHALL DETERMINE THE CHILD'S PERMANENCY PLAN**
18 **TO BE ADOPTION; AND**

19 **(2) THE LOCAL DEPARTMENT SHALL, WITHIN 30 DAYS AFTER THE**
20 **COURT'S FINDING, FILE A PETITION FOR GUARDIANSHIP IN ACCORDANCE WITH**
21 **TITLE 5, SUBTITLE 3 OF THE FAMILY LAW ARTICLE.**

22 3-822.

23 **(A) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A SAFE HAVEN**
24 **NEWBORN'S MOTHER WHO HAS NOT SOUGHT TO REVOKE HER VOLUNTARY**
25 **RELINQUISHMENT WITHIN 90 DAYS AFTER THAT RELINQUISHMENT.**

26 **[(a)] (B) (1)** At each CINA hearing, the court shall inquire into, and make
27 findings of fact on the record as to, the identity and current address of each parent of each
28 child before the court.

29 **(2)** In carrying out paragraph (1) of this subsection, the court shall:

30 **(i)** Inform all parties present of their continuing obligation to assist
31 the court in identifying and locating each parent of each child;

1 (ii) Inform the parents present of their continuing obligation to keep
2 the clerk of the court apprised of their current address;

3 (iii) Inform the parents present of available means to establish
4 paternity, if not yet established; and

5 (iv) If appropriate, refer the parents to the appropriate support
6 enforcement agency to establish paternity and support.

7 **[(b)] (C)** Each parent of a child who is the subject of a CINA proceeding shall
8 notify the court and the local department of all changes in the parent's address.

9 **[(c)] (D)** The clerk of the court shall keep a listing of every address provided by
10 a parent of a child who is the subject of a CINA proceeding.

11 **[(d)] (E)** On request of a local department, the clerk's office shall disclose to the
12 local department all addresses listed by a parent of a CINA within the preceding 270 days.

13 **[(e)] (F)** The court may:

14 (1) Order a parent or putative parent to:

15 (i) Apply for child support services with the appropriate support
16 enforcement agency; and

17 (ii) Cooperate with the appropriate support enforcement agency to
18 establish paternity and child support; and

19 (2) Make a finding of paternity in accordance with Title 5, Subtitle 10, Part
20 VI of the Family Law Article.

21 **[(f)] (G)** Any court may consider evidence taken and findings made on the record
22 in a CINA hearing and in a paternity, custody, child support, or guardianship proceeding
23 regarding that child or a sibling of a child.

24 5-641.

25 (a) (1) A person who leaves an unharmed newborn with a responsible adult
26 within 10 days after the birth of the newborn, as determined within a reasonable degree of
27 medical certainty, and does not express an intent to return for the newborn shall be
28 immune from civil liability or criminal prosecution for the act.

29 **(2) A MOTHER ADMITTED TO A HOSPITAL OR BIRTH CENTER FOR**
30 **PURPOSES OF DELIVERY DOES NOT RELINQUISH THE LEGAL PROTECTIONS OR**
31 **CONFIDENTIALITY PROVIDED UNDER THIS SECTION IF SHE SUBSEQUENTLY**
32 **AFFIRMS THAT SHE IS VOLUNTARILY RELINQUISHING CUSTODY OF HER UNHARMED**

1 **NEWBORN AFTER GIVING BIRTH.**

2 **[(2)] (3)** If the person leaving a newborn under this subsection is not the
3 mother of the newborn, the person shall have the approval of the mother to do so.

4 (b) (1) A person with whom a newborn is left under the circumstances
5 described in subsection (a) of this section as soon as reasonably possible shall take the
6 newborn to a hospital or other facility designated by the Secretary of Human Services by
7 regulation.

8 (2) A hospital or other designated facility that accepts a newborn under
9 this subsection shall notify the local department of social services within 24 hours after
10 accepting the newborn.

11 **(C) (1) A HOSPITAL OR OTHER DESIGNATED FACILITY SHALL MAKE**
12 **AVAILABLE TO THE MOTHER OR RESPONSIBLE ADULT ACTING ON HER BEHALF**
13 **WRITTEN INFORMATION PROVIDED BY THE DEPARTMENT OF HUMAN SERVICES, IN**
14 **ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.**

15 **(2) THE DEPARTMENT OF HUMAN SERVICES SHALL POST A CURRENT**
16 **COPY, IN A DOWNLOADABLE FORMAT, OF THE WRITTEN INFORMATION ON THE**
17 **DEPARTMENT'S WEBSITE.**

18 **(D) (1) THE HOSPITAL OR OTHER DESIGNATED FACILITY SHALL:**

19 **(I) MAKE A REASONABLE ATTEMPT TO OBTAIN INFORMATION**
20 **REGARDING FAMILY AND MEDICAL HISTORY, THE IDENTITY OF THE MOTHER AND**
21 **THE FATHER, AND ANY NATIVE AMERICAN HERITAGE; AND**

22 **(II) PROVIDE THAT INFORMATION TO THE LOCAL DEPARTMENT**
23 **OF SOCIAL SERVICES.**

24 **(2) THE LOCAL DEPARTMENT OF SOCIAL SERVICES SHALL KEEP THE**
25 **IDENTITY OF THE MOTHER CONFIDENTIAL UNLESS THE MOTHER AFFIRMATIVELY**
26 **WAIVES HER RIGHT TO ANONYMITY OR REVOKES HER VOLUNTARY**
27 **RELINQUISHMENT.**

28 **(E) ON RECEIPT OF NOTIFICATION FROM THE HOSPITAL OR OTHER**
29 **DESIGNATED FACILITY THAT A NEWBORN HAS BEEN RELINQUISHED UNDER THIS**
30 **SECTION, THE LOCAL DEPARTMENT OF SOCIAL SERVICES SHALL:**

31 **(1) ASSUME TEMPORARY CUSTODY OF THE NEWBORN; AND**

32 **(2) PETITION THE JUVENILE COURT FOR CONTINUED SHELTER CARE**

1 UNDER § 3–815 OF THIS ARTICLE.

2 (F) AFTER THE LOCAL DEPARTMENT OF SOCIAL SERVICES ASSUMES
3 TEMPORARY CUSTODY OF THE CHILD, IF THE MOTHER, A PERSON CLAIMING TO BE
4 THE CHILD’S FATHER, OR A PERSON CLAIMING TO BE A RELATIVE CONTACTS THE
5 HOSPITAL REGARDING THE NEWBORN, THE HOSPITAL OR OTHER DESIGNATED
6 FACILITY SHALL:

7 (1) PROVIDE TO THAT INDIVIDUAL THE WRITTEN INFORMATION
8 DESCRIBED IN SUBSECTION (C)(1) OF THIS SECTION; AND

9 (2) PROVIDE TO THE LOCAL DEPARTMENT OF SOCIAL SERVICES ANY
10 IDENTIFYING INFORMATION PROVIDED BY THAT INDIVIDUAL.

11 [(c)] (G) A responsible adult and a hospital or other designated facility that
12 accepts a newborn under this section and an employee or agent of the hospital or facility
13 shall be immune from civil liability or criminal prosecution for good faith actions taken
14 related to the acceptance of or medical treatment or care of the newborn unless injury to
15 the newborn was caused by gross negligence or willful or wanton misconduct.

16 [(d)] (H) The Secretary of Human Services shall adopt regulations to implement
17 the provisions of this section.

18 Article – Family Law

19 5–315.

20 (a) Within 5 days after a petition for guardianship of a child is filed with a juvenile
21 court, the clerk shall send a copy of the petition, with the notice of filing that was attached
22 to the petition, to:

23 (1) the local department;

24 (2) each of the child’s living parents who has not waived the right to notice,
25 UNLESS THE CHILD IS A SAFE HAVEN NEWBORN, AS DEFINED IN § 3–801 OF THE
26 COURTS ARTICLE, AND THE PARENT HAS NOT FILED A WRITTEN REVOCATION OF
27 VOLUNTARY RELINQUISHMENT OR A CLAIM OF PATERNITY AS PROVIDED IN THE
28 NOTICES DESCRIBED IN § 3–810(A)(3) OF THE COURTS ARTICLE;

29 (3) each living parent’s last attorney of record in the CINA case; and

30 (4) the child’s last attorney of record in the CINA case.

31 (b) (1) Notice PROVIDED BY THE CLERK under [this section] SUBSECTION
32 (A) OF THIS SECTION shall be by first–class mail.

1 **(2) FOR A SAFE HAVEN NEWBORN, THE LOCAL DEPARTMENT SHALL**
 2 **POST A NOTICE OF THE FILING ON THE WEBSITE THAT THE DEPARTMENT OF HUMAN**
 3 **SERVICES MAINTAINS UNDER § 2–302 OF THE HUMAN SERVICES ARTICLE.**

4 (c) Notice under [this section] **SUBSECTION (A) OF THIS SECTION** shall be sent
 5 to a parent’s last address known to the juvenile court.

6 5–320.

7 (a) A juvenile court may grant guardianship of a child only if:

8 (1) (i) the child does not object;

9 (ii) the local department:

10 1. filed the petition; or

11 2. did not object to another party filing the petition; and

12 (iii) 1. each of the child’s living parents consents:

13 A. in writing;

14 B. knowingly and voluntarily, on the record before the
 15 juvenile court; [or]

16 C. by failure to file a timely notice of objection after being
 17 served with a show–cause order in accordance with this subtitle; **OR**

18 **D. FOR A SAFE HAVEN NEWBORN, BY FAILURE TO FILE A**
 19 **TIMELY WRITTEN REVOCATION OF VOLUNTARY RELINQUISHMENT OR CLAIM OF**
 20 **PATERNITY AS PROVIDED IN THE NOTICES DESCRIBED IN § 3–810(A)(3) OF THE**
 21 **COURTS ARTICLE;**

22 2. an administrative, executive, or judicial body of a state or
 23 other jurisdiction has granted a governmental unit or person other than a parent the power
 24 to consent to adoption, and the unit or person consents; or

25 3. parental rights have been terminated in compliance with
 26 the laws of a state or other jurisdiction, as described in § 5–305 of this subtitle; or

27 (2) in accordance with § 5–323 of this subtitle, the juvenile court finds
 28 termination of parental rights to be in the child’s best interests without consent otherwise
 29 required under this section or over the child’s objection.

1 (b) A governmental unit or person:

2 (1) may condition consent or acquiescence on adoption into a specific family
3 that a local department approves for the placement; but

4 (2) may not condition consent or acquiescence on any factor other than
5 placement into a specific family.

6 **Article – Human Services**

7 2–302.

8 The Department shall maintain a website on which to post notices of petitions under
9 §§ 5–316(f)(3)(ii), 5–3A–15(d)(3)(ii), and 5–3B–15(f)(3)(ii) of the Family Law Article **AND §§**
10 **3–810 AND 5–641 OF THE COURTS ARTICLE.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2019.