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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **2288**

02/15/2012 Authored by McElpatrick, Dean, Daudt, Torkelson, Erickson and others

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to child protection; expanding the state's safe haven law; amending
1.3 Minnesota Statutes 2010, sections 145.902; 260C.217; 609.3785; proposing
1.4 coding for new law in Minnesota Statutes, chapter 604A.
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 145.902, is amended to read:

1.7 **145.902 SAFE PLACE FOR NEWBORNS; ~~HOSPITAL~~ DUTIES; IMMUNITY.**

1.8 Subdivision 1. **General.** (a) For purposes of this section, a "safe place" means a
1.9 hospital licensed under sections 144.50 to 144.56, a facility operated by a law enforcement
1.10 agency as defined in section 626.841, subdivision 1, paragraph (e), or a fire station.

1.11 ~~(a)~~ (b) A ~~hospital licensed under sections 144.50 to 144.56~~ safe place shall receive a
1.12 newborn left with a ~~hospital~~ an employee on the hospital premises of the safe place,
1.13 provided that:

1.14 (1) the newborn was born within ~~72 hours~~ 30 days of being left at the ~~hospital~~ safe
1.15 place, as determined within a reasonable degree of medical certainty; and

1.16 (2) the newborn is left in an unharmed condition.

1.17 ~~(b)~~ (c) The ~~hospital~~ safe place must not inquire as to the identity of the mother or the
1.18 person leaving the newborn or call the police, provided the newborn is unharmed when
1.19 presented to the ~~hospital~~. The ~~hospital~~ safe place may ask the mother or the person leaving
1.20 the newborn about the medical history of the mother or newborn but the mother or the
1.21 person leaving the newborn is not required to provide any information. The ~~hospital~~ safe
1.22 place may provide the mother or the person leaving the newborn with information about
1.23 how to contact relevant social service agencies.

Subd. 2. **Reporting.** (a) Within 24 hours of receiving a newborn under this section, the ~~hospital~~ safe place must inform the ~~local welfare~~ responsible social service agency that a newborn has been left at the ~~hospital~~, but must not do so before the mother or the person leaving the newborn leaves the ~~hospital~~ premises.

(b) Pending assumption of legal responsibility of the newborn by the responsible social service agency, a safe place that receives a newborn shall examine the newborn and provide necessary care and treatment, if any is required, or shall transport the newborn to a hospital for care.

Subd. 3. **Immunity.** (a) A ~~hospital~~ safe place with responsibility for performing duties under this section, and any employee, doctor, peace officer, or other ~~medical~~ professional working at the ~~hospital~~ safe place, ~~are~~ is immune from any criminal liability that otherwise might result from their actions, if they are acting in good faith in receiving a newborn, and are immune from any civil liability that otherwise might result from merely receiving a newborn.

(b) A ~~hospital~~ safe place performing duties under this section, or an employee, doctor, peace officer, or other ~~medical~~ professional working at the ~~hospital~~ safe place who is a mandated reporter under section 626.556, is immune from any criminal or civil liability that otherwise might result from the failure to make a report under that section if the person is acting in good faith in complying with this section.

Sec. 2. Minnesota Statutes 2010, section 260C.217, is amended to read:

260C.217 SAFE PLACE FOR NEWBORNS.

Subdivision 1. **Duty to attempt reunification, duty to search for relatives, and preferences not applicable.** A local social service agency taking custody of a child after discharge from a ~~hospital~~ safe place that received a child under section 145.902 is not required to attempt to reunify the child with the child's parents. Additionally, the agency is not required to search for relatives of the child as a placement or permanency option under section 260C.212, subdivision 5, or to implement other placement requirements that give a preference to relatives if the agency does not have information as to the identity of the child, the child's mother, or the child's father.

Subd. 2. **Status of child.** For purposes of proceedings under this chapter and adoption proceedings, a newborn left at a ~~hospital~~ safe place under section 145.902 is considered an abandoned child.

Sec. 3. [604A.04] SAFE PLACE FOR NEWBORNS.

3.1 Persons with whom a newborn is left pursuant to section 145.902 are immune from
3.2 liability to the extent provided in section 145.902, subdivision 3.

3.3 Sec. 4. Minnesota Statutes 2010, section 609.3785, is amended to read:

3.4 **609.3785 UNHARMED NEWBORNS LEFT AT ~~HOSPITALS~~ SAFE PLACE;**
3.5 **AVOIDANCE OF PROSECUTION.**

3.6 A person may leave a newborn with a hospital employee at a hospital in this state, or
3.7 with an employee at a law enforcement agency or fire station, without being subjected
3.8 to prosecution for that act, provided that:

3.9 (1) the newborn was born within ~~72 hours~~ 30 days of being left at the hospital,
3.10 law enforcement agency, or fire station, as determined within a reasonable degree of
3.11 medical certainty;

3.12 (2) the newborn is left in an unharmed condition; and

3.13 (3) in cases where the person leaving the newborn is not the newborn's mother, the
3.14 person has the mother's approval to do so.