

House Bill 360 (AS PASSED HOUSE AND SENATE)

By: Representatives Manning of the 32nd, Reece of the 11th, Smith of the 103rd, Mueller of the 152nd, Barnard of the 154th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations,
2 so as to provide for voluntary relinquishment of a newborn under certain circumstances; to
3 provide for a short title; to provide for legislative intent; to provide that a mother who leaves
4 a newborn child in the custody of an employee, agent, or staff member of a medical facility
5 in specified circumstances shall not be prosecuted for specified crimes because of such act;
6 to provide for duties of medical facilities accepting a newborn child for inpatient admission
7 and the Department of Human Resources; to provide for reimbursement for certain costs; to
8 provide for civil and criminal immunity for medical facilities and their employees; to provide
9 an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
13 amended by adding a new chapter to be designated Chapter 10A to read as follows:

14 "CHAPTER 10A

15 19-10A-1.

16 This chapter shall be known and may be cited as the 'Safe Place for Newborns Act of 2002.'

17 19-10A-2.

18 As used in this chapter, the term 'medical facility' shall mean any licensed general or
19 specialized hospital, institutional infirmary, health center operated by a county board of
20 health, or facility where human births occur on a regular and ongoing basis which is
21 classified by the Department of Human Resources as a birthing center, but shall not mean
22 physicians' or dentists' private offices.

1 19-10A-3.

2 It is the express purpose and intent of the General Assembly in enacting this chapter to
3 prevent injuries to and deaths of newborn children that are caused by a mother who
4 abandons the newborn.

5 19-10A-4.

6 A mother shall not be prosecuted for the crimes of cruelty to a child, Code Section 16-5-70;
7 contributing to the delinquency, unruliness, or deprivation of a child, Code Section
8 16-12-1; or abandonment of a dependent child, Code Section 19-10-1, because of the act
9 of leaving her newborn child in the physical custody of an employee, agent, or member of
10 the staff of a medical facility who is on duty, whether there in a paid or volunteer position;
11 provided that the newborn child is no more than one week old and the mother shows proof
12 of her identity, if available, to the person with whom the newborn is left and provides her
13 name and address.

14 19-10A-5.

15 The Department of Human Resources shall investigate and report to the General Assembly
16 as to children left with a medical facility pursuant to Code Section 19-10A-4, including in
17 such report the desirability and cost effectiveness of a dedicated toll-free telephone line for
18 providing information to and answering questions from the public and employees and staff
19 members of medical facilities concerning the acts and consequences thereof contemplated
20 in Code Section 19-10A-4.

21 19-10A-6.

22 A medical facility which accepts for inpatient admission a child left pursuant to Code
23 Section 19-10A-4 shall be reimbursed by the Department of Human Resources for all
24 reasonable medical and other reasonable costs associated with the child prior to the child
25 being placed in the care of the department. A medical facility shall notify the Department
26 of Human Resources at such time as the child is left and at the time the child is medically
27 ready for discharge. Upon notification that the child is medically ready for discharge, the
28 Department of Human Resources shall take physical custody of the child within six hours.
29 The Department of Human Resources upon taking physical custody shall promptly bring
30 the child before the juvenile court as required by Code Section 15-11-47.

31 19-10A-7.

32 Medical facilities and their employees, agents, and staff members shall not be liable for
33 civil damages or subject to criminal prosecution for failure to discharge the duties provided

1 for in this chapter. The immunity provided in this chapter shall in no way be construed as
2 providing immunity for any acts of negligent treatment of the child taken into custody.”

3 **SECTION 2.**

4 This Act shall become effective upon its approval by the Governor or upon its becoming law
5 without such approval.

6 **SECTION 3.**

7 All laws and parts of laws in conflict with this Act are repealed.