

House Bill 360

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 parent 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 2001.'

17 19-10A-2.

18 It is the express purpose and intent of the General Assembly in enacting this chapter to
19 prevent injuries to and deaths of newborn children that are caused by a parent who
20 abandons the newborn.

1 19-10A-3.

2 A parent shall not be prosecuted for the crimes of cruelty to a child, Code Section 16-5-70;
3 contributing to the delinquency, unruliness, or deprivation of a child, Code Section
4 16-12-1; or abandonment of a dependent child, Code Section 19-10-1, because of the act
5 of leaving his or her newborn child in the physical custody of an employee, agent, or
6 member of the staff of a medical facility who is on duty, whether there in a paid or
7 volunteer position; provided that the newborn child is no more than one week old and has
8 not been physically abused by such parent. As used in this Code section, the term 'medical
9 facility' shall mean any licensed general or specialized hospital, institutional infirmary,
10 health center operated by a county board of health, or any building or facility where human
11 births occur on a regular and ongoing basis which is classified by the Department of
12 Human Resources as a birthing center, but shall not mean physicians' or dentists' private
13 offices.

14 19-10A-4.

15 The Department of Human Resources shall investigate and report to the General Assembly
16 as to children left as contemplated in Code Section 19-10A-3, including in such report the
17 desirability and cost effectiveness of a dedicated toll-free telephone line for providing
18 information to and answering questions from the public and employees and staff members
19 of medical facilities concerning the acts and consequences thereof contemplated in Code
20 Section 19-10A-3.

21 19-10A-5.

22 A medical facility which accepts for inpatient admission a child left as contemplated by
23 Code Section 19-10A-3 shall be reimbursed by the Department of Human Resources for
24 all medical and other costs associated with the child prior to the child being placed in the
25 care of the department. A medical facility shall notify the Department of Human
26 Resources at such time as the child is medically ready for discharge. Upon such
27 notification, the Department of Human Resources shall take physical custody of the child
28 within six hours.

29 19-10A-6.

30 Medical facilities and their employees, agents, and staff members shall not be liable for
31 civil damages or subject to criminal prosecution for failure to discharge the duties provided
32 for in this article."

1 **SECTION 2.**

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

4 **SECTION 3.**

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