

House Bill 391

By: Representatives Clark of the 98<sup>th</sup>, Ballinger of the 23<sup>rd</sup>, Coomer of the 14<sup>th</sup>, Cooper of the 43<sup>rd</sup>, Dempsey of the 13<sup>th</sup>, 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 revise provisions relating to safe place for newborns; to expand the locations where  
3 a newborn child can be left to include fire stations and police stations; to provide for  
4 definitions; to allow the mother to decline to provide her name and address when a child is  
5 left in the physical custody of certain facilities; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
10 amended by revising Chapter 10A, relating to safe place for newborns, as follows:

11 "CHAPTER 10A

12 19-10A-1.

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

14 19-10A-2.

15 As used in this chapter, the term:

16 (1) 'Fire station' means a facility of any fire department which is authorized to exercise  
17 the general and emergency powers enumerated in Code Sections 25-3-1 and 25-3-2.

18 (2) 'Medical 'medical facility' shall mean means any licensed general or specialized  
19 hospital, institutional infirmary, health center operated by a county board of health, or  
20 facility where human births occur on a regular and ongoing basis which is classified by  
21 the Department of Community Health as a birthing center, but shall not mean physicians'  
22 or dentists' private offices.

23 (3) 'Police station' means a facility of any sheriff's office, municipal police department,  
24 or county police department.

25 19-10A-3.

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

29 19-10A-4.

30 A mother shall not be prosecuted for violating Code Section 16-5-70, 16-12-1, or 19-10-1  
31 because of the act of leaving her newborn child in the physical custody of an employee,  
32 agent, or member of the staff of a medical facility, fire station, or police station who is on  
33 duty, whether there in a paid or volunteer position, provided that the newborn child is no  
34 more than ~~one week~~ 30 days old and the mother shows proof of her identity, if ~~available~~  
35 willing, to the person with whom the newborn is left and provides her name and address,  
36 if willing.

37 19-10A-5.

38 The Department of Human Services shall investigate and report to the General Assembly  
39 as to children left with a medical facility, fire station, or police station pursuant to Code  
40 Section 19-10A-4, including in such report the desirability and cost effectiveness of a  
41 dedicated toll-free telephone line for providing information to and answering questions  
42 from the public and employees and staff members of medical facilities, fire stations, and  
43 police stations concerning the acts and consequences thereof contemplated in Code  
44 Section 19-10A-4.

45 19-10A-6.

46 A medical facility which accepts for inpatient admission or a fire station or police station  
47 which accepts a child left pursuant to Code Section 19-10A-4 shall be reimbursed by the  
48 Department of Human Services for all reasonable medical and other reasonable costs  
49 associated with the child prior to the child being placed in the care of the department. A  
50 medical facility, fire station, or police station shall notify the Department of Human  
51 Services at such time as the child is left and at the time the child is medically ready for  
52 discharge. Upon notification that the child is medically ready for discharge, the  
53 Department of Human Services shall take physical custody of the child within six hours.  
54 The Department of Human Services upon taking physical custody shall promptly bring the  
55 child before the juvenile court as required by Code Section 15-11-145.

56 19-10A-7.  
57 Medical facilities, fire stations, and police stations and their employees, agents, and staff  
58 members shall not be liable for civil damages or subject to criminal prosecution for failure  
59 to discharge the duties provided for in this chapter. The immunity provided in this chapter  
60 shall in no way be construed as providing immunity for any acts of negligent treatment of  
61 the child taken into custody."

62 **SECTION 2.**

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