

House Bill 391

By: Representatives Clark of the 98th, Ballinger of the 23rd, Coomer of the 14th, Cooper of the 43rd, Dempsey of the 13th, 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.