

**ADOPTED**

Representative Clark of the 100<sup>th</sup> offers the following amendment:

1 *Amend the Senate Committee on Children and Families substitute to HB 253 (LC 57 0272S)*  
2 *by deleting lines 1 through the end and inserting in lieu thereof the following:*

3 To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations,  
4 so as to enact "Ethan's Law"; to provide limitations on ordering a child to be sent to a family  
5 reunification program; to revise provisions relating to safe places for newborns; to authorize  
6 ambulance services to accept physical custody of a newborn; to authorize the placement of  
7 newborn safety devices; to provide for definitions; to provide for limited liability; to provide  
8 for transport of newborns to nearest medical facility; to provide for specifications for  
9 newborn safety devices; to provide for a short title; to provide for related matters; to provide  
10 an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as "Ethan's Law."

14 **SECTION 2.**

15 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
16 amended by revising paragraph (2) of subsection (a) of Code Section 19-9-3, relating to  
17 establishment and review of child custody and visitation, as follows:

18 "(2) The judge hearing the issue of custody shall make a determination of custody of a  
19 child and such matter shall not be decided by a jury. The judge may take into  
20 consideration all the circumstances of the case, including the improvement of the health

21 of the party seeking a change in custody provisions, in determining to whom custody of  
22 the child should be awarded. The duty of the judge in all such cases shall be to exercise  
23 discretion to look to and determine solely what is for the best interest of the child and  
24 what will best promote the child's welfare and happiness and to make his or her award  
25 accordingly. The judge shall not order family reunification or unification treatments,  
26 programs, or services, including, but not limited to, camps, workshops, therapeutic  
27 vacations, or educational programs, that, as a condition of enrollment or participation,  
28 require or result in any of the following:

29 (A) Violation of a court order requiring that a child have no contact with his or her  
30 parent or legal guardian;

31 (B) The use of private youth transporters or private transportation agents engaged in  
32 the use of force, the threat of force, physical obstruction, acutely distressing  
33 circumstances, or circumstances that place the safety of the child at risk;

34 (C) A no-contact period between the child and his or her parent or legal guardian; or

35 (D) An out-of-state stay."

36 **SECTION 3.**

37 Said title is further amended by revising Chapter 10A, relating to safe place for newborns,  
38 as follows:

39 "CHAPTER 10A

40 19-10A-1.

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

42 19-10A-2.

43 As used in this chapter, the term:

44 (1) 'Ambulance service' means an ambulance provider licensed pursuant to Chapter 11  
45 of Title 31.

46 ~~(1)~~(2) 'Fire station' means a facility of any fire department which is authorized to  
47 exercise the general and emergency powers enumerated in Code Sections 25-3-1 and  
48 25-3-2.

49 ~~(2)~~(3) 'Medical facility' means any licensed general or specialized hospital, institutional  
50 infirmary, health center operated by a county board of health, or facility where human  
51 births occur on a regular and ongoing basis which is classified by the Department of  
52 Community Health as a birthing center, but shall not mean physicians' or dentists' private  
53 offices.

54 (4) 'Newborn safety device' means an enclosed, locked, and monitored receptacle that  
55 meets the requirements of Code Section 19-10A-8 in which a newborn child can be safely  
56 placed.

57 ~~(3)~~(5) 'Police station' means a facility of any sheriff's office, municipal police  
58 department, or county police department.

59 19-10A-3.

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

63 19-10A-4.

64 A mother shall not be prosecuted for violating Code Section 16-5-70, 16-12-1, or 19-10-1  
65 because of the act of leaving her newborn child, provided that the newborn child is no more  
66 than 30 days old:

67 (1) In in the physical custody of an employee, agent, or member of the staff of a medical  
68 facility, fire station, ~~or~~ police station, or ambulance service who is on duty, whether there

69 in a paid or volunteer position, provided that ~~the newborn child is no more than 30 days~~  
70 ~~old and~~ the mother shows proof of her identity, if willing, to the person with whom the  
71 newborn is left and provides her name and address, if willing; or  
72 (2) In a newborn safety device.

73 19-10A-5.

74 The Department of Human Services shall investigate and report to the General Assembly  
75 as to children left with a medical facility, fire station, ~~or~~ police station, or ambulance  
76 service or in a newborn safety device pursuant to Code Section 19-10A-4, including in such  
77 report the desirability and cost effectiveness of a dedicated toll-free telephone line for  
78 providing information to and answering questions from the public and employees and staff  
79 members of medical facilities, fire stations, ~~and~~ police stations, and ambulance services  
80 concerning the acts and consequences thereof contemplated in Code Section 19-10A-4.

81 19-10A-6.

82 A medical facility which accepts a newborn child for inpatient admission pursuant to Code  
83 Section 19-10A-4 or a fire station, ~~or~~ police station, or ambulance service which accepts  
84 a newborn child left or receives a child placed in a newborn safety device pursuant to Code  
85 Section 19-10A-4 shall be reimbursed by the Department of Human Services for all  
86 reasonable medical and other reasonable costs associated with the child prior to the child  
87 being placed in the care of the department. A medical facility, fire station, ~~or~~ police  
88 station, or ambulance service shall immediately arrange for transport of the newborn child  
89 to the nearest medical facility and notify the Department of Human Services at such time  
90 as the child is left and at the time the child is medically ready for discharge. Upon  
91 notification that the child is medically ready for discharge, the Department of Human  
92 Services shall take physical custody of the child within six hours. The Department of

93 Human Services upon taking physical custody shall promptly bring the child before the  
94 juvenile court as required by Code Section 15-11-145.

95 19-10A-7.

96 Medical facilities, fire stations, ~~and~~ police stations, and ambulance services and their  
97 employees, agents, and staff members shall not be liable for civil damages or subject to  
98 criminal prosecution for failure to discharge the duties provided for in this chapter. The  
99 immunity provided in this chapter shall in no way be construed as providing immunity for  
100 any acts of negligent treatment of the child taken into custody.

101 19-10A-8.

102 ~~The Department of Human Services shall develop standards for a sign that shall be posted~~  
103 ~~at any medical facility, fire station, or police station to inform the general public that such~~  
104 ~~facility is an authorized location to leave a newborn child as provided in this chapter. The~~  
105 ~~Department of Human Services shall provide by rule and regulation for the size and type~~  
106 ~~of such sign and where such sign should be located within or outside of such facility.~~

107 (a) A medical facility, fire station, police station, or ambulance service shall be authorized  
108 to install a newborn safety device if the device is located in an area that is conspicuous and  
109 visible to employees, agents, or staff members of such facility or station and such facility  
110 or station is staffed by an emergency medical services provider on a 24 hour, seven days  
111 per week basis.

112 (b) A newborn safety device installed pursuant to this Code section shall include a dual  
113 alarm system that meets or exceeds the following specifications:

114 (1) One alarm shall connect the newborn safety device to the facility or station and shall  
115 be tested at least once per month, and the second alarm shall monitor the device's interior  
116 and shall be checked at least twice per day to ensure that the dual alarm system functions  
117 properly; and

