

Senate File 360

S-3260

1 Amend Senate File 360 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 233.1, subsection 2, Code 2017, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. *0a.* "*First responder*" means an emergency
7 medical care provider, a registered nurse staffing an
8 authorized service program under section 147A.12, a physician
9 assistant staffing an authorized service program under section
10 147A.13, a fire fighter, or a peace officer as defined in
11 section 801.4.

12 Sec. 2. Section 233.1, subsection 2, paragraph b, Code 2017,
13 is amended to read as follows:

14 *b.* "*Newborn infant*" means a child who is, or who appears to
15 be, fourteen thirty days of age or younger.

16 Sec. 3. Section 233.2, subsections 1, 2, 3, and 6, Code
17 2017, are amended to read as follows:

18 1. a. A parent of a newborn infant may voluntarily release
19 custody of the newborn infant by relinquishing physical custody
20 of the newborn infant, without expressing an intent to again
21 assume physical custody, at an institutional health facility or
22 by authorizing another person to relinquish physical custody
23 on the parent's behalf. If physical custody of the newborn
24 infant is not relinquished directly to an individual on duty
25 at the institutional health facility, the parent may take
26 other actions to be reasonably sure that an individual on
27 duty is aware that the newborn infant has been left at the
28 institutional health facility. The actions may include but are
29 not limited to making telephone contact with the institutional
30 health facility or a 911 service.

31 b. In lieu of the procedure described in paragraph "a",
32 a parent of a newborn infant may make telephone contact with
33 a 911 service and relinquish physical custody of the newborn
34 infant, without expressing an intent to again assume physical
35 custody, to a first responder who responds to the 911 telephone

1 call.

2 c. For the purposes of [this chapter](#) and for any judicial
3 proceedings associated with the newborn infant, a rebuttable
4 presumption arises that the person who relinquishes physical
5 custody at an institutional health facility or to a first
6 responder in accordance with [this section](#) is the newborn
7 infant's parent or has relinquished physical custody with the
8 parent's authorization.

9 2. *a.* Unless the parent or other person relinquishing
10 physical custody of a newborn infant clearly expresses an
11 intent to return to again assume physical custody of the
12 newborn infant, an individual on duty at the facility at which
13 physical custody of the newborn infant was relinquished, or
14 a first responder to whom physical custody of the newborn
15 infant was relinquished, pursuant to [subsection 1](#) shall take
16 physical custody of the newborn infant. The individual on
17 duty or first responder may request the parent or other person
18 to provide the name of the parent or parents and information
19 on the medical history of the newborn infant and the newborn
20 infant's parent or parents. However, the parent or other
21 person is not required to provide the names or medical history
22 information to comply with [this section](#). The individual on
23 duty or first responder may perform reasonable acts necessary
24 to protect the physical health or safety of the newborn infant.
25 The individual on duty and the institutional health facility
26 in which the individual was on duty and the first responder
27 are immune from criminal or civil liability for any acts or
28 omissions made in good faith to comply with [this section](#).

29 b. If the physical custody of a newborn infant is
30 relinquished to a first responder, the first responder shall
31 transport the newborn infant to the nearest institutional
32 health facility. The first responder shall provide any
33 parental identification or medical history information to the
34 institutional health facility.

35 ~~b.~~ c. If the physical custody of the newborn infant is

1 relinquished at an institutional health facility, the state
2 shall reimburse the institutional health facility for the
3 institutional health facility's actual expenses in providing
4 care to the newborn infant and in performing acts necessary to
5 protect the physical health or safety of the newborn infant.
6 The reimbursement shall be paid from moneys appropriated for
7 this purpose to the department of human services.

8 ~~c.~~ d. If the name of the parent is unknown to the
9 institutional health facility, the individual on duty or other
10 person designated by the institutional health facility at which
11 physical custody of the newborn infant was relinquished shall
12 submit the certificate of birth report as required pursuant
13 to [section 144.14](#). If the name of the parent is disclosed
14 to the institutional health facility, the facility shall
15 submit the certificate of birth report as required pursuant to
16 section 144.13. The department of public health shall not file
17 the certificate of birth with the county of birth and shall
18 otherwise maintain the confidentiality of the birth certificate
19 in accordance with [section 144.43](#).

20 3. As soon as possible after the individual on duty or
21 first responder assumes physical custody of a newborn infant
22 released under [subsection 1](#), the individual shall notify the
23 department of human services and the department shall take the
24 actions necessary to assume the care, control, and custody of
25 the newborn infant. The department shall immediately notify
26 the juvenile court and the county attorney of the department's
27 action and the circumstances surrounding the action and
28 request an ex parte order from the juvenile court ordering,
29 in accordance with the requirements of [section 232.78](#), the
30 department to take custody of the newborn infant. Upon
31 receiving the order, the department shall take custody of the
32 newborn infant. Within twenty-four hours of taking custody of
33 the newborn infant, the department shall notify the juvenile
34 court and the county attorney in writing of the department's
35 action and the circumstances surrounding the action.

1 6. An individual on duty at an institutional health facility
2 or first responder who assumes custody of a newborn infant upon
3 the release of the newborn infant under subsection 1 shall be
4 provided notice of any hearing held concerning the newborn
5 infant at the same time notice is provided to other parties to
6 the hearing and the individual may provide testimony at the
7 hearing.

8 Sec. 4. Section 233.5, subsection 1, Code 2017, is amended
9 to read as follows:

10 1. a. In addition to any other privacy protection
11 established in law, a record that is developed, acquired, or
12 held in connection with an individual's good faith effort
13 to voluntarily release a newborn infant in accordance with
14 this chapter and any identifying information concerning the
15 individual shall be kept confidential. Such record shall not
16 be inspected or the contents disclosed except as provided in
17 this section.

18 b. Any transcripts or recording of a 911 service telephone
19 call that is made for the purpose of an individual's good faith
20 effort to voluntarily release custody of a newborn infant in
21 accordance with this chapter and any identifying information
22 concerning the individual shall be kept confidential. Such
23 transcripts or recording of a 911 service telephone call shall
24 not be inspected or the contents disclosed except as provided
25 in this section.>

26 2. Title page, line 1, by striking <institutional health
27 facilities under>

JAKE CHAPMAN