

Senate File 360 - Enrolled

Senate File 360

AN ACT

RELATING TO THE NEWBORN SAFE HAVEN ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

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

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

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

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

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

2. a. Unless the parent or other person relinquishing physical custody of a newborn infant clearly expresses an intent to return to again assume physical custody of the newborn infant, an individual on duty at the facility at which physical custody of the newborn infant was relinquished, or a first responder to whom physical custody of the newborn infant was relinquished, pursuant to [subsection 1](#) shall take

physical custody of the newborn infant. The individual on duty or first responder may request the parent or other person to provide the name of the parent or parents and information on the medical history of the newborn infant and the newborn infant's parent or parents. However, the parent or other person is not required to provide the names or medical history information to comply with [this section](#). The individual on duty or first responder may perform reasonable acts necessary to protect the physical health or safety of the newborn infant. The individual on duty and the institutional health facility in which the individual was on duty and the first responder are immune from criminal or civil liability for any acts or omissions made in good faith to comply with [this section](#).

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

~~b.~~ c. If the physical custody of the newborn infant is relinquished at an institutional health facility, the state shall reimburse the institutional health facility for the institutional health facility's actual expenses in providing care to the newborn infant and in performing acts necessary to protect the physical health or safety of the newborn infant. The reimbursement shall be paid from moneys appropriated for this purpose to the department of human services.

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

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

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

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

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

b. Any transcripts or recording of a 911 service telephone call that is made for the purpose of an individual's good faith effort to voluntarily release custody of a newborn infant in accordance with this chapter and any identifying information concerning the individual shall be kept confidential. Such transcripts or recording of a 911 service telephone call shall

not be inspected or the contents disclosed except as provided
in this section.

CHARLES SCHNEIDER
President of the Senate

LINDA UPMEYER
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 360, Eighty-seventh General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2018

KIM REYNOLDS
Governor