

**House File 425 - Introduced**

HOUSE FILE 425  
BY COMMITTEE ON HEALTH AND  
HUMAN SERVICES

(SUCCESSOR TO HSB 136)

**A BILL FOR**

1 An Act relating to the release of custody of a newborn infant  
2 under the newborn safe haven Act.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 233.1, Code 2023, is amended to read as  
2 follows:

3 **233.1 Newborn safe haven Act — definitions.**

4 1. **This chapter** may be cited as the "*Newborn Safe Haven*  
5 *Act*".

6 2. For the purposes of **this chapter**, unless the context  
7 otherwise requires:

8 *a.* "Emergency medical care provider location" means the  
9 physical business location of an emergency medical care  
10 provider.

11 *b.* "Fire department" means a paid or volunteer fire  
12 protection service provided by a benefited fire district under  
13 chapter 357B or by a county, municipality or township, or a  
14 private corporate organization that has a valid contract to  
15 provide fire protection service for a benefited fire district,  
16 county, municipality, township, or governmental agency.

17 *c.* "Fire station" means the physical business location of  
18 a fire department.

19 ~~*a.*~~ *d.* "First responder" means an emergency medical care  
20 provider as defined in section 147A.1, a registered nurse  
21 staffing an authorized service program under section 147A.12,  
22 a physician assistant staffing an authorized service program  
23 under section 147A.13, a fire fighter, or a peace officer as  
24 defined in section 801.4.

25 ~~*b.*~~ *e.* "Institutional health facility" means a hospital  
26 as defined in section 135B.1, ~~including~~ a facility providing  
27 medical or health services that is open twenty-four hours per  
28 day, seven days per week, ~~and is including~~ a hospital emergency  
29 room or a health care facility as defined in section 135C.1.

30 ~~*e.*~~ *f.* "Newborn infant" means a child who is, or who appears  
31 to be, ninety days of age or younger.

32 *g.* "Newborn safety device" means a padded and  
33 climate-controlled receptacle that meets one of the following  
34 requirements:

35 (1) If the receptacle is located at a hospital, the

1 receptacle is conspicuous and visible to hospital staff.

2 (2) If the receptacle is located at a fire station or an  
3 emergency medical care provider location:

4 (a) The fire station or emergency medical care provider  
5 location is staffed by a first responder twenty-four hours per  
6 day, seven days per week, notwithstanding the time staff is  
7 dispatched for an emergency.

8 (b) The receptacle is located in an area that is conspicuous  
9 and visible to staff, or the receptacle is located in an area  
10 that is not visible to staff but is equipped with a motion  
11 sensor and a dual alarm system. The dual alarm system shall  
12 be programmed to sound first when the receptacle is opened,  
13 immediately placing a telephone call to a 911 service and  
14 dispatching an emergency medical care provider or a fire  
15 fighter to the location of the receptacle, and to sound a  
16 second time, immediately placing a telephone call to a 911  
17 service after movement is detected inside the receptacle.

18 Sec. 2. Section 233.2, Code 2023, is amended to read as  
19 follows:

20 **233.2 Newborn infant custody release procedures.**

21 1. a. A parent of a newborn infant may voluntarily release  
22 custody of the newborn infant ~~by~~ as follows:

23 (1) By relinquishing physical custody of the newborn  
24 infant, without expressing an intent to again assume physical  
25 custody, at an institutional health facility or a fire station,  
26 or by authorizing another person to relinquish physical custody  
27 on the parent's behalf. If physical custody of the newborn  
28 infant is not relinquished directly to an individual on duty  
29 at ~~the~~ an institutional health facility or a fire station, the  
30 parent may take other actions to be reasonably sure that an  
31 individual on duty is aware that the newborn infant has been  
32 left at the institutional health facility or fire station. The  
33 actions may include but are not limited to making telephone  
34 contact with the institutional health facility or fire station,  
35 or a 911 service.

1     (2) By relinquishing physical custody of the newborn infant  
2 to medical staff at a hospital or other facility following  
3 delivery of the newborn infant in the hospital or other  
4 facility when the parent notifies the medical staff that the  
5 parent is voluntarily relinquishing physical custody of the  
6 newborn infant without expressing an intent to again assume  
7 physical custody.

8     (3) By relinquishing physical custody of the newborn infant  
9 at a hospital, a fire station, or an emergency medical care  
10 provider location, through a newborn safety device, without  
11 expressing an intent to again assume physical custody.

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

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

25     2. *a.* Unless the parent or other person relinquishing  
26 physical custody of a newborn infant clearly expresses an  
27 intent to return to again assume physical custody of the  
28 newborn infant, an individual on duty or medical staff, as  
29 applicable, at the institutional health facility, emergency  
30 medical care provider location, or fire station at which  
31 physical custody of the newborn infant was relinquished, or a  
32 first responder to whom physical custody of the newborn infant  
33 was relinquished, pursuant to [subsection 1](#) shall take physical  
34 custody of the newborn infant. The individual ~~on duty or first~~  
35 ~~responder~~ who takes physical custody of the newborn infant may

1 request the parent or other person to provide the name of the  
 2 parent or parents and information on the medical history of  
 3 the newborn infant and the newborn infant's parent or parents.  
 4 However, the parent or other person is not required to provide  
 5 the names or medical history information to comply with this  
 6 section. The individual ~~on duty or first responder~~ who takes  
 7 custody of the newborn infant may perform reasonable acts  
 8 necessary to protect the physical health or safety of the  
 9 newborn infant. The individual ~~on duty and~~ who takes custody  
 10 of the newborn infant, the institutional health facility ~~in,~~  
 11 the emergency medical care provider location, or the fire  
 12 station at which the individual ~~was on duty~~ took custody of  
 13 the newborn infant, and the first responder are immune from  
 14 criminal or civil liability for any acts or omissions made in  
 15 good faith to comply with [this section](#).

16 *b.* If the physical custody of a newborn infant is  
 17 relinquished at an emergency medical care provider location  
 18 or a fire station, or to a first responder who responded to a  
 19 911 telephone call, the individual who took physical custody  
 20 of the newborn infant or the first responder shall transport  
 21 the newborn infant to the nearest institutional health  
 22 facility. The individual or first responder shall provide any  
 23 parental identification or medical history information to the  
 24 institutional health facility.

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

33 *d.* If the name of the parent is unknown to the institutional  
 34 health facility, the individual on duty or other person  
 35 designated by the institutional health facility at which

1 physical custody of the newborn infant was relinquished shall  
2 submit the certificate of birth report as required pursuant to  
3 section 144.14. If the name of the parent is disclosed to the  
4 institutional health facility, the facility shall submit the  
5 certificate of birth report as required pursuant to section  
6 144.13. The department of ~~public~~ health and human services  
7 shall not file the certificate of birth with the county of  
8 birth and shall otherwise maintain the confidentiality of the  
9 birth certificate in accordance with [section 144.43](#).

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

27 4. a. Upon being notified in writing by the department  
28 under [subsection 3](#), the county attorney shall file a  
29 petition alleging the newborn infant to be a child in need of  
30 assistance in accordance with [section 232.87](#) and a petition  
31 for termination of parental rights with respect to the newborn  
32 infant in accordance with [section 232.111, subsection 2](#),  
33 paragraph "a". A hearing on a child in need of assistance  
34 petition filed pursuant to [this subsection](#) shall be held at  
35 the earliest practicable time. A hearing on a termination of

1 parental rights petition filed pursuant to [this subsection](#)  
2 shall be held no later than thirty days after the day the  
3 physical custody of the newborn child was relinquished  
4 in accordance with [subsection 1](#) unless the juvenile court  
5 continues the hearing beyond the thirty days for good cause  
6 shown.

7 *b.* Notice of a petition filed pursuant to [this subsection](#)  
8 shall be provided to any known parent and others in accordance  
9 with the provisions of [chapter 232](#) and shall be served upon any  
10 putative father registered with the state registrar of vital  
11 statistics pursuant to [section 144.12A](#). In addition, prior to  
12 holding a termination of parental rights hearing with respect  
13 to the newborn infant, notice by publication shall be provided  
14 as described in [section 600A.6, subsection 5](#).

15 5. Reasonable efforts, as defined in [section 232.102](#), that  
16 are made in regard to the newborn infant shall be limited to  
17 the efforts made in a timely manner to finalize a permanency  
18 plan for the newborn infant.

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

26 Sec. 3. Section 233.4, Code 2023, is amended to read as  
27 follows:

28 **233.4 Rights of parents.**

29 Either parent of a newborn infant whose custody was released  
30 in accordance with [section 233.2](#) may intervene in the child  
31 in need of assistance or termination of parental rights  
32 proceedings held regarding the newborn infant and request that  
33 the juvenile court grant custody of the newborn infant to  
34 the parent. The requester must show by clear and convincing  
35 evidence including but not limited to by the use of DNA

1 profiling as defined in section 81.1 that the requester is the  
2 parent of the newborn infant. If the court determines that the  
3 requester is the parent of the newborn infant and that granting  
4 custody of the newborn infant to the parent is in the newborn  
5 infant's best interest, the court shall issue an order granting  
6 custody of the newborn infant to the parent. In addition to  
7 such order, the court may order services for the newborn infant  
8 and the parent as are in the best interest of the newborn  
9 infant.

10 Sec. 4. Section 233.6, Code 2023, is amended to read as  
11 follows:

12 **233.6 Educational and public information.**

13 The department of health and human services, in consultation  
14 with the ~~Iowa department of public health and the department of~~  
15 ~~justice~~, shall develop and distribute the following:

16 1. An information card or other publication for  
17 distribution by an institutional health facility, an emergency  
18 medical care provider location, a fire station, or a first  
19 responder to a parent who releases custody of a newborn infant  
20 in accordance with [this chapter](#). The publication shall inform  
21 the parent of a parent's rights under [section 233.4](#), explain  
22 the request for medical history information under section  
23 233.2, subsection 2, and provide other information deemed  
24 pertinent by the departments.

25 2. Educational materials, public information announcements,  
26 and other resources to develop awareness of the availability of  
27 the newborn safe haven Act among adolescents, young parents,  
28 and others who might avail themselves of [this chapter](#).

29 3. Signage that may be used to identify the institutional  
30 health facilities, emergency medical care provider locations,  
31 or fire stations, at which physical custody of a newborn infant  
32 may be relinquished in accordance with [this chapter](#).

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with  
35 the explanation's substance by the members of the general assembly.

1 This bill relates to the release of custody of a newborn  
2 infant under the newborn safe haven Act.

3 The bill provides that in addition to current provisions  
4 that allow a parent of a newborn infant to voluntarily  
5 relinquish physical custody of the newborn infant directly  
6 or indirectly at an institutional health facility or to a  
7 first responder in response to a 911 call, a parent may also  
8 relinquish physical custody of a newborn directly or indirectly  
9 at a fire station, by relinquishing physical custody of the  
10 newborn infant to medical staff of a hospital or other facility  
11 following delivery of the newborn infant in the hospital or  
12 other facility when the parent notifies the medical staff that  
13 the parent is voluntarily relinquishing physical custody of the  
14 newborn infant; or by relinquishing physical custody of the  
15 newborn infant at a hospital, fire station, or an emergency  
16 medical care provider location, through a newborn safety  
17 device.

18 The bill also provides that with regard to the rights of  
19 parents of the newborn infant, a parent requesting that custody  
20 of the newborn infant be granted to the parent may use DNA  
21 profiling to show by clear and convincing evidence that the  
22 person is the parent of the newborn infant.

23 The bill makes conforming changes throughout Code chapter  
24 233 (newborn safe haven Act) consistent with the changes in the  
25 bill.