

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1948

By: Easley

AS INTRODUCED

An Act relating to children; providing for abandoned infants; providing for nonprosecution of certain parent for specified crimes; requiring certain entities to accept or take possession of a child and to provide for the physical health or safety of the child; requiring procedures; requiring notification; providing for liability; providing for development and distribution of brochures; defining terms; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7115.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the provisions of this section, a parent may voluntarily leave his or her newborn infant with a medical provider in this state without being subjected to prosecution for abandonment for that act under Section 7115 of Title 10 of the Oklahoma Statutes, Sections 851, 853, 858.1 or 858.3 of Title 21 of the Oklahoma Statutes or any other provision of law.

B. 1. Any medical provider shall, without a court order, receive a newborn infant who is seventy-two (72) hours old or younger if:

- a. the parent has voluntarily left the infant with a medical provider without identifying the infant or furnishing any means of identification, or
- b. the parent has voluntarily left the infant with the medical provider and expressed a willful intent by

words, actions, or omissions not to return for the infant.

2. The medical provider shall document the physical condition of the newborn infant when received from the parent and any information voluntarily given by the parent leaving the newborn infant. A medical provider who takes physical custody of a newborn infant pursuant to this section shall perform or provide for the performance of any act necessary to protect the physical health or safety of the newborn infant.

3. The medical provider shall immediately notify the local law enforcement agency pursuant to Section 7003-2.1 of Title 10 of the Oklahoma Statutes that the parent of a child has left the newborn infant and that the medical provider has taken physical custody of the newborn infant.

4. Upon notice that a newborn infant has been abandoned pursuant to this section, the local law enforcement agency shall take the infant into protective custody pursuant the Section 7003-2.1 of Title 10 of the Oklahoma Statutes.

C. The parent leaving a newborn infant with a medical provider pursuant to this section shall not be required to provide any information to the medical provider, including but not limited to the name of the mother or the name of the father, but may be required to give information regarding the age of the newborn infant and whether the newborn infant is a child of the parent.

D. The medical provider may provide the parent leaving the newborn infant with the brochure developed and prepared by the Department of Human Services pursuant to this section.

E. 1. A medical provider with responsibility for performing duties pursuant to this section is immune from any criminal or civil liability that otherwise might result from its actions, if acting in good faith in receiving and providing for a newborn infant pursuant to this section.

2. A medical provider performing duties pursuant to this section who is a mandated reporter under the Oklahoma Child Abuse Reporting and Prevention Act shall be immune from any criminal or civil liability that otherwise might result from the failure to make a report under that section if the medical provider is acting in good faith in complying with this section.

F. A newborn infant left with a medical provider pursuant to this section shall be deemed to be an abandoned infant pursuant to the provisions of the Oklahoma Children's Code.

G. 1. The Department of Human Services shall provide, from any available funds, for the publication and statewide distribution of location-specific brochures to provide information to the public about the availability of the locations of medical providers at which newborn infants may be left pursuant to the provisions of this section. In addition, the brochures shall include, but not be limited to:

- a. details and explanation of how a parent may leave a newborn infant with a medical provider pursuant to this section,
- b. information about adoption and counseling services, including information that confidential adoption services are available and information about the benefits of engaging in a regular, voluntary adoption process,
- c. telephone numbers for public or private agencies that provide counseling or adoption services,
- d. information about who to contact if reunification is sought, and
- e. such other information deemed necessary by the Department.

2. The brochures may be distributed through hospitals, public health nurses, child protective services, medical professional

offices, elementary and secondary schools, public libraries, and any other locations selected by the Department.

H. The provisions of this section shall not preclude prosecution of the person leaving the child for any other criminal offense committed against the child other than abandonment including, but not limited to, abuse and neglect.

I. For purposes of this section:

1. "Newborn infant" means a child between birth and seventy-two (72) hours old as determined by the medical provider within a reasonable degree of certainty based upon the appearance of the child and/or information voluntarily supplied by the parent; and

2. "Medical provider" means a person authorized to practice the healing arts, a licensed social worker, a licensed marital and family therapist, a licensed psychologist, a registered or practical nurse, a nurse's aide, or any employee or other person on duty and designated to receive newborn infants pursuant to this section at a police station, fire station, child protective agency, and hospital or any other medical facility.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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