
By: **Delegate Rudolph**

Introduced and read first time: January 29, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Safe Havens - Infant Abandonment**

3 FOR the purpose of expanding the circumstances under which a court may find that
4 a child is abandoned for purposes of the termination of parental rights;
5 requiring certain emergency services personnel and hospital staff members to
6 take custody of certain abandoned infants under certain circumstances;
7 requiring certain emergency services personnel and hospital staff members to
8 take certain steps to ensure the health and safety of certain abandoned infants;
9 requiring certain emergency services personnel and hospital staff members to
10 notify certain individuals of the abandonment of certain infants; providing that
11 certain persons may not be prosecuted for the abandonment of certain infants
12 under certain circumstances; providing that certain persons who take custody of
13 certain abandoned infants shall have immunity from certain civil liability and
14 criminal penalty; requiring the Department of Human Resources and local
15 departments of social services to maintain certain records and submit certain
16 reports; requiring local departments of social services to take certain steps to
17 place certain abandoned infants with potential adoptive parents and to
18 terminate the parental rights of the natural parents of certain abandoned
19 infants; requiring the Department to take certain steps to educate the public
20 about this Act; altering a certain definition; and generally relating to the
21 abandonment of certain infants.

22 BY adding to
23 Article - Courts and Judicial Proceedings
24 Section 5-621.1
25 Annotated Code of Maryland
26 (1998 Replacement Volume and 2000 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Family Law
29 Section 5-313(b) and 5-701(o)
30 Annotated Code of Maryland
31 (1999 Replacement Volume and 2000 Supplement)

1 BY adding to
2 Article - Family Law
3 Section 5-715
4 Annotated Code of Maryland
5 (1999 Replacement Volume and 2000 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Courts and Judicial Proceedings**

9 5-621.1.

10 EMERGENCY SERVICES PERSONNEL OR HOSPITAL STAFF MEMBERS WHO TAKE
11 TEMPORARY PHYSICAL CUSTODY OF AN ABANDONED INFANT UNDER § 5-715(A) OF
12 THE FAMILY LAW ARTICLE ARE IMMUNE FROM ANY CIVIL LIABILITY OR CRIMINAL
13 PENALTY THAT MAY RESULT FROM ANY GOOD FAITH ACTS OR OMISSIONS
14 PERFORMED UNDER § 5-715(B) OF THE FAMILY LAW ARTICLE.

15 **Article - Family Law**

16 5-313.

17 (b) The court may find that a child is abandoned for purposes of this section if,
18 after a thorough investigation by the child placement agency, the court finds that:

19 (1) the identity of the child's natural parents is unknown; and

20 (2) no one has claimed to be the child's natural parent within 2 months of
21 the alleged abandonment of the child, INCLUDING AN ABANDONMENT IN
22 ACCORDANCE WITH § 5-715 OF THIS TITLE.

23 5-701.

24 (o) "Local department" means the department of social services that has
25 jurisdiction in the county:

26 (1) WHERE THE CHILD IS ABANDONED IN ACCORDANCE WITH § 5-715 OF
27 THIS TITLE;

28 (2) where the allegedly abused or neglected child lives; or

29 [(2)] (3) if different, where the abuse or neglect is alleged to have taken
30 place.

31 5-715.

32 (A) IF A NATURAL PARENT VOLUNTARILY DELIVERS AN INFANT TO
33 EMERGENCY SERVICES PERSONNEL, OR A HOSPITAL STAFF MEMBER RESPONSIBLE

1 FOR THE ADMISSION, CARE, OR TREATMENT OF PATIENTS, WHEN THE EMERGENCY
2 SERVICES PERSONNEL ARE AT A FIRE STATION OR AN EMERGENCY SERVICES
3 STATION, OR THE HOSPITAL STAFF MEMBER IS AT A HOSPITAL, THE EMERGENCY
4 SERVICES PERSONNEL OR HOSPITAL STAFF MEMBER SHALL, WITHOUT A COURT
5 ORDER, TAKE TEMPORARY PHYSICAL CUSTODY OF THE INFANT IF:

6 (1) THE INFANT IS NOT MORE THAN 72 HOURS OLD; AND

7 (2) THE NATURAL PARENT DID NOT EXPRESS AN INTENT TO RETURN
8 FOR THE INFANT.

9 (B) IF EMERGENCY SERVICES PERSONNEL OR A HOSPITAL STAFF MEMBER
10 TAKES TEMPORARY PHYSICAL CUSTODY OF AN INFANT UNDER SUBSECTION (A) OF
11 THIS SECTION, THE EMERGENCY SERVICES PERSONNEL OR HOSPITAL STAFF
12 MEMBER SHALL:

13 (1) PERFORM ANY ACT NECESSARY, IN ACCORDANCE WITH GENERALLY
14 ACCEPTED STANDARDS OF PROFESSIONAL PRACTICE, TO PROTECT, PRESERVE, AND
15 AID THE PHYSICAL HEALTH OR SAFETY OF THE INFANT DURING THE TEMPORARY
16 PHYSICAL CUSTODY; AND

17 (2) NOTIFY THE LOCAL DEPARTMENT OF THE ABANDONMENT WITHIN
18 24 HOURS AFTER THE ABANDONMENT.

19 (C) A NATURAL PARENT WHO ABANDONS AN INFANT IN ACCORDANCE WITH
20 SUBSECTION (A) OF THIS SECTION MAY NOT BE PROSECUTED FOR THAT ACT.

21 (D) EMERGENCY SERVICES PERSONNEL OR HOSPITAL STAFF MEMBERS WHO
22 TAKE TEMPORARY PHYSICAL CUSTODY OF AN INFANT UNDER SUBSECTION (A) OF
23 THIS SECTION OR TAKE ANY ACTION UNDER SUBSECTION (B) OF THIS SECTION
24 SHALL HAVE THE IMMUNITY DESCRIBED UNDER § 5-621.1 OF THE COURTS ARTICLE
25 FROM CIVIL LIABILITY OR CRIMINAL PENALTY.

26 (E) UPON RECEIPT OF NOTICE UNDER SUBSECTION (B) OF THIS SECTION, THE
27 LOCAL DEPARTMENT SHALL TAKE THE ABANDONED INFANT INTO TEMPORARY
28 CUSTODY.

29 (F) (1) EACH LOCAL DEPARTMENT SHALL MAINTAIN AND UPDATE ON A
30 MONTHLY BASIS A REPORT OF THE NUMBER OF INFANTS WHO HAVE BEEN
31 ABANDONED UNDER THIS SECTION. EACH LOCAL DEPARTMENT SHALL SUBMIT THE
32 INFORMATION TO THE DEPARTMENT.

33 (2) THE DEPARTMENT SHALL, IN ACCORDANCE WITH § 2-1246 OF THE
34 STATE GOVERNMENT ARTICLE, SUBMIT AN ANNUAL REPORT TO THE GENERAL
35 ASSEMBLY THAT COMPILES THE MONTHLY REPORTS OF THE NUMBER OF INFANTS
36 ABANDONED UNDER THIS SECTION.

37 (G) AS SOON AS POSSIBLE AFTER AN ABANDONMENT OF AN INFANT, THE
38 LOCAL DEPARTMENT SHALL:

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1 (1) PLACE THE INFANT WITH A POTENTIAL ADOPTIVE PARENT; AND

2 (2) PROCEED WITH A PETITION TO TERMINATE THE PARENTAL RIGHTS
3 OF THE NATURAL PARENTS OF THE INFANT UNDER § 5-313 OF THIS TITLE.

4 (H) THE DEPARTMENT SHALL ESTABLISH A PUBLIC INFORMATION PROGRAM
5 TO EDUCATE THE PUBLIC ABOUT THE PROVISIONS OF THIS SECTION.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2001.