

HOUSE BILL 363

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D4

2001 Regular Session  
11r0623  
CF 11r1505

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By: **Delegates Rosenberg, Healey, W. Baker, Barkley, Barve, Benson, Bobo, Boschert, Boutin, Brinkley, Bronrott, Cadden, Carlson, Conroy, Conway, Cryor, DeCarlo, Dobson, Elliott, Giannetti, Glassman, Goldwater, Hammen, Harrison, Hecht, Heller, Hixson, Hubbard, Hubers, James, V. Jones, Kopp, Krysiak, Love, Malone, Marriott, McHale McIntosh, Menes, Moe, Mohorovic, Parrott, Petzold, Proctor, Rawlings, Riley, Rosso, Rudolph, Shriver, Valderrama, and Weir**

Introduced and read first time: January 31, 2001  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

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**Safe Haven for Newborns Act**

3 FOR the purpose of requiring hospitals, fire stations, and police stations to take  
4 custody of certain newborns that are relinquished by certain persons under  
5 certain circumstances; providing that certain persons may not be prosecuted for  
6 the relinquishment of certain newborns under certain circumstances; requiring  
7 hospitals, fire stations, and police stations to take certain steps upon taking  
8 custody of certain relinquished newborns; authorizing hospitals, fire stations,  
9 and police stations to request certain information from persons who relinquish  
10 newborns; authorizing certain persons who relinquish newborns to refuse to  
11 disclose certain information; providing that certain persons who take custody of  
12 certain relinquished newborns shall have immunity from certain civil liability  
13 and criminal penalty; requiring local departments of social services to take  
14 custody of certain relinquished newborns, to place certain relinquished  
15 newborns with potential adoptive parents, and to terminate the parental rights  
16 of the natural parents of certain relinquished newborns; allowing the revocation  
17 of a relinquishment under certain circumstances; expanding the circumstances  
18 under which a child is abandoned for purposes of the termination of parental  
19 rights; altering a certain definition; requiring the Department of Human  
20 Resources to adopt certain regulations to implement this Act; and generally  
21 relating to the relinquishment of newborns.

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,

1 Article - Family Law  
2 Section 5-313(b)  
3 Annotated Code of Maryland  
4 (1999 Replacement Volume and 2000 Supplement)

5 BY adding to  
6 Article - Family Law  
7 Section 5-1301 and 5-1302 to be under the new subtitle "Subtitle 13. Safe  
8 Haven for Newborns Act"  
9 Annotated Code of Maryland  
10 (1999 Replacement Volume and 2000 Supplement)

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

13 **Article - Courts and Judicial Proceedings**

14 5-621.1.

15 A HOSPITAL, FIRE STATION, OR POLICE STATION AND ANY HOSPITAL STAFF  
16 MEMBER, EMERGENCY SERVICE PERSONNEL, OR POLICE PERSONNEL THAT ACT IN  
17 ACCORDANCE WITH § 5-1302 OF THE FAMILY LAW ARTICLE ARE IMMUNE FROM CIVIL  
18 LIABILITY AND CRIMINAL PENALTY FOR ANY GOOD FAITH ACTS OR OMISSIONS.

19 **Article - Family Law**

20 5-313.

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

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

24 [(2)] (II) no one has claimed to be the child's natural parent within 2  
25 months of the alleged abandonment of the child; OR

26 (2) WITHIN 30 DAYS AFTER THE CHILD IS RELINQUISHED IN  
27 ACCORDANCE WITH § 5-715 OF THIS TITLE, NO ONE HAS:

28 (I) CLAIMED TO BE THE NATURAL PARENT OF THE CHILD; OR

29 (II) REVOKED THE RELINQUISHMENT IN ACCORDANCE WITH §  
30 5-715(F) OF THIS TITLE.

1 SUBTITLE 13. SAFE HAVEN FOR NEWBORNS ACT.

2 5-1301.

3 IN THIS SUBTITLE, "LOCAL DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL  
4 SERVICES THAT HAS JURISDICTION IN THE COUNTY WHERE A NEWBORN IS  
5 RELINQUISHED IN ACCORDANCE WITH § 5-1302 OF THIS SUBTITLE.

6 5-1302.

7 (A) A HOSPITAL, FIRE STATION, OR POLICE STATION SHALL TAKE TEMPORARY  
8 PHYSICAL CUSTODY OF A NEWBORN RELINQUISHED TO HOSPITAL STAFF MEMBERS  
9 IN A HOSPITAL, EMERGENCY SERVICE PERSONNEL, INCLUDING VOLUNTEER AND  
10 PROFESSIONAL PERSONNEL, IN A FIRE STATION, OR POLICE PERSONNEL IN A  
11 POLICE STATION IF:

12 (1) THE NEWBORN IS NOT MORE THAN 72 HOURS OLD;

13 (2) THE NEWBORN IS RELINQUISHED BY A NATURAL PARENT OR A  
14 PERSON AUTHORIZED BY A NATURAL PARENT; AND

15 (3) THE PERSON RELINQUISHING THE NEWBORN DOES NOT EXPRESS  
16 AN INTENT TO RETURN FOR THE NEWBORN.

17 (B) A PERSON WHO RELINQUISHES A NEWBORN IN ACCORDANCE WITH  
18 SUBSECTION (A) OF THIS SECTION, INCLUDING A NATURAL PARENT WHO  
19 AUTHORIZES ANOTHER PERSON TO RELINQUISH A NEWBORN, MAY NOT BE  
20 PROSECUTED FOR THAT ACT UNDER:

21 (1) § 10-219 OF THE FAMILY LAW ARTICLE;

22 (2) § 3-831 OF THE COURTS ARTICLE; OR

23 (3) ANY OTHER LAW.

24 (C) A HOSPITAL, FIRE STATION, OR POLICE STATION THAT TAKES TEMPORARY  
25 PHYSICAL CUSTODY OF A RELINQUISHED NEWBORN IN ACCORDANCE WITH  
26 SUBSECTION (A) OF THIS SECTION SHALL:

27 (1) IF POSSIBLE, INFORM THE PERSON RELINQUISHING THE NEWBORN  
28 THAT THE NATURAL PARENTS, AND IF DIFFERENT, THE PERSON RELINQUISHING  
29 THE NEWBORN, MAY REMAIN ANONYMOUS;

30 (2) PERFORM ANY ACT NECESSARY, IN ACCORDANCE WITH GENERALLY  
31 ACCEPTED STANDARDS OF PROFESSIONAL PRACTICE, TO PROTECT, PRESERVE, AND  
32 AID THE PHYSICAL HEALTH AND SAFETY OF THE NEWBORN DURING THE  
33 TEMPORARY PHYSICAL CUSTODY; AND

34 (3) NOTIFY THE LOCAL DEPARTMENT WITHIN 24 HOURS AFTER THE  
35 RELINQUISHMENT.

1 (D) A HOSPITAL, FIRE STATION, OR POLICE STATION THAT TAKES TEMPORARY  
2 PHYSICAL CUSTODY OF A NEWBORN IN ACCORDANCE WITH SUBSECTION (A) OF THIS  
3 SECTION MAY ASK THE PERSON RELINQUISHING THE NEWBORN ABOUT THE  
4 MEDICAL HISTORY OF THE NATURAL PARENTS OR OF THE NEWBORN, BUT THE  
5 PERSON RELINQUISHING THE NEWBORN IS NOT REQUIRED TO PROVIDE ANY  
6 INFORMATION.

7 (E) A HOSPITAL, FIRE STATION, OR POLICE STATION AND ANY HOSPITAL  
8 STAFF MEMBER, EMERGENCY SERVICE PERSONNEL, OR POLICE PERSONNEL THAT  
9 ACT IN GOOD FAITH IN ACCORDANCE WITH THIS SECTION SHALL HAVE THE  
10 IMMUNITY FROM CIVIL LIABILITY AND CRIMINAL PENALTY DESCRIBED UNDER §  
11 5-621.1 OF THE COURTS ARTICLE.

12 (F) UPON RECEIPT OF NOTICE IN ACCORDANCE WITH SUBSECTION (C) OF  
13 THIS SECTION, THE LOCAL DEPARTMENT SHALL TAKE THE RELINQUISHED  
14 NEWBORN INTO TEMPORARY PHYSICAL CUSTODY AND AS SOON AS POSSIBLE  
15 THEREAFTER SHALL:

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

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

19 (G) A LOCAL DEPARTMENT MAY NOT ATTEMPT TO LOCATE THE NATURAL  
20 PARENTS OF A RELINQUISHED NEWBORN BY ANY MEANS EXCEPT BY PUBLICATION.

21 (H) (1) A NATURAL PARENT WHO RELINQUISHES A NEWBORN IN  
22 ACCORDANCE WITH THIS SECTION MAY REVOKE THE RELINQUISHMENT WITHIN 30  
23 DAYS AFTER THE DATE OF THE RELINQUISHMENT BY NOTIFYING THE LOCAL  
24 DEPARTMENT OF THE INTENT TO REVOKE THE RELINQUISHMENT.

25 (2) A NATURAL PARENT WHO PROPERLY REVOKES THE  
26 RELINQUISHMENT OF A NEWBORN SHALL HAVE STANDING TO PARTICIPATE IN:

27 (I) A HEARING ON THE TERMINATION OF THE PARENTAL RIGHTS  
28 OF THE NATURAL PARENTS OF THE NEWBORN; AND

29 (II) A HEARING TO DETERMINE CUSTODY OF THE NEWBORN.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of  
31 Human Resources shall adopt regulations to implement this Act, including  
32 regulations identifying the appropriate contact persons within local departments of  
33 social services and detailing the process that hospitals, fire stations, and police  
34 stations shall follow in notifying local departments of relinquishments. The  
35 regulations shall also set forth with particularity the identifying information about a  
36 relinquished newborn that shall be included in a publication intended to provide  
37 notice to the natural parents of a relinquished newborn.

38 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
39 June 1, 2001.

