

SENATE BILL 704

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2001 Regular Session  
11r1505  
CF 11r0623

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By: **Senators Forehand, Hoffman, Bromwell, Dorman, Dyson, Hollinger,  
Hughes, McCabe, McFadden, Mitchell, Ruben, and Teitelbaum**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **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,  
28 Article - Family Law  
29 Section 5-313(b)  
30 Annotated Code of Maryland  
31 (1999 Replacement Volume and 2000 Supplement)

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

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

9 **Article - Courts and Judicial Proceedings**

10 5-621.1.

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

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

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

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

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

25 (II) REVOKED THE RELINQUISHMENT IN ACCORDANCE WITH §  
26 5-715(F) OF THIS TITLE.

27 **SUBTITLE 13. SAFE HAVEN FOR NEWBORNS ACT.**

28 5-1301.

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

1 5-1302.

2 (A) A HOSPITAL, FIRE STATION, OR POLICE STATION SHALL TAKE TEMPORARY  
3 PHYSICAL CUSTODY OF A NEWBORN RELINQUISHED TO HOSPITAL STAFF MEMBERS  
4 IN A HOSPITAL, EMERGENCY SERVICE PERSONNEL, INCLUDING VOLUNTEER AND  
5 PROFESSIONAL PERSONNEL, IN A FIRE STATION, OR POLICE PERSONNEL IN A  
6 POLICE STATION IF:

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

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

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

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

16 (1) § 10-219 OF THE FAMILY LAW ARTICLE;

17 (2) § 3-831 OF THE COURTS ARTICLE; OR

18 (3) ANY OTHER LAW.

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

22 (1) IF POSSIBLE, INFORM THE PERSON RELINQUISHING THE NEWBORN  
23 THAT THE NATURAL PARENTS, AND IF DIFFERENT, THE PERSON RELINQUISHING  
24 THE NEWBORN, MAY REMAIN ANONYMOUS;

25 (2) PERFORM ANY ACT NECESSARY, IN ACCORDANCE WITH GENERALLY  
26 ACCEPTED STANDARDS OF PROFESSIONAL PRACTICE, TO PROTECT, PRESERVE, AND  
27 AID THE PHYSICAL HEALTH AND SAFETY OF THE NEWBORN DURING THE  
28 TEMPORARY PHYSICAL CUSTODY; AND

29 (3) NOTIFY THE LOCAL DEPARTMENT WITHIN 24 HOURS AFTER THE  
30 RELINQUISHMENT.

31 (D) A HOSPITAL, FIRE STATION, OR POLICE STATION THAT TAKES TEMPORARY  
32 PHYSICAL CUSTODY OF A NEWBORN IN ACCORDANCE WITH SUBSECTION (A) OF THIS  
33 SECTION MAY ASK THE PERSON RELINQUISHING THE NEWBORN ABOUT THE  
34 MEDICAL HISTORY OF THE NATURAL PARENTS OR OF THE NEWBORN, BUT THE  
35 PERSON RELINQUISHING THE NEWBORN IS NOT REQUIRED TO PROVIDE ANY  
36 INFORMATION.

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

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

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

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

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

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

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

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

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

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

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