

### 13-3623.01. **Safe haven for newborn infants; definitions**

A. A person is not guilty of abuse of a child pursuant to section 13-3623, subsection B solely for leaving an unharmed newborn infant with a safe haven provider.

B. A fire station and a health care institution that is classified by the department of health services pursuant to section 36-405 as a general hospital or a rural general hospital shall post a notice that it accepts a newborn infant pursuant to this section. The notice shall be placed on the exterior of the building in a location that is noticeable to the public. The words "baby safe haven" shall be printed in bold-faced capital letters that are not less than two inches in height. The notice may include an identifying logo. A fire station or hospital that does not post a notice as prescribed by this subsection is not subject to civil liability. A notice that is valid before September 30, 2009 remains valid after September 30, 2009.

C. If a parent or agent of a parent voluntarily delivers the parent's newborn infant to a safe haven provider, the safe haven provider shall take custody of the newborn infant if both of the following are true:

1. The parent did not express an intent to return for the newborn infant.
2. The safe haven provider reasonably believes that the child is a newborn infant.

D. The safe haven provider shall comply with the requirements of section 8-528 and report the receipt of a newborn infant to the department of child safety as soon as practicable after taking custody of the newborn infant. The department shall report the number of newborn infants delivered to safe haven providers pursuant to section 8-526.

E. A parent or agent of a parent who leaves a newborn infant with a safe haven provider may remain anonymous, and the safe haven provider shall not require the parent or agent to answer any questions. A safe haven provider shall offer written information about information and referral organizations.

F. A safe haven provider who receives a newborn infant pursuant to this section is not liable for any civil or other damages for any act or omission by the safe haven provider in maintaining custody of the newborn infant if the safe haven provider acts in good faith without gross negligence.

G. This section does not preclude the prosecution of the person for any offense based on any act not covered by this section.

H. For the purposes of this section:

1. "Newborn infant" means an infant who is seventy-two hours old or younger.
2. "Safe haven provider" means any of the following:
  - (a) A firefighter who is on duty.
  - (b) An emergency medical technician who is on duty.
  - (c) A health care institution that is classified by the department of health services pursuant to section 36-405 as a general hospital or a rural general hospital. The parent or agent must deliver the newborn infant to a medical staff member at the health care institution.
  - (d) A staff member or volunteer at any of the following that posts a public notice that it is willing to accept a newborn infant pursuant to this section:
    - (i) A private child welfare agency licensed pursuant to title 8, chapter 4, article 4.
    - (ii) An adoption agency licensed pursuant to section 8-126.
    - (iii) A church. For the purposes of this item, "church" means a building that is erected or converted for use as a church, where services are regularly convened, that is used primarily for religious worship and schooling and that a reasonable person would conclude is a church by reason of design, signs or architectural or other features.

