

§4018. Abandoned child; safe haven provider

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Medical services provider" means an individual certified, registered or licensed in the healing arts, including, but not limited to, a physician, nurse, podiatrist, optometrist, chiropractor, physical therapist, dentist, psychologist, physician's assistant or emergency medical services person. [PL 2001, c. 543, §2 (NEW).]

A-1. "Safe haven baby box" means a device or container to safely accept delivery of a child less than 31 days of age that is:

- (1) Voluntarily installed by a medical services provider, law enforcement agency or fire department;
- (2) Physically located inside a hospital, law enforcement facility or fire department facility that is staffed 24 hours a day by a medical services provider;
- (3) Located in an area that is conspicuous and visible to the employees of the hospital, law enforcement agency or fire department; and
- (4) In compliance with requirements adopted by rule by the department, including, but not limited to, a requirement that the device or container be equipped with an alarm that notifies the hospital, law enforcement agency or fire department where the device or container is located and a public safety answering point as defined in Title 25, section 2921, subsection 7 when a child is placed in the device or container. [PL 2021, c. 466, §2 (NEW).]

B. "Safe haven provider" means:

- (1) A law enforcement officer;
- (2) Staff at a medical emergency room;
- (3) A medical services provider;
- (4) A hospital staff member at a hospital;
- (5) A firefighter; or
- (6) A person staffing a facility with a safe haven baby box. [PL 2021, c. 466, §3 (AMD).]

[PL 2021, c. 466, §§2, 3 (AMD).]

2. Request for information. A person who voluntarily delivers a child less than 31 days of age to a safe haven provider and who does not express an intent to return for the child may be requested to provide information helpful to the welfare of the child. The person who accepts a child under this section may not detain the person delivering the child to obtain information. [PL 2001, c. 543, §2 (NEW).]

3. Action by safe haven provider; guidelines. A safe haven provider who accepts a child under this section shall promptly notify the department of the delivery of the child, transfer the child to the department at the earliest opportunity and provide to the department all information provided by the person delivering the child to the safe haven provider. The department shall establish guidelines to assist safe haven providers concerning procedures when a child is delivered to a safe haven provider under this section. [PL 2001, c. 543, §2 (NEW).]

4. Confidentiality. All personally identifiable information provided by the person delivering the child to a safe haven provider is confidential and may not be disclosed by the safe haven provider to anyone except to the extent necessary to provide temporary custody of the child until the child is transferred to the department and except as otherwise provided by court order. All health care or other

information obtained by a safe haven provider in providing temporary custody of the child may also be provided to the department upon request.

[PL 2001, c. 543, §2 (NEW).]

5. Liability. A person or entity who accepts a child under this section or provides temporary custody of a child accepted under this section is not subject to civil, criminal or administrative liability for accepting the child or providing temporary custody of the child in the good faith belief that the action is required or authorized by this section. This subsection does not affect liability for personal injury or wrongful death, including, but not limited to, injury resulting from medical malpractice.

[PL 2001, c. 543, §2 (NEW).]

6. Rules. The department shall adopt rules to ensure the safe design, installation and use of each safe haven baby box before it may be put into service by a hospital, law enforcement agency or fire department. Rules adopted under this subsection are routine technical rules for the purposes of Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 466, §4 (NEW).]

SECTION HISTORY

PL 2001, c. 543, §2 (NEW). PL 2021, c. 466, §§2-4 (AMD).

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