

COMMITTEE BILL ANALYSIS

Bill: House Bill 1090

Printer's No.: 2005

Sponsor: Rep. Youngblood

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Synopsis: This bill amends the Crimes Code, Title 18, and the Domestic Relations Code, Title 23 of the Pennsylvania Consolidated Statutes, authorizing a police officer to accept a newborn from a parent who wishes to relinquish the newborn.

Summary:

Newborn Protection Act

Chapter 65 of the Domestic Relations Code (Title 23) is the Newborn Protection Act. The chapter is amended by adding section 6504.1 directing a police officer at a police station to take a newborn into protective custody and ensure that the newborn is transported to a hospital and placed into the care of a health care provider. When a police officer accepts a newborn, a parent may provide the police officer with information about the newborn's medical history and any identifying information. Definitions are added for "police department," "police officer" and "police station."

Section 6505 requires a health care provider at a hospital to notify the county children and youth social service agency and local police when a newborn is accepted by the hospital under this chapter. The section is amended to include when a hospital accepts a newborn pursuant to section 6504.1.

Pursuant to section 6507 a police department, police officer or the administrative or managerial personnel of a police department shall not be subject to civil liability or criminal penalty solely by reason of complying with the provisions of this chapter. The immunity is currently provided for hospitals and health care providers.

Section 6509 is amended to require the Department of Public Welfare to provide the State Police and police departments with an informational pamphlet regarding this chapter and related provisions relating to newborn protection. The department is already required to provide the information to health care providers and hospitals.

Child Protective Services Law

Chapter 63 of the Domestic Relations Code is the Child Protective Services Law. Section 6315 authorizes a physician or the director of a hospital or a designee to take a newborn into protective custody. The section is amended to also authorize a police officer at a police station to take a child into protective custody under the Newborn Protection Act.

Section 6316(a.1) governs the admission into the hospital of the newborn taken into protective custody pursuant to section 6315. The subsection is amended to include newborns taken into protective custody by a police officer at a police station.

Crimes Code

Section 4306 of the Crimes Code (Title 18) states that a parent of a newborn shall not be criminally liable solely for leaving a newborn in the care of a hospital. The section is amended to include leaving a child in the care of a police officer at a police station. The parent must express the intent to have the hospital or police officer accept the newborn pursuant to the Newborn Protection Act. The newborn may not be the victim of child abuse or criminal conduct. Definitions are added for “child abuse,” newborn,” police department,” “police officer” and “police station.”

Effective date

This act takes effect in 60 days.

Background: The House of Representatives passed House Bill 1090 on October 1, 2013 by a vote of 195 to 0.

Safe Haven Law

The Newborn Protection Act (23 Pa.C.S. Ch. 65) is also known as Pennsylvania’s Safe Haven Law. According to the sponsor, House Bill 1090 is intended “to allow police stations to serve as safe havens in Pennsylvania.” The sponsor explains that “a new mother unable to care for her newborn child left her infant with Philadelphia police officers, thinking she was doing the right thing and abiding by the state’s Safe Haven Law. Even the police officers believed the mother was following appropriate state law, but soon found out that, unfortunately, Pennsylvania’s Safe Haven Law only allows a newborn up to 28 days old to be dropped off at a hospital, and nowhere else.”

Definition of newborn

A “newborn” is a child less than 28 days of age as reasonably determined by a physician.