

**HOUSE BILL No. 2024**

By Joint Committee on Child Welfare System Oversight

1-12

1 AN ACT concerning children and minors; relating to the newborn infant  
2 protection act; allowing the surrender of physical custody of an infant  
3 to ~~an infant refuge bassinet~~, amending K.S.A. 38-2282 and repealing  
4 the existing section.

a Newborn safety device

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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 38-2282 is hereby amended to read as follows: 38-  
8 2282. (a) This section shall be known and may be cited as the newborn  
9 infant protection act. The purpose of this section is to protect newborn  
10 children from injury and death caused by abandonment by a parent; and to  
11 provide safe and secure alternatives to such abandonment.

12 (b) As used in this section:

13 (1) "Non-relinquishing parent" means the biological parent of an  
14 infant who does not ~~leave~~ *surrender* the infant ~~with any person listed in~~  
15 ~~subsection (e)~~ in accordance with this section; and

16 (2) "relinquishing parent" means the biological parent or person  
17 having legal custody of an infant who ~~leaves~~ *surrenders* the infant ~~with~~  
18 ~~any person listed in subsection (e)~~ in accordance with this section.

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19 (3) ~~"Infant refuge bassinet" means a device or container designed to~~  
20 ~~safely accept delivery of an infant and that is:~~

Voluntarily

21 (A) ~~Installed in a facility described in subsection (c)(1)(A) that is~~  
22 ~~staffed 24 hours per day by an employee of such facility;~~

on a structural wall

23 (B) ~~located in an area that is conspicuous and visible to employees of~~  
24 ~~the facility described in subsection (c)(1)(A);~~

25 (C) ~~equipped with an automatic lock that would restrict access to the~~  
26 ~~bassinet from the outside of the facility described in subsection (c)(1)(A)~~  
27 ~~when an infant is placed inside the bassinet;~~

device

28 (D) ~~equipped with a temperature control; and~~

29 (E) ~~equipped with an alarm system described in subsection (c)(3) that~~  
30 ~~is triggered by an infant being placed inside the bassinet.~~

31 (c) (1) A person purporting to be an infant's parent or other person  
32 having lawful custody of an infant who is 60 days old or younger and who  
33 has not suffered bodily harm may surrender physical custody of the infant  
34 to ~~any~~ *either*:

35 (A) An employee who is on duty at a police station, sheriff's office,  
36 law enforcement center, fire station, city or county health department or

or has a dual alarm system that will  
dispatch first responders when all  
employees of the facility are unavailable

1 medical care facility as defined by K.S.A. 65-425, and amendments  
2 thereto. Such employee shall, without a court order, take physical custody  
3 of an infant surrendered pursuant to this section; or

4 (B) ~~an infant refuge bassinet~~ installed at a facility described in  
5 subparagraph (A). An employee of such facility shall, without a court  
6 order, take physical custody of an infant surrendered pursuant to this  
7 section.

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8 (2) A relinquishing parent voluntarily surrendering an infant under  
9 this subsection shall not be required to reveal personally identifiable  
10 information, but may be offered the opportunity to provide information  
11 concerning the infant's familial or medical history.

12 (3) ~~A facility described in this subsection that installs an infant refuge~~  
13 ~~bassinet shall install a dual alarm system connected to the physical~~  
14 ~~location of the bassinet. Such dual alarm system shall be tested at least~~  
15 ~~once per week and visually checked at least twice per day to ensure such~~  
16 ~~alarm is in working order.~~

a newborn safety device

device

17 (d) ~~Any~~An employee of a facility described in subsection ~~(e)~~ (c)(1)  
18 (A) to whom an infant is delivered pursuant to this section shall not reveal  
19 the name or other personally identifiable information of the person who  
20 delivered the infant unless there is a reasonable suspicion that the infant  
21 has been abused or neglected, and such facility and its employees shall be  
22 immune from administrative, civil or criminal liability for any action taken  
23 pursuant to this subsection. Such immunity shall not extend to any acts or  
24 omissions, including negligent or intentional acts or omissions, occurring  
25 after the acceptance of the infant.

26 (e) If an infant is delivered pursuant to this section to ~~any~~ a facility  
27 described in subsection ~~(e)~~ (c)(1)(A) that is not a medical care facility, the  
28 employee of such facility who takes physical custody of the infant shall  
29 arrange for the immediate transportation of the infant to the nearest  
30 medical care facility as defined by K.S.A. 65-425, and amendments  
31 thereto. The medical care facility, its employees, agents and medical staff  
32 shall perform treatment in accordance with the prevailing standard of care  
33 as necessary to protect the physical health and safety of the infant and shall  
34 be immune from administrative, civil and criminal liability for treatment  
35 performed consistent with such standard.

36 (f) As soon as possible after an employee of ~~any~~ a facility described  
37 in subsection ~~(e)~~ (c)(1)(A) takes physical custody of an infant without a  
38 court order pursuant to this section, such ~~person~~ employee shall notify a  
39 local law enforcement agency that the ~~person~~ employee has taken physical  
40 custody of an infant pursuant to this section. Upon receipt of such notice a  
41 law enforcement officer from such law enforcement agency shall take  
42 custody of the infant as an abandoned infant. The law enforcement agency  
43 shall deliver the infant to a facility or person designated by the secretary

1 pursuant to K.S.A. 38-2232, and amendments thereto.  
 2 (g) Any person, city or county or agency thereof or medical care  
 3 facility taking physical custody of an infant surrendered pursuant to this  
 4 section shall perform any act necessary to protect the physical health or  
 5 safety of the infant, and shall be immune from liability for any injury to  
 6 the infant that may result therefrom.  
 7 (h) (1) A relinquishing parent shall be immune from civil or criminal  
 8 liability for action taken pursuant to this section only if:  
 9 (A) The relinquishing parent voluntarily delivered the infant safely to  
 10 either:  
 11 (i) The physical custody of an employee at a facility described in  
 12 subsection ~~(e) (c)(1)(A)~~; or  
 13 (ii) ~~an infant refuge bassinet~~ installed at a facility described in  
 14 subsection (c)(1)(B);  
 15 (B) the infant was ~~no~~ not more than 60 days old when delivered by  
 16 the relinquishing parent to ~~the physical custody of an employee at a~~  
 17 facility described in subsection ~~(e) (c)(1)(A)~~; and  
 18 (C) the infant was not abused or neglected by the relinquishing parent  
 19 prior to such delivery.  
 20 (2) The relinquishing parent's voluntary delivery of an infant in  
 21 accordance with this section shall constitute the parent's implied consent to  
 22 the adoption of such infant and a voluntary relinquishment of such parent's  
 23 parental rights.  
 24 (i) (1) In any termination of parental rights proceeding initiated after  
 25 the relinquishment of an infant pursuant to this section, the state shall  
 26 publish notice pursuant to chapter 60 of the Kansas Statutes Annotated,  
 27 and amendments thereto, that an infant has been relinquished, including  
 28 the sex of the infant and the date and location of such relinquishment.  
 29 Within 30 days after publication of such notice, a non-relinquishing parent  
 30 seeking to establish parental rights shall notify the court where the  
 31 termination of parental rights proceeding is filed and state such parent's  
 32 intentions regarding the infant. The court shall initiate proceedings to  
 33 establish parentage if no person notifies the court within 30 days. There  
 34 shall be an examination of the putative father registry to determine  
 35 whether attempts have previously been made to preserve parental rights to  
 36 the infant. If such attempts have been made, the state shall make  
 37 reasonable efforts to provide notice of the abandonment of the infant to  
 38 such putative father.  
 39 (2) If a relinquishing parent of an infant relinquishes custody of the  
 40 infant in accordance with this section, to preserve the parental rights of the  
 41 non-relinquishing parent, the non-relinquishing parent shall take the steps  
 42 necessary to establish parentage within 30 days after the published notice  
 43 or specific notice provided in paragraph (1).

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When such person is seeking to establish parental rights, the court shall require the person, at the person's expense, to submit to genetic test to verify that the person is the biological parent of the child.

1 (3) If a non-relinquishing parent fails to take the steps necessary to  
2 establish parentage within the 30-day period specified in paragraph (2), the  
3 non-relinquishing parent may have all of such parent's rights terminated  
4 with respect to the child.

5 (4) If a non-relinquishing parent inquires at a facility described in  
6 subsection—(e) (c)(1)(A) regarding an infant whose custody was  
7 relinquished pursuant to this section, such facility shall refer the non-  
8 relinquishing parent to the Kansas department for children and families  
9 and the court exercising jurisdiction over the child.

10 (j) Upon request, all medical records of the infant shall be made  
11 available to the Kansas department for children and families and given to  
12 the person awarded custody of such infant. The medical facility providing  
13 such records shall be immune from liability for such *release of* records  
14 ~~release~~.

15 Sec. 2. K.S.A. 38-2282 is hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its  
17 publication in the statute book.