

30:4C-15.5 to 30:4C-15.10

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2000 **CHAPTER:** 58
NJSA: 30:4C-15.5 {"New Jersey Safe Haven Infant Protection Act"}
BILL NO: A6 (Substituted for S146/1415/1359)
SPONSOR(S): Collins and Vandervalk
DATE INTRODUCED: May 22, 2000
COMMITTEE: **ASSEMBLY:** Health; Appropriations
 SENATE: ----
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** June 26, 2000
 SENATE: June 29, 2000
DATE OF APPROVAL: July 7, 2000

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (2nd reprint enacted)
(Amendments during passage denoted by superscript numbers)

A6

SPONSORS STATEMENT: (Begins on page 6 of original bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes 6-19-2000 (Health) 6-22-2000 (Approp.)
	SENATE: No
FLOOR AMENDMENT STATEMENTS:	Yes
LEGISLATIVE FISCAL ESTIMATE:	No
SCS for S146/1415/1359	
SPONSORS STATEMENT:	No
COMMITTEE STATEMENT:	ASSEMBLY: No
	SENATE: Yes 6-19-2000 (Women) 6-22-2000 (Budget)
	(Identical to Assembly Approp. Committee Statement to A6)
FLOOR AMENDMENT STATEMENTS:	Yes
LEGISLATIVE FISCAL ESTIMATE:	No
FINAL VERSION (1 st reprint):	Yes

THE FOLLOWING BILLS HAD SPONSORS STATEMENTS ONLY:

S146

S1359

S1415

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Safe-haven law lets parents leave unwanted infants in safety," 7-8-2000 The Press, p.C5

"Law to save unwanted babies signed," 7-8-2000 The Record, p.A1

"Baby safe havens bill ignores adoption option," 6-30-2000 Asbury Park Press, p.19

"Safe haven for infant clears State Senate," 6-30-2000 The Record, p.A5

"Senate backs bill allowing safe havens for infants," 6-30-2000 New York Times, p.B5

ASSEMBLY, No. 6

STATE OF NEW JERSEY

209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Assemblyman JACK COLLINS

District 3 (Salem, Cumberland and Gloucester)

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Co-Sponsored by:

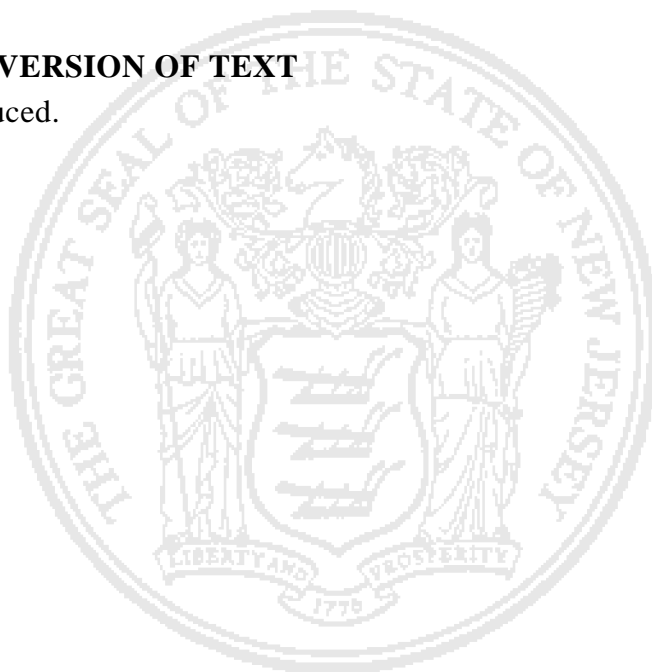
**Assemblymen Russo, Felice, Assemblywoman Murphy, Assemblyman
Imprevuto, Assemblywomen Crecco, Pou, Assemblymen Steele,
Talarico and LeFevre**

SYNOPSIS

Creates the "New Jersey Safe Haven Infant Protection Act"; making an appropriation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/20/2000)

1 AN ACT concerning certain abandoned children, amending P.L.1991,
2 c.275 and supplementing Title 30 of the Revised Statutes and
3 making an appropriation.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. (New section) This act shall be known and may be cited as the
9 "New Jersey Safe Haven Infant Protection Act."

10

11 2. (New section) The Legislature finds and declares that:

12 a. New Jersey and the nation have experienced sorrow in the
13 knowledge that newborn infants are sometimes abandoned in life-
14 threatening situations and that some of these children have been
15 harmed or have died as a consequence of their abandonment.

16 b. The parents of these newborn infants may be under severe
17 emotional stress and may need a safe haven available to them and their
18 child.

19 c. Anonymity, confidentiality and freedom from prosecution may
20 encourage the parent to leave an infant safely and save the life of the
21 infant.

22 d. Texas passed a law in 1999 concerning the emergency
23 possession of certain abandoned children (Texas Family Code Section
24 262.301 et seq.) and measures similar to this Texas law have passed
25 in Minnesota and Louisiana and are under consideration in more than
26 20 states, including California, Colorado, Kentucky and Indiana to
27 name a few.

28 e. Infants at risk may be served by having this legislation in place
29 and this legislation is worthwhile if it saves even one infant's life.

30

31 3. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to read
32 as follows:

33 7. a. The division shall initiate a petition to terminate parental
34 rights on the grounds of the "best interests of the child" pursuant to
35 subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the
36 following standards are met:

37 (1) The child's safety, health or development has been or will
38 continue to be endangered by the parental relationship;

39 (2) The parent is unwilling or unable to eliminate the harm facing
40 the child or is unable or unwilling to provide a safe and stable home
41 for the child and the delay of permanent placement will add to the
42 harm. Such harm may include evidence that separating the child from
43 his foster parents would cause serious and enduring emotional or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 psychological harm to the child;

2 (3) The division has made reasonable efforts to provide services to
3 help the parent correct the circumstances which led to the child's
4 placement outside the home and the court has considered alternatives
5 to termination of parental rights; and

6 (4) Termination of parental rights will not do more harm than
7 good.

8 b. The division shall initiate a petition to terminate parental rights
9 on the ground that the "parent has abandoned the child" pursuant to
10 subsection (e) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the
11 following standards are met:

12 (1) a court finds that for a period of six or more months:

13 (a) the parent, although able to have contact, has had no contact
14 with the child, the child's foster parent or the division; and

15 (b) the parent's whereabouts are unknown, notwithstanding the
16 division's reasonable efforts to locate the parent; or

17 (2) where the identities of the parents are unknown and the
18 division has exhausted all reasonable methods of attempting
19 identification, the division may immediately file for termination of
20 parental rights upon the completion of the law enforcement
21 investigation; or

22 (3) where the parent voluntarily delivered the child to and left the
23 child at, or voluntarily arranged for another person to deliver the child
24 to and leave the child at a State, county or municipal police station or
25 at an emergency department of a licensed general hospital in this State
26 when the child is or appears to be no more than 30 days old, without
27 expressing an intent to return for the child, as provided in section 4 of
28 P.L. , c. (C.) (pending before the Legislature as section 4 of this
29 bill), the division shall file for termination of parental rights no later
30 than 45 days after the day the division assumed care, custody and
31 control of the child.

32 c. As used in this section and in section 15 of P.L.1951, c.138
33 (C.30:4C-15) "reasonable efforts" mean attempts by an agency
34 authorized by the division to assist the parents in remedying the
35 circumstances and conditions that led to the placement of the child and
36 in reinforcing the family structure, including, but not limited to:

37 (1) consultation and cooperation with the parent in developing a
38 plan for appropriate services;

39 (2) providing services that have been agreed upon, to the family,
40 in order to further the goal of family reunification;

41 (3) informing the parent at appropriate intervals of the child's
42 progress, development and health; and

43 (4) facilitating appropriate visitation.

44 d. The division shall not be required to provide "reasonable efforts"
45 as defined in subsection c. of this section prior to filing a petition for
46 the termination of parental rights if an exception to the requirement to

1 provide reasonable efforts to reunify the family has been established
2 pursuant to section 25 of P.L.1999, c.53 (C.30:4C-11.3).
3 (cf: P.L.1999, c.53, s.30)

4

5 4. (New section) a. If a person voluntarily delivers a child who
6 is or appears to be no more than 30 days old to, and leaves the child
7 at a State, county or municipal police station and does not express an
8 intent to return for the child, a State, county or municipal police
9 officer shall take the child to the emergency department of a licensed
10 general hospital in this State and the hospital shall proceed as specified
11 in subsection b. of this section.

12 b. If a person voluntarily delivers a child who is or appears to be
13 no more than 30 days old to, and leaves the child at an emergency
14 department of a licensed general hospital in this State and does not
15 express an intent to return for the child, or, if a State, county or
16 municipal police officer brings a child to a licensed general hospital
17 under the circumstances set forth in subsection a. of this section, the
18 hospital shall:

19 (1) take possession of the child without a court order;

20 (2) take any action or provide any treatment necessary to protect
21 the child's physical health and safety; and

22 (3) no later than the first business day after taking possession of
23 the child, notify the Division of Youth and Family Services in the
24 Department of Human Services that the hospital has taken possession
25 of the child.

26 c. The Division of Youth and Family Services shall assume the
27 care, custody and control of the child immediately upon receipt of
28 notice from a licensed general hospital pursuant to paragraph (3) of
29 subsection b. of this section. The division shall commence a thorough
30 search of all listings of missing children to ensure that the relinquished
31 child has not been reported missing.

32 d. A child for whom the Division of Youth and Family Services
33 assumes care, custody and control pursuant to subsection c. of this
34 section shall be treated as a child taken into possession without a court
35 order.

36 e. It shall be an affirmative defense to prosecution for abandonment
37 of a child that the parent voluntarily delivered the child to and left the
38 child at, or voluntarily arranged for another person to deliver the child
39 to and leave the child at, a State, county or municipal police station
40 as provided in subsection a. of this section or the emergency
41 department of a licensed general hospital in this State as provided in
42 subsection b. of this section.

43 f. A State, county or municipal police officer or an employee of an
44 emergency department of a licensed general hospital in this State shall
45 incur no civil or criminal liability for any good faith acts or omissions
46 performed pursuant to this section.

1 g. Any person who voluntarily delivers a child who is or appears
2 to be no more than 30 days old to a licensed general hospital or a
3 police station in accordance with this section shall not be required to
4 provide background or medical information about the child but may
5 voluntarily do so.

6

7 5. (New section) The division, after assuming the care, custody and
8 control of a child from a licensed general hospital pursuant to section
9 4 of P.L. , c. (C.) (pending before the Legislature as section 4
10 of this bill), shall not be required to attempt to reunify the child with
11 the child's parents. Additionally, the division shall not be required to
12 search for relatives of the child as a placement or permanency option,
13 or to implement other placement requirements that give preference to
14 relatives if the division does not have information as to the identity of
15 the child, the child's mother or the child's father. The division shall
16 place the child with potential adoptive parents as soon as possible.

17

18 6. (New section) a. The Commissioner of Human Services, in
19 consultation with the Commissioner of Health and Senior Services,
20 shall establish an educational and public information program to
21 promote safe placement alternatives for newborn infants, the
22 confidentiality offered to birth parents and information regarding
23 adoption procedures. This campaign shall include the establishment
24 of a 24-hour, toll free hotline to assist in making information about
25 the safe haven procedures established by P. L. c. (C.)(now
26 pending before the Legislature as this bill) as widely available as
27 possible.

28 b. The Department of Human Services shall provide to licensed
29 general hospitals in this State and State, county or municipal police
30 stations information about relevant social service agencies which may
31 be made available to any person voluntarily delivering a child as
32 provided in section 4 of P. L. c. (C.)(now pending before the
33 Legislature as section 4 of this bill).

34

35 7. There is appropriated from the General Fund to the Department
36 of Human Services \$500,000 to establish the educational and public
37 information program and the 24-hour, toll free hotline as provided in
38 section 6 of P.L. c. (C.)(now pending before the Legislature
39 as section 6 of this bill).

40

41 8. The Commissioner of Human Services, in consultation with the
42 Commissioner of Health and Senior Services and pursuant to the
43 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
44 seq.), shall adopt rules and regulations to effectuate the purposes of
45 this act.

1 9. This act shall take effect on the 30th day after enactment.

2

3

4

STATEMENT

5

6 This bill creates the "New Jersey Safe Haven Infant Protection
7 Act."

8 The bill permits a person to voluntarily deliver a child who is or
9 appears to be no more than 30 days old to a State, county or municipal
10 police station and the police officer at which time the child shall be
11 transferred to a licensed general hospital in this State. In addition, this
12 bill provides that if a person voluntarily delivers a child who is or
13 appears to be no more than 30 days old to, and leaves the child at, the
14 emergency department of a licensed general hospital in this State and
15 does not express an intent to return for the child, the hospital shall:

16 C take possession of the child without a court order;

17 C take any action necessary to protect the child's physical health and
18 safety; and

19 C no later than the first business day after taking possession of the
20 child, notify the Division of Youth and Family Services (DYFS)
21 that the hospital has taken possession of the child.

22 The bill directs DYFS to assume the care, control and custody of
23 the child immediately upon receipt of notice from the hospital and to
24 treat the child as a child taken into possession without a court order.

25 The bill stipulates that it shall be an affirmative defense to
26 prosecution for abandonment of a child that the parent voluntarily
27 delivered the child to and left the child at, or voluntarily arranged for
28 another person to deliver the child to and leave the child at, a State,
29 county or municipal police station or the emergency department of a
30 licensed general hospital as provided in this bill.

31 The bill amends N.J.S.A.30:4C-15.1 to include the voluntary
32 delivery of a child who is or appears to be less than 30 days old to a
33 State, county or municipal police station or a hospital emergency
34 department as provided in this bill as a basis for DYFS to initiate a
35 petition to terminate parental rights on the ground that the "parent has
36 abandoned the child" pursuant to subsection (e) of N.J.S.A.30:4C-15.

37 The bill provides that the division shall file for termination of
38 parental rights no later than 45 days after the day the division assumed
39 care, custody and control of the child.

40 The bill provides that the division, after assuming the care, custody
41 and control of a child from a licensed general hospital would not be
42 required to attempt to reunify the child with the child's parents.
43 Additionally, the division would not be required to search for relatives
44 of the child as a placement or permanency option, or to implement
45 other placement requirements that give preference to relatives if the
46 division does not have information as to the identity of the child, the

1 child's mother or the child's father. The division would be required to
2 place the child with potential adoptive parents as soon as possible.

3 The Commissioner of Human Services is provided rule-making
4 authority and required to establish an educational and public
5 information program and telephone hotline. An appropriation is
6 included for this purpose.

7 This bill is generally modeled after a recently enacted Texas statute
8 which incorporated a new Subchapter D. in Chapter 262 of that state's
9 Family Code, governing "Emergency Possession of Certain Abandoned
10 Children" (House Bill No. 3423 of 1999), effective September 1, 1999.
11 Measures similar to this Texas law have passed in Minnesota and
12 Louisiana and are under consideration in more than 20 states,
13 including California, Colorado, Kentucky and Indiana.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 6

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 2000

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 6.

As amended by the committee, this bill, which is designated the "New Jersey Safe Haven Infant Protection Act," is intended to provide for the emergency possession of certain abandoned newborn infants in such a manner as to ensure the anonymity, confidentiality and freedom from prosecution that may encourage a parent who may be under severe emotional stress to leave an infant at a safe haven and thereby save that infant's life.

The bill provides that if a person voluntarily delivers a child who is or appears to be no more than 30 days old to, and leaves the child at, a State, county or municipal police station and does not express an intent to return for the child, a police officer shall take the child to the emergency department of a licensed general hospital in this State. In addition, this bill provides that if a person voluntarily delivers a child who is or appears to be no more than 30 days old to, and leaves the child at, the emergency department of a licensed general hospital in this State and does not express an intent to return for the child, the hospital shall:

- C take possession of the child without a court order;
- C take any action necessary to protect the child's physical health and safety; and
- C no later than the first business day after taking possession of the child, notify the Division of Youth and Family Services (DYFS) that the hospital has taken possession of the child.

The bill directs DYFS to assume the care, control and custody of the child immediately upon receipt of notice from the hospital and to treat the child as a child taken into possession without a court order.

The bill stipulates that it shall be an affirmative defense to prosecution for abandonment of a child that the parent voluntarily delivered the child to and left the child at, or voluntarily arranged for another person to deliver the child to and leave the child at, a State, county or municipal police station or the emergency department of a licensed general hospital as provided in this bill.

The bill amends N.J.S.A.30:4C-15.1 to include the voluntary delivery of a child who is or appears to be less than 30 days old to a State, county or municipal police station or a hospital emergency department as provided in this bill as a basis for DYFS to initiate a petition to terminate parental rights on the ground that the "parent has abandoned the child" pursuant to subsection (e) of N.J.S.A.30:4C-15.

The bill provides that DYFS shall file for termination of parental rights no later than 21 days after the day that DYFS assumed care, custody and control of the child.

The bill provides that DYFS, after assuming the care, custody and control of a child from a licensed general hospital, would not be required to attempt to reunify the child with the child's parents. Additionally, DYFS would not be required to search for relatives of the child as a placement or permanency option, or to implement other placement requirements that give preference to relatives if DYFS does not have information as to the identity of the child, the child's mother or the child's father. DYFS would be required to place the child with potential adoptive parents as soon as possible.

The bill provides the Commissioner of Human Services with rule-making authority and requires the commissioner to establish an educational and public information program and telephone hotline to promote safe placement alternatives for newborn infants, the confidentiality offered to birth parents and information regarding adoption procedures. The bill appropriates \$500,000 to the Department of Human Services for this purpose.

The committee amendments:

-- reduce the maximum time period during which DYFS is required to file for termination of parental rights under the bill from 45 days to 21 days after assuming care, custody and control of a child delivered to a police station or hospital emergency department;

-- stipulate that the provisions of the bill shall not be construed to create a defense to any prosecution arising from any conduct other than the act of delivering a child to a police station or hospital emergency department as described in the bill, and specifically shall not constitute a defense to any prosecution arising from an act of abuse or neglect committed prior to the delivery of the child to the police station or hospital emergency department; and

-- provide that any person who voluntarily delivers a child to a hospital or police station shall not be required to disclose that person's name or other identifying information or that of the child or the child's parent, if different from the person who delivers the child to the hospital or police station, but may voluntarily do so.

This bill is generally modeled after a recently enacted Texas statute which incorporated a new Subchapter D. in Chapter 262 of that state's Family Code, governing "Emergency Possession of Certain Abandoned Children" (House Bill No. 3423 of 1999), effective September 1, 1999. Measures similar to this Texas law have passed in Minnesota and Louisiana and are under consideration in more than 20 states,

including California, Colorado, Kentucky and Indiana.

As reported by the committee, this bill is identical to the Senate Committee Substitute for Senate Bill Nos. 146, 1415 and 1359 (Bucco/Cardinale/Allen/Girgenti/Bennett), which is currently pending in the Senate Budget and Appropriations Committee.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 6

STATE OF NEW JERSEY

DATED: JUNE 22, 2000

The Assembly Appropriations Committee reports favorably Assembly Bill No. 6 (1R).

Assembly Bill No. 6 (1R) which is designated the "New Jersey Safe Haven Infant Protection Act," is intended to provide for the emergency possession of certain abandoned newborn infants in such a manner as to ensure the anonymity, confidentiality and freedom from prosecution that may encourage a parent who may be under severe emotional stress to leave an infant at a safe haven and thereby save that infant's life.

The bill provides that if a person voluntarily delivers a child who is or appears to be no more than 30 days old and leaves the child at, a State, county or municipal police station and does not express an intent to return for the child, a police officer shall take the child to the emergency department of a licensed general hospital in this State. In addition, this bill provides that if a person voluntarily delivers a child who is or appears to be no more than 30 days old and leaves the child at the emergency department of a licensed general hospital in this State and does not express an intent to return for the child, the hospital shall:

- C take possession of the child without a court order;
- C take any action necessary to protect the child's physical health and safety; and
- C no later than the first business day after taking possession of the child, notify the Division of Youth and Family Services (DYFS) that the hospital has taken possession of the child.

The bill directs DYFS to assume the care, control and custody of the child immediately upon receipt of notice from the hospital and to treat the child as a child taken into possession without a court order.

The bill provides that DYFS shall file for termination of parental rights no later than 21 days after the day that DYFS assumed care, custody and control of the child.

The bill provides that DYFS, after assuming the care, custody and control of a child from a licensed general hospital, would not be required to attempt to reunify the child with the child's parents. Additionally, DYFS would not be required to search for relatives of

the child as a placement or permanency option, or to implement other placement requirements that give preference to relatives if DYFS does not have information as to the identity of the child, the child's mother or the child's father. DYFS would be required to place the child with potential adoptive parents as soon as possible.

The bill provides the Commissioner of Human Services with rule-making authority and requires the commissioner to establish an educational and public information program and telephone hotline to promote safe placement alternatives for newborn infants, the confidentiality offered to birth parents and information regarding adoption procedures. The bill appropriates \$500,000 to the Department of Human Services for this purpose.

FISCAL IMPACT:

This bill makes a General Fund appropriation of \$500,000 to the Department of Human Services to establish the educational and public information program and a 24 hour, toll free hotline.

[First Reprint]

ASSEMBLY, No. 6

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Assemblyman JACK COLLINS

District 3 (Salem, Cumberland and Gloucester)

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Co-Sponsored by:

**Assemblymen Russo, Felice, Assemblywoman Murphy, Assemblyman
Imprevuto, Assemblywomen Crecco, Pou, Assemblymen Steele,
Talarico, LeFevre, Assemblywoman Watson Coleman, Assemblymen
Augustine, Cohen, Conaway, Assemblywoman Greenstein, Assemblyman
Gusciora, Assemblywoman Heck, Assemblymen Merkt, Gibson,
Assemblywoman Previte, Senators Bucco, Cardinale, Allen, Girgenti,
Bennett, Cafiero, O'Connor, Connors, Bassano, Robertson, Littell, Vitale,
Inverso, Kyrillos, Baer, Matheussen and McNamara**

SYNOPSIS

"New Jersey Safe Haven Infant Protection Act"; appropriates \$500,000.

CURRENT VERSION OF TEXT

As reported by the Assembly Health Committee on June 19, 2000, with amendments.

(Sponsorship Updated As Of: 6/30/2000)

1 AN ACT concerning certain abandoned children, amending P.L.1991,
2 c.275 and supplementing Title 30 of the Revised Statutes and
3 making an appropriation.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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9 "New Jersey Safe Haven Infant Protection Act."

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11 2. (New section) The Legislature finds and declares that:

12 a. New Jersey and the nation have experienced sorrow in the
13 knowledge that newborn infants are sometimes abandoned in life-
14 threatening situations and that some of these children have been
15 harmed or have died as a consequence of their abandonment.

16 b. The parents of these newborn infants may be under severe
17 emotional stress and may need a safe haven available to them and their
18 child.

19 c. Anonymity, confidentiality and freedom from prosecution may
20 encourage the parent to leave an infant safely and save the life of the
21 infant.

22 d. Texas passed a law in 1999 concerning the emergency
23 possession of certain abandoned children (Texas Family Code Section
24 262.301 et seq.) and measures similar to this Texas law have passed
25 in Minnesota and Louisiana and are under consideration in more than
26 20 states, including California, Colorado, Kentucky and Indiana to
27 name a few.

28 e. Infants at risk may be served by having this legislation in place
29 and this legislation is worthwhile if it saves even one infant's life.

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31 3. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to read
32 as follows:

33 7. a. The division shall initiate a petition to terminate parental
34 rights on the grounds of the "best interests of the child" pursuant to
35 subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the
36 following standards are met:

37 (1) The child's safety, health or development has been or will
38 continue to be endangered by the parental relationship;

39 (2) The parent is unwilling or unable to eliminate the harm facing
40 the child or is unable or unwilling to provide a safe and stable home
41 for the child and the delay of permanent placement will add to the
42 harm. Such harm may include evidence that separating the child from

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHL committee amendments adopted June 19, 2000.

1 his foster parents would cause serious and enduring emotional or
2 psychological harm to the child;

3 (3) The division has made reasonable efforts to provide services to
4 help the parent correct the circumstances which led to the child's
5 placement outside the home and the court has considered alternatives
6 to termination of parental rights; and

7 (4) Termination of parental rights will not do more harm than
8 good.

9 b. The division shall initiate a petition to terminate parental rights
10 on the ground that the "parent has abandoned the child" pursuant to
11 subsection (e) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the
12 following standards are met:

13 (1) a court finds that for a period of six or more months:

14 (a) the parent, although able to have contact, has had no contact
15 with the child, the child's foster parent or the division; and

16 (b) the parent's whereabouts are unknown, notwithstanding the
17 division's reasonable efforts to locate the parent; or

18 (2) where the identities of the parents are unknown and the
19 division has exhausted all reasonable methods of attempting
20 identification, the division may immediately file for termination of
21 parental rights upon the completion of the law enforcement
22 investigation; or

23 (3) where the parent voluntarily delivered the child to and left the
24 child at, or voluntarily arranged for another person to deliver the child
25 to and leave the child at a State, county or municipal police station or
26 at an emergency department of a licensed general hospital in this State
27 when the child is or appears to be no more than 30 days old, without
28 expressing an intent to return for the child, as provided in section 4 of
29 P.L. , c. (C.) (pending before the Legislature as section 4 of this
30 bill), the division shall file for termination of parental rights no later
31 than ¹[45] ²¹ days after the day the division assumed care, custody
32 and control of the child.

33 c. As used in this section and in section 15 of P.L.1951, c.138
34 (C.30:4C-15) "reasonable efforts" mean attempts by an agency
35 authorized by the division to assist the parents in remedying the
36 circumstances and conditions that led to the placement of the child and
37 in reinforcing the family structure, including, but not limited to:

38 (1) consultation and cooperation with the parent in developing a
39 plan for appropriate services;

40 (2) providing services that have been agreed upon, to the family,
41 in order to further the goal of family reunification;

42 (3) informing the parent at appropriate intervals of the child's
43 progress, development and health; and

44 (4) facilitating appropriate visitation.

45 d. The division shall not be required to provide "reasonable efforts"
46 as defined in subsection c. of this section prior to filing a petition for

1 the termination of parental rights if an exception to the requirement to
2 provide reasonable efforts to reunify the family has been established
3 pursuant to section 25 of P.L.1999, c.53 (C.30:4C-11.3).

4 (cf: P.L.1999, c.53, s.30)

5

6 4. (New section) a. If a person voluntarily delivers a child who
7 is or appears to be no more than 30 days old to, and leaves the child
8 at a State, county or municipal police station and does not express an
9 intent to return for the child, a State, county or municipal police
10 officer shall take the child to the emergency department of a licensed
11 general hospital in this State and the hospital shall proceed as specified
12 in subsection b. of this section.

13 b. If a person voluntarily delivers a child who is or appears to be
14 no more than 30 days old to, and leaves the child at an emergency
15 department of a licensed general hospital in this State and does not
16 express an intent to return for the child, or, if a State, county or
17 municipal police officer brings a child to a licensed general hospital
18 under the circumstances set forth in subsection a. of this section, the
19 hospital shall:

20 (1) take possession of the child without a court order;

21 (2) take any action or provide any treatment necessary to protect
22 the child's physical health and safety; and

23 (3) no later than the first business day after taking possession of
24 the child, notify the Division of Youth and Family Services in the
25 Department of Human Services that the hospital has taken possession
26 of the child.

27 c. The Division of Youth and Family Services shall assume the
28 care, custody and control of the child immediately upon receipt of
29 notice from a licensed general hospital pursuant to paragraph (3) of
30 subsection b. of this section. The division shall commence a thorough
31 search of all listings of missing children to ensure that the relinquished
32 child has not been reported missing.

33 d. A child for whom the Division of Youth and Family Services
34 assumes care, custody and control pursuant to subsection c. of this
35 section shall be treated as a child taken into possession without a court
36 order.

37 e. It shall be an affirmative defense to prosecution for abandonment
38 of a child that the parent voluntarily delivered the child to and left the
39 child at, or voluntarily arranged for another person to deliver the child
40 to and leave the child at, a State, county or municipal police station
41 as provided in subsection a. of this section or the emergency
42 department of a licensed general hospital in this State as provided in
43 subsection b. of this section. ¹Nothing in this subsection shall be
44 construed to create a defense to any prosecution arising from any
45 conduct other than the act of delivering the child as described herein,
46 and this subsection specifically shall not constitute a defense to any

1 prosecution arising from an act of abuse or neglect committed prior to
2 the delivery of the child to a State, county or municipal police station
3 as provided in subsection a. of this section or the emergency
4 department of a licensed general hospital in this State as provided in
5 subsection b. of this section.¹

6 f. A State, county or municipal police officer or an employee of an
7 emergency department of a licensed general hospital in this State shall
8 incur no civil or criminal liability for any good faith acts or omissions
9 performed pursuant to this section.

10 g. Any person who voluntarily delivers a child who is or appears
11 to be no more than 30 days old to a licensed general hospital or a
12 police station in accordance with this section shall not be required to
13 disclose that person's name or other identifying information or that of
14 the child or the child's parent, if different from the person who delivers
15 the child to the hospital or police station, or¹ provide background or
16 medical information about the child^{1, 1} but may voluntarily do so.

17
18 5. (New section) The division, after assuming the care, custody and
19 control of a child from a licensed general hospital pursuant to section
20 4 of P.L. , c. (C.) (pending before the Legislature as section 4
21 of this bill), shall not be required to attempt to reunify the child with
22 the child's parents. Additionally, the division shall not be required to
23 search for relatives of the child as a placement or permanency option,
24 or to implement other placement requirements that give preference to
25 relatives if the division does not have information as to the identity of
26 the child, the child's mother or the child's father. The division shall
27 place the child with potential adoptive parents as soon as possible.

28
29 6. (New section) a. The Commissioner of Human Services, in
30 consultation with the Commissioner of Health and Senior Services,
31 shall establish an educational and public information program to
32 promote safe placement alternatives for newborn infants, the
33 confidentiality offered to birth parents and information regarding
34 adoption procedures. This campaign shall include the establishment
35 of a 24-hour, toll free hotline to assist in making information about
36 the safe haven procedures established by P. L. c. (C.)(now
37 pending before the Legislature as this bill) as widely available as
38 possible.

39 b. The Department of Human Services shall provide to licensed
40 general hospitals in this State and State, county or municipal police
41 stations information about relevant social service agencies which may
42 be made available to any person voluntarily delivering a child as
43 provided in section 4 of P. L. c. (C.)(now pending before the
44 Legislature as section 4 of this bill).

45
46 7. There is appropriated from the General Fund to the Department

1 of Human Services \$500,000 to establish the educational and public
2 information program and the 24-hour, toll free hotline as provided in
3 section 6 of P.L. c. (C.)(now pending before the Legislature
4 as section 6 of this bill).

5

6 8. The Commissioner of Human Services, in consultation with the
7 Commissioner of Health and Senior Services and pursuant to the
8 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
9 seq.), shall adopt rules and regulations to effectuate the purposes of
10 this act.

11

12 9. This act shall take effect on the 30th day after enactment.

[Second Reprint]

ASSEMBLY, No. 6

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Assemblyman JACK COLLINS

District 3 (Salem, Cumberland and Gloucester)

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Co-Sponsored by:

Assemblymen Russo, Felice, Assemblywoman Murphy, Assemblyman Impreveduto, Assemblywomen Crecco, Pou, Assemblymen Steele, Talarico, LeFevre, Assemblywoman Watson Coleman, Assemblymen Augustine, Cohen, Conaway, Assemblywoman Greenstein, Assemblyman Gusciora, Assemblywoman Heck, Assemblymen Merkt, Gibson, Assemblywoman Previte, Senators Bucco, Cardinale, Allen, Girgenti, Bennett, Cafiero, O'Connor, Connors, Bassano, Robertson, Littell, Vitale, Inverso, Kyrillos, Baer, Matheussen and McNamara

SYNOPSIS

"New Jersey Safe Haven Infant Protection Act"; appropriates \$500,000.

CURRENT VERSION OF TEXT

As amended by the Senate on June 29, 2000.

(Sponsorship Updated As Of: 6/30/2000)

1 AN ACT concerning certain abandoned children, amending P.L.1991,
2 c.275 and supplementing Title 30 of the Revised Statutes and
3 making an appropriation.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. (New section) This act shall be known and may be cited as the
9 "New Jersey Safe Haven Infant Protection Act."

10

11 2. (New section) The Legislature finds and declares that:

12 a. New Jersey and the nation have experienced sorrow in the
13 knowledge that newborn infants are sometimes abandoned in life-
14 threatening situations and that some of these children have been
15 harmed or have died as a consequence of their abandonment.

16 b. The parents of these newborn infants may be under severe
17 emotional stress and may need a safe haven available to them and their
18 child.

19 c. Anonymity, confidentiality and freedom from prosecution may
20 encourage the parent to leave an infant safely and save the life of the
21 infant.

22 d. Texas passed a law in 1999 concerning the emergency
23 possession of certain abandoned children (Texas Family Code Section
24 262.301 et seq.) and measures similar to this Texas law have passed
25 in Minnesota and Louisiana and are under consideration in more than
26 20 states, including California, Colorado, Kentucky and Indiana to
27 name a few.

28 e. Infants at risk may be served by having this legislation in place
29 and this legislation is worthwhile if it saves even one infant's life.

30

31 3. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to read
32 as follows:

33 7. a. The division shall initiate a petition to terminate parental
34 rights on the grounds of the "best interests of the child" pursuant to
35 subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the
36 following standards are met:

37 (1) The child's safety, health or development has been or will
38 continue to be endangered by the parental relationship;

39 (2) The parent is unwilling or unable to eliminate the harm facing
40 the child or is unable or unwilling to provide a safe and stable home
41 for the child and the delay of permanent placement will add to the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHL committee amendments adopted June 19, 2000.

² Senate floor amendments adopted June 29, 2000.

1 harm. Such harm may include evidence that separating the child from
2 his foster parents would cause serious and enduring emotional or
3 psychological harm to the child;

4 (3) The division has made reasonable efforts to provide services to
5 help the parent correct the circumstances which led to the child's
6 placement outside the home and the court has considered alternatives
7 to termination of parental rights; and

8 (4) Termination of parental rights will not do more harm than
9 good.

10 b. The division shall initiate a petition to terminate parental rights
11 on the ground that the "parent has abandoned the child" pursuant to
12 subsection (e) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the
13 following standards are met:

14 (1) a court finds that for a period of six or more months:

15 (a) the parent, although able to have contact, has had no contact
16 with the child, the child's foster parent or the division; and

17 (b) the parent's whereabouts are unknown, notwithstanding the
18 division's reasonable efforts to locate the parent; or

19 (2) where the identities of the parents are unknown and the
20 division has exhausted all reasonable methods of attempting
21 identification, the division may immediately file for termination of
22 parental rights upon the completion of the law enforcement
23 investigation; or

24 (3) where the parent voluntarily delivered the child to and left the
25 child at, or voluntarily arranged for another person to deliver the child
26 to and leave the child at a State, county or municipal police station or
27 at an emergency department of a licensed general hospital in this State
28 when the child is or appears to be no more than 30 days old, without
29 expressing an intent to return for the child, as provided in section 4 of
30 P.L. , c. (C.) (pending before the Legislature as section 4 of this
31 bill), the division shall file for termination of parental rights no later
32 than ¹[45] 21¹ days after the day the division assumed care, custody
33 and control of the child.

34 c. As used in this section and in section 15 of P.L.1951, c.138
35 (C.30:4C-15) "reasonable efforts" mean attempts by an agency
36 authorized by the division to assist the parents in remedying the
37 circumstances and conditions that led to the placement of the child and
38 in reinforcing the family structure, including, but not limited to:

39 (1) consultation and cooperation with the parent in developing a
40 plan for appropriate services;

41 (2) providing services that have been agreed upon, to the family,
42 in order to further the goal of family reunification;

43 (3) informing the parent at appropriate intervals of the child's
44 progress, development and health; and

45 (4) facilitating appropriate visitation.

46 d. The division shall not be required to provide "reasonable efforts"

1 as defined in subsection c. of this section prior to filing a petition for
2 the termination of parental rights if an exception to the requirement to
3 provide reasonable efforts to reunify the family has been established
4 pursuant to section 25 of P.L.1999, c.53 (C.30:4C-11.3).

5 (cf: P.L.1999, c.53, s.30)

6

7 4. (New section) a. If a person voluntarily delivers a child who is
8 or appears to be no more than 30 days old to, and leaves the child at
9 a State, county or municipal police station and does not express an
10 intent to return for the child, a State, county or municipal police
11 officer shall take the child to the emergency department of a licensed
12 general hospital in this State and the hospital shall proceed as specified
13 in subsection b. of this section.

14 b. If a person voluntarily delivers a child who is or appears to be
15 no more than 30 days old to, and leaves the child at an emergency
16 department of a licensed general hospital in this State and does not
17 express an intent to return for the child, or, if a State, county or
18 municipal police officer brings a child to a licensed general hospital
19 under the circumstances set forth in subsection a. of this section, the
20 hospital shall:

21 (1) take possession of the child without a court order;

22 (2) take any action or provide any treatment necessary to protect
23 the child's physical health and safety; and

24 (3) no later than the first business day after taking possession of
25 the child, notify the Division of Youth and Family Services in the
26 Department of Human Services that the hospital has taken possession
27 of the child.

28 c. The Division of Youth and Family Services shall assume the
29 care, custody and control of the child immediately upon receipt of
30 notice from a licensed general hospital pursuant to paragraph (3) of
31 subsection b. of this section. The division shall commence a thorough
32 search of all listings of missing children to ensure that the relinquished
33 child has not been reported missing.

34 d. A child for whom the Division of Youth and Family Services
35 assumes care, custody and control pursuant to subsection c. of this
36 section shall be treated as a child taken into possession without a court
37 order.

38 e. It shall be an affirmative defense to prosecution for abandonment
39 of a child that the parent voluntarily delivered the child to and left the
40 child at, or voluntarily arranged for another person to deliver the child
41 to and leave the child at, a State, county or municipal police station
42 as provided in subsection a. of this section or the emergency
43 department of a licensed general hospital in this State as provided in
44 subsection b. of this section. ¹Nothing in this subsection shall be
45 construed to create a defense to any prosecution arising from any
46 conduct other than the act of delivering the child as described herein.

1 and this subsection specifically shall not constitute a defense to any
2 prosecution arising from an act of abuse or neglect committed prior to
3 the delivery of the child to a State, county or municipal police station
4 as provided in subsection a. of this section or the emergency
5 department of a licensed general hospital in this State as provided in
6 subsection b. of this section.¹

7 f. A State, county or municipal police officer ²and the
8 governmental jurisdiction employing that officer² or an employee of
9 an emergency department of a licensed general hospital in this State
10 ²and the hospital employing that person² shall incur no civil or criminal
11 liability for any good faith acts or omissions performed pursuant to
12 this section.

13 g. Any person who voluntarily delivers a child who is or appears
14 to be no more than 30 days old to a licensed general hospital or a
15 police station in accordance with this section shall not be required to
16 ¹disclose that person's name or other identifying information or that of
17 the child or the child's parent, if different from the person who delivers
18 the child to the hospital or police station, or¹ provide background or
19 medical information about the child^{1, 1} but may voluntarily do so.
20

21 5. (New section) The division, after assuming the care, custody and
22 control of a child from a licensed general hospital pursuant to section
23 4 of P.L. , c. (C.) (pending before the Legislature as section 4
24 of this bill), shall not be required to attempt to reunify the child with
25 the child's parents. Additionally, the division shall not be required to
26 search for relatives of the child as a placement or permanency option,
27 or to implement other placement requirements that give preference to
28 relatives if the division does not have information as to the identity of
29 the child, the child's mother or the child's father. The division shall
30 place the child with potential adoptive parents as soon as possible.
31

32 6. (New section) a. The Commissioner of Human Services, in
33 consultation with the Commissioner of Health and Senior Services,
34 shall establish an educational and public information program to
35 promote safe placement alternatives for newborn infants, the
36 confidentiality offered to birth parents and information regarding
37 adoption procedures. This campaign shall include the establishment
38 of a 24-hour, toll free hotline to assist in making information about
39 the safe haven procedures established by P.L. , c. (C.)(now
40 pending before the Legislature as this bill) as widely available as
41 possible.

42 b. The Department of Human Services shall provide to licensed
43 general hospitals in this State and State, county or municipal police
44 stations information about relevant social service agencies which may
45 be made available to any person voluntarily delivering a child as
46 provided in section 4 of P. L. , c. (C.)(now pending before the

1 Legislature as section 4 of this bill).

2

3 ²7. (New section) The Commissioner of Human Services shall
4 report to the Governor and the Legislature no later than two years
5 after the effective date of this act on the effects of the safe haven
6 procedures established pursuant thereto and shall accompany that
7 report with any recommendations for legislative or administrative
8 action that the commissioner desires to make.²

9

10 ²[7.] 8.² There is appropriated from the General Fund to the
11 Department of Human Services \$500,000 to establish the educational
12 and public information program and the 24-hour, toll free hotline as
13 provided in section 6 of P.L. , c. (C.)(now pending before the
14 Legislature as section 6 of this bill).

15

16 ²[8.] 9.² The Commissioner of Human Services, in consultation
17 with the Commissioner of Health and Senior Services and pursuant to
18 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
19 seq.), shall adopt rules and regulations to effectuate the purposes of
20 this act.

21

22 ²[9.] 10.² This act shall take effect on the 30th day after
23 enactment.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 6

with Senate Floor Amendments
(Proposed By Senator BUCCO)

ADOPTED: JUNE 29, 2000

These amendments extend the civil and criminal liability accorded to a law enforcement officer or employee of a hospital emergency department for any good faith acts or omissions performed pursuant to this bill to include the governmental jurisdiction employing the law enforcement officer and the hospital employing the emergency department employee.

The amendments also provide that the Commissioner of Human Services shall report to the Governor and the Legislature no later than two years after the effective date of this bill on the effects of the safe haven procedures established pursuant thereto and shall accompany that report with any recommendations for legislative or administrative action that the commissioner desires to make.

§§1,2,4-6,9 -
C.30:4C-15.5
to 30:4C-15.10
§7 - T&E
§8 - Approp.
§§10 - Note to §§1-9

P.L. 2000, CHAPTER 58, *approved July 7, 2000*
Assembly, No. 6 (*Second Reprint*)

1 AN ACT concerning certain abandoned children, amending P.L.1991,
2 c.275 and supplementing Title 30 of the Revised Statutes and
3 making an appropriation.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) This act shall be known and may be cited as the
9 "New Jersey Safe Haven Infant Protection Act."
10

11 2. (New section) The Legislature finds and declares that:

12 a. New Jersey and the nation have experienced sorrow in the
13 knowledge that newborn infants are sometimes abandoned in life-
14 threatening situations and that some of these children have been
15 harmed or have died as a consequence of their abandonment.

16 b. The parents of these newborn infants may be under severe
17 emotional stress and may need a safe haven available to them and their
18 child.

19 c. Anonymity, confidentiality and freedom from prosecution may
20 encourage the parent to leave an infant safely and save the life of the
21 infant.

22 d. Texas passed a law in 1999 concerning the emergency
23 possession of certain abandoned children (Texas Family Code Section
24 262.301 et seq.) and measures similar to this Texas law have passed
25 in Minnesota and Louisiana and are under consideration in more than
26 20 states, including California, Colorado, Kentucky and Indiana to
27 name a few.

28 e. Infants at risk may be served by having this legislation in place
29 and this legislation is worthwhile if it saves even one infant's life.
30

31 3. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to read
32 as follows:

33 7. a. The division shall initiate a petition to terminate parental
34 rights on the grounds of the "best interests of the child" pursuant to
35 subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHL committee amendments adopted June 19, 2000.

² Senate floor amendments adopted June 29, 2000.

1 following standards are met:

2 (1) The child's safety, health or development has been or will
3 continue to be endangered by the parental relationship;

4 (2) The parent is unwilling or unable to eliminate the harm facing
5 the child or is unable or unwilling to provide a safe and stable home
6 for the child and the delay of permanent placement will add to the
7 harm. Such harm may include evidence that separating the child from
8 his foster parents would cause serious and enduring emotional or
9 psychological harm to the child;

10 (3) The division has made reasonable efforts to provide services to
11 help the parent correct the circumstances which led to the child's
12 placement outside the home and the court has considered alternatives
13 to termination of parental rights; and

14 (4) Termination of parental rights will not do more harm than
15 good.

16 b. The division shall initiate a petition to terminate parental rights
17 on the ground that the "parent has abandoned the child" pursuant to
18 subsection (e) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the
19 following standards are met:

20 (1) a court finds that for a period of six or more months:

21 (a) the parent, although able to have contact, has had no contact
22 with the child, the child's foster parent or the division; and

23 (b) the parent's whereabouts are unknown, notwithstanding the
24 division's reasonable efforts to locate the parent; or

25 (2) where the identities of the parents are unknown and the
26 division has exhausted all reasonable methods of attempting
27 identification, the division may immediately file for termination of
28 parental rights upon the completion of the law enforcement
29 investigation; or

30 (3) where the parent voluntarily delivered the child to and left the
31 child at, or voluntarily arranged for another person to deliver the child
32 to and leave the child at a State, county or municipal police station or
33 at an emergency department of a licensed general hospital in this State
34 when the child is or appears to be no more than 30 days old, without
35 expressing an intent to return for the child, as provided in section 4 of
36 P.L. , c. (C.) (pending before the Legislature as section 4 of this
37 bill), the division shall file for termination of parental rights no later
38 than ¹[45] ²¹ days after the day the division assumed care, custody
39 and control of the child.

40 c. As used in this section and in section 15 of P.L.1951, c.138
41 (C.30:4C-15) "reasonable efforts" mean attempts by an agency
42 authorized by the division to assist the parents in remedying the
43 circumstances and conditions that led to the placement of the child and
44 in reinforcing the family structure, including, but not limited to:

45 (1) consultation and cooperation with the parent in developing a
46 plan for appropriate services;

1 (2) providing services that have been agreed upon, to the family,
2 in order to further the goal of family reunification;

3 (3) informing the parent at appropriate intervals of the child's
4 progress, development and health; and

5 (4) facilitating appropriate visitation.

6 d. The division shall not be required to provide "reasonable efforts"
7 as defined in subsection c. of this section prior to filing a petition for
8 the termination of parental rights if an exception to the requirement to
9 provide reasonable efforts to reunify the family has been established
10 pursuant to section 25 of P.L.1999, c.53 (C.30:4C-11.3).

11 (cf: P.L.1999, c.53, s.30)

12

13 4. (New section) a. If a person voluntarily delivers a child who is
14 or appears to be no more than 30 days old to, and leaves the child at
15 a State, county or municipal police station and does not express an
16 intent to return for the child, a State, county or municipal police
17 officer shall take the child to the emergency department of a licensed
18 general hospital in this State and the hospital shall proceed as specified
19 in subsection b. of this section.

20 b. If a person voluntarily delivers a child who is or appears to be
21 no more than 30 days old to, and leaves the child at an emergency
22 department of a licensed general hospital in this State and does not
23 express an intent to return for the child, or, if a State, county or
24 municipal police officer brings a child to a licensed general hospital
25 under the circumstances set forth in subsection a. of this section, the
26 hospital shall:

27 (1) take possession of the child without a court order;

28 (2) take any action or provide any treatment necessary to protect
29 the child's physical health and safety; and

30 (3) no later than the first business day after taking possession of
31 the child, notify the Division of Youth and Family Services in the
32 Department of Human Services that the hospital has taken possession
33 of the child.

34 c. The Division of Youth and Family Services shall assume the
35 care, custody and control of the child immediately upon receipt of
36 notice from a licensed general hospital pursuant to paragraph (3) of
37 subsection b. of this section. The division shall commence a thorough
38 search of all listings of missing children to ensure that the relinquished
39 child has not been reported missing.

40 d. A child for whom the Division of Youth and Family Services
41 assumes care, custody and control pursuant to subsection c. of this
42 section shall be treated as a child taken into possession without a court
43 order.

44 e. It shall be an affirmative defense to prosecution for abandonment
45 of a child that the parent voluntarily delivered the child to and left the
46 child at, or voluntarily arranged for another person to deliver the child

1 to and leave the child at, a State, county or municipal police station
2 as provided in subsection a. of this section or the emergency
3 department of a licensed general hospital in this State as provided in
4 subsection b. of this section. ¹Nothing in this subsection shall be
5 construed to create a defense to any prosecution arising from any
6 conduct other than the act of delivering the child as described herein,
7 and this subsection specifically shall not constitute a defense to any
8 prosecution arising from an act of abuse or neglect committed prior to
9 the delivery of the child to a State, county or municipal police station
10 as provided in subsection a. of this section or the emergency
11 department of a licensed general hospital in this State as provided in
12 subsection b. of this section.¹

13 f. A State, county or municipal police officer ²and the
14 governmental jurisdiction employing that officer² or an employee of
15 an emergency department of a licensed general hospital in this State
16 ²and the hospital employing that person² shall incur no civil or criminal
17 liability for any good faith acts or omissions performed pursuant to
18 this section.

19 g. Any person who voluntarily delivers a child who is or appears
20 to be no more than 30 days old to a licensed general hospital or a
21 police station in accordance with this section shall not be required to
22 ¹disclose that person's name or other identifying information or that of
23 the child or the child's parent, if different from the person who delivers
24 the child to the hospital or police station, or¹ provide background or
25 medical information about the child¹, ¹ but may voluntarily do so.

26
27 5. (New section) The division, after assuming the care, custody and
28 control of a child from a licensed general hospital pursuant to section
29 4 of P.L. , c. (C.) (pending before the Legislature as section 4
30 of this bill), shall not be required to attempt to reunify the child with
31 the child's parents. Additionally, the division shall not be required to
32 search for relatives of the child as a placement or permanency option,
33 or to implement other placement requirements that give preference to
34 relatives if the division does not have information as to the identity of
35 the child, the child's mother or the child's father. The division shall
36 place the child with potential adoptive parents as soon as possible.

37
38 6. (New section) a. The Commissioner of Human Services, in
39 consultation with the Commissioner of Health and Senior Services,
40 shall establish an educational and public information program to
41 promote safe placement alternatives for newborn infants, the
42 confidentiality offered to birth parents and information regarding
43 adoption procedures. This campaign shall include the establishment
44 of a 24-hour, toll free hotline to assist in making information about
45 the safe haven procedures established by P.L. , c. (C.)(now
46 pending before the Legislature as this bill) as widely available as

1 possible.

2 b. The Department of Human Services shall provide to licensed
3 general hospitals in this State and State, county or municipal police
4 stations information about relevant social service agencies which may
5 be made available to any person voluntarily delivering a child as
6 provided in section 4 of P. L. , c. (C.)(now pending before the
7 Legislature as section 4 of this bill).

8

9 ²7. (New section) The Commissioner of Human Services shall
10 report to the Governor and the Legislature no later than two years
11 after the effective date of this act on the effects of the safe haven
12 procedures established pursuant thereto and shall accompany that
13 report with any recommendations for legislative or administrative
14 action that the commissioner desires to make.²

15

16 ²[7.] 8.² There is appropriated from the General Fund to the
17 Department of Human Services \$500,000 to establish the educational
18 and public information program and the 24-hour, toll free hotline as
19 provided in section 6 of P.L. , c. (C.)(now pending before the
20 Legislature as section 6 of this bill).

21

22 ²[8.] 9.² The Commissioner of Human Services, in consultation
23 with the Commissioner of Health and Senior Services and pursuant to
24 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.), shall adopt rules and regulations to effectuate the purposes of
26 this act.

27

28 ²[9.] 10.² This act shall take effect on the 30th day after
29 enactment.

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34 "New Jersey Safe Haven Infant Protection Act"; appropriates
35 \$500,000.

CHAPTER 58

AN ACT concerning certain abandoned children, amending P.L.1991, c.275 and supplementing Title 30 of the Revised Statutes and making an appropriation.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.30:4C-15.5 Short title.

1. This act shall be known and may be cited as the "New Jersey Safe Haven Infant Protection Act."

C.30:4C-15.6 Findings, declarations relative to abandoned children.

2. The Legislature finds and declares that:

a. New Jersey and the nation have experienced sorrow in the knowledge that newborn infants are sometimes abandoned in life-threatening situations and that some of these children have been harmed or have died as a consequence of their abandonment.

b. The parents of these newborn infants may be under severe emotional stress and may need a safe haven available to them and their child.

c. Anonymity, confidentiality and freedom from prosecution may encourage the parent to leave an infant safely and save the life of the infant.

d. Texas passed a law in 1999 concerning the emergency possession of certain abandoned children (Texas Family Code Section 262.301 et seq.) and measures similar to this Texas law have passed in Minnesota and Louisiana and are under consideration in more than 20 states, including California, Colorado, Kentucky and Indiana to name a few.

e. Infants at risk may be served by having this legislation in place and this legislation is worthwhile if it saves even one infant's life.

3. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to read as follows:

C.30:4C-15.1 Termination of parental rights, standards.

7. a. The division shall initiate a petition to terminate parental rights on the grounds of the "best interests of the child" pursuant to subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the following standards are met:

(1) The child's safety, health or development has been or will continue to be endangered by the parental relationship;

(2) The parent is unwilling or unable to eliminate the harm facing the child or is unable or unwilling to provide a safe and stable home for the child and the delay of permanent placement will add to the harm. Such harm may include evidence that separating the child from his foster parents would cause serious and enduring emotional or psychological harm to the child;

(3) The division has made reasonable efforts to provide services to help the parent correct the circumstances which led to the child's placement outside the home and the court has considered alternatives to termination of parental rights; and

(4) Termination of parental rights will not do more harm than good.

b. The division shall initiate a petition to terminate parental rights on the ground that the "parent has abandoned the child" pursuant to subsection (e) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the following standards are met:

(1) a court finds that for a period of six or more months:

(a) the parent, although able to have contact, has had no contact with the child, the child's foster parent or the division; and

(b) the parent's whereabouts are unknown, notwithstanding the division's reasonable efforts to locate the parent; or

(2) where the identities of the parents are unknown and the division has exhausted all reasonable methods of attempting identification, the division may immediately file for termination of parental rights upon the completion of the law enforcement investigation; or

(3) where the parent voluntarily delivered the child to and left the child at, or voluntarily arranged for another person to deliver the child to and leave the child at a State, county or municipal police station or at an emergency department of a licensed general hospital in this State when the child is or appears to be no more than 30 days old, without expressing an intent to return for the child, as provided in section 4 of P.L.2000, c.58 (C.30:4C-15.7), the division

shall file for termination of parental rights no later than 21 days after the day the division assumed care, custody and control of the child.

c. As used in this section and in section 15 of P.L.1951, c.138 (C.30:4C-15) "reasonable efforts" mean attempts by an agency authorized by the division to assist the parents in remedying the circumstances and conditions that led to the placement of the child and in reinforcing the family structure, including, but not limited to:

(1) consultation and cooperation with the parent in developing a plan for appropriate services;

(2) providing services that have been agreed upon, to the family, in order to further the goal of family reunification;

(3) informing the parent at appropriate intervals of the child's progress, development and health; and

(4) facilitating appropriate visitation.

d. The division shall not be required to provide "reasonable efforts" as defined in subsection c. of this section prior to filing a petition for the termination of parental rights if an exception to the requirement to provide reasonable efforts to reunify the family has been established pursuant to section 25 of P.L.1999, c.53 (C.30:4C-11.3).

C.30:4C-15.7 Designated sites for voluntary relinquishment of child; assumption of care, custody, control by DYFS.

4. a. If a person voluntarily delivers a child who is or appears to be no more than 30 days old to, and leaves the child at a State, county or municipal police station and does not express an intent to return for the child, a State, county or municipal police officer shall take the child to the emergency department of a licensed general hospital in this State and the hospital shall proceed as specified in subsection b. of this section.

b. If a person voluntarily delivers a child who is or appears to be no more than 30 days old to, and leaves the child at an emergency department of a licensed general hospital in this State and does not express an intent to return for the child, or, if a State, county or municipal police officer brings a child to a licensed general hospital under the circumstances set forth in subsection a. of this section, the hospital shall:

(1) take possession of the child without a court order;

(2) take any action or provide any treatment necessary to protect the child's physical health and safety; and

(3) no later than the first business day after taking possession of the child, notify the Division of Youth and Family Services in the Department of Human Services that the hospital has taken possession of the child.

c. The Division of Youth and Family Services shall assume the care, custody and control of the child immediately upon receipt of notice from a licensed general hospital pursuant to paragraph (3) of subsection b. of this section. The division shall commence a thorough search of all listings of missing children to ensure that the relinquished child has not been reported missing.

d. A child for whom the Division of Youth and Family Services assumes care, custody and control pursuant to subsection c. of this section shall be treated as a child taken into possession without a court order.

e. It shall be an affirmative defense to prosecution for abandonment of a child that the parent voluntarily delivered the child to and left the child at, or voluntarily arranged for another person to deliver the child to and leave the child at, a State, county or municipal police station as provided in subsection a. of this section or the emergency department of a licensed general hospital in this State as provided in subsection b. of this section. Nothing in this subsection shall be construed to create a defense to any prosecution arising from any conduct other than the act of delivering the child as described herein, and this subsection specifically shall not constitute a defense to any prosecution arising from an act of abuse or neglect committed prior to the delivery of the child to a State, county or municipal police station as provided in subsection a. of this section or the emergency department of a licensed general hospital in this State as provided in subsection b. of this section.

f. A State, county or municipal police officer and the governmental jurisdiction employing that officer or an employee of an emergency department of a licensed general hospital in this State and the hospital employing that person shall incur no civil or criminal liability for any good faith acts or omissions performed pursuant to this section.

g. Any person who voluntarily delivers a child who is or appears to be no more than 30 days old to a licensed general hospital or a police station in accordance with this section shall not be required to disclose that person's name or other identifying information or that of the child or the child's parent, if different from the person who delivers the child to the hospital or police station, or provide background or medical information about the child, but may voluntarily do so.

C.30:4C-15.8 Responsibilities of division, placement of child.

5. The division, after assuming the care, custody and control of a child from a licensed general hospital pursuant to section 4 of P.L.2000, c.58 (C.30:4C-15.7), shall not be required to attempt to reunify the child with the child's parents. Additionally, the division shall not be required to search for relatives of the child as a placement or permanency option, or to implement other placement requirements that give preference to relatives if the division does not have information as to the identity of the child, the child's mother or the child's father. The division shall place the child with potential adoptive parents as soon as possible.

C.30:4C-15.9 Educational and public information program toll free hotline.

6. a. The Commissioner of Human Services, in consultation with the Commissioner of Health and Senior Services, shall establish an educational and public information program to promote safe placement alternatives for newborn infants, the confidentiality offered to birth parents and information regarding adoption procedures. This campaign shall include the establishment of a 24-hour, toll free hotline to assist in making information about the safe haven procedures established by P.L.2000, c.58 (C.30:4C-15.5 et al.) as widely available as possible.

b. The Department of Human Services shall provide to licensed general hospitals in this State and State, county or municipal police stations information about relevant social service agencies which may be made available to any person voluntarily delivering a child as provided in section 4 of P.L.2000, c.58 (C.30:4C-15.7).

7. The Commissioner of Human Services shall report to the Governor and the Legislature no later than two years after the effective date of this act on the effects of the safe haven procedures established pursuant thereto and shall accompany that report with any recommendations for legislative or administrative action that the commissioner desires to make.

8. There is appropriated from the General Fund to the Department of Human Services \$500,000 to establish the educational and public information program and the 24-hour, toll free hotline as provided in section 6 of P.L.2000, c.58 (C.30:4C-15.9).

9. The Commissioner of Human Services, in consultation with the Commissioner of Health and Senior Services and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act.

10. This act shall take effect on the 30th day after enactment.

Approved July 7, 2000.