

AMENDMENTS TO LB 157

(Amendments to Standing Committee amendments, AM250)

Introduced by Stuthman, 22.

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. (1) If a mother seeking safe-haven care  
4 voluntarily delivers a child seventy-two hours old or younger to  
5 a hospital staff member who engages in the admission, care, or  
6 treatment of patients, when such hospital staff member is at a  
7 hospital, the hospital staff member shall, without a court order,  
8 take temporary physical custody of the child.

9           (2) If a hospital staff member takes temporary physical  
10 custody of a child pursuant to this section, the hospital staff  
11 member shall:

12           (a) Perform any act necessary, in accordance with  
13 generally accepted standards of professional practice, to protect,  
14 preserve, or aid the physical health or safety of the child during  
15 the temporary physical custody;

16           (b) Notify the Department of Health and Human Services  
17 within four hours; and

18           (c) Place such child with an agency as defined in section  
19 43-121.

20           (3) For purposes of this section, generally accepted  
21 standards of professional practice means medical treatment or care  
22 of the type, quality, and amount that a hospital staff person would

1 be expected to provide according to the professional standards of  
2 care for hospital staff with regard to the medical treatment and  
3 care of infants.

4       Sec. 2. (1) The mother of a child left with a hospital  
5 staff member pursuant to section 1 of this act may claim the  
6 child within forty-eight hours after delivery of the child to the  
7 hospital staff member. Such claim shall be made to the entity  
8 having physical or legal custody of the child.

9       (2) If the mother does not reclaim such child within the  
10 forty-eight-hour period described in subsection (1) of this act,  
11 she shall be presumed to have (a) intended to leave the child and  
12 (b) consented to termination of her parental rights.

13       Sec. 3. Upon receipt of notice pursuant to section 1 of  
14 this act, the Department of Health and Human Services shall contact  
15 the Nebraska State Patrol to determine if the child is a missing  
16 person as defined in section 43-2003.

17       Sec. 4. (1) The Department of Health and Human Services  
18 shall maintain and update on a monthly basis a report of the number  
19 of children who have been left with safe-haven providers pursuant  
20 to this section and the number of children abandoned by other  
21 means.

22       (2) Beginning January 1, 2009, the department shall  
23 submit an annual report to the Legislature that compiles the  
24 monthly reports required pursuant to subsection (1) of this  
25 section.

26       Sec. 5. The Department of Health and Human Services shall  
27 develop and implement a public information program to inform the

1 general public of the provisions of sections 1 to 4 of this  
2 act. The department shall also work in conjunction with other  
3 departments and agencies of the state, the Nebraska Hospital  
4 Association or its successor entity, and the Nebraska Adoption  
5 Agency Association or its successor entity in development of the  
6 program. The program may include, but need not be limited to,  
7 educational and informational materials in print, audio, video,  
8 electronic, and other media, public service announcements and  
9 advertisements, and the establishment of a toll-free hotline. The  
10 department shall develop a method that would allow the parent  
11 of any newborn infant placed under such sections to provide  
12 information about the medical history of the infant, including  
13 family medical history, anonymously.

14           Sec. 6. The Department of Health and Human Services  
15 shall explore the possibility of expending funds received from  
16 the United States Department of Health and Human Services pursuant  
17 to the Promoting Safe and Stable Families Program in order to  
18 implement the public information program required by section 5 of  
19 this act and to alleviate the burden such program may have on the  
20 department's appropriation from the state. When implementing its  
21 public information program, the department shall prioritize those  
22 areas of the state that have been identified as having the highest  
23 teen pregnancy rates.

24           Sec. 7. Section 28-705, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

26           28-705 (1) Any person who abandons and neglects or  
27 refuses to maintain or provide for his or her spouse or his or

1 her child or dependent stepchild, whether such child is born in or  
2 out of wedlock, commits abandonment of spouse, child, or dependent  
3 stepchild.

4 (2) It is not a violation of this section for a mother  
5 to leave a child who is seventy-two hours old or younger with  
6 a hospital staff member pursuant to section 1 of this act if  
7 the mother provides the hospital staff member with proof of her  
8 identity.

9 ~~(2)~~ (3) For the purposes of this section, child shall  
10 mean an individual under the age of sixteen years.

11 ~~(3)~~ (4) When any person abandons and neglects to provide  
12 for his or her spouse or his or her child or dependent stepchild  
13 for three consecutive months or more, it shall be prima facie  
14 evidence of intent to violate the provisions of subsection (1) of  
15 this section.

16 ~~(4)~~ (5) A designation of assets for or use of income by  
17 an individual in accordance with section 68-922 shall be considered  
18 just cause for failure to use such assets or income to provide  
19 medical support of such individual's spouse.

20 ~~(5)~~ (6) Abandonment of spouse, child, or dependent  
21 stepchild is a Class I misdemeanor.

22 Sec. 7. Original section 28-705, Revised Statutes  
23 Cumulative Supplement, 2006, is repealed.

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