

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; and

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

18           (3) A hospital shall incur no civil or criminal liability  
19 for any good faith acts or omissions performed by a hospital staff  
20 member pursuant to this section.

21           (4) For purposes of this section, generally accepted  
22 standards of professional practice means medical treatment or care

1 of the type, quality, and amount that a hospital staff person would  
2 be expected to provide according to the professional standards of  
3 care for hospital staff with regard to the medical treatment and  
4 care of infants.

5           Sec. 2. Upon receipt of notice pursuant to section 1 of  
6 this act, the Department of Health and Human Services shall take  
7 the child into temporary custody, place such child in a licensed  
8 foster family home as defined in section 71-1902 or with a licensed  
9 child placement agency as defined in section 43-121, and take all  
10 steps necessary to facilitate adoption of such child as soon as  
11 possible after receiving such notice. The department shall make  
12 reasonable efforts to notify the biological father as provided in  
13 sections 43-104.12 to 43-104.14.

14           Sec. 3. (1) The Department of Health and Human Services  
15 shall maintain and update on a monthly basis a report of the number  
16 of children who have been left with safe-haven providers pursuant  
17 to this section and the number of children abandoned by other  
18 means.

19           (2) Beginning January 1, 2008, the department shall  
20 submit an annual report to the Legislature that compiles the  
21 monthly reports required pursuant to subsection (1) of this  
22 section.

23           Sec. 4. Section 28-705, Revised Statutes Cumulative  
24 Supplement, 2006, is amended to read:

25           28-705 (1) Any person who abandons and neglects or  
26 refuses to maintain or provide for his or her spouse or his or  
27 her child or dependent stepchild, whether such child is born in or

1 out of wedlock, commits abandonment of spouse, child, or dependent  
2 stepchild.

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

8 ~~(2)~~ (3) For the purposes of this section, child shall  
9 mean an individual under the age of sixteen years.

10 ~~(3)~~ (4) When any person abandons and neglects to provide  
11 for his or her spouse or his or her child or dependent stepchild  
12 for three consecutive months or more, it shall be prima facie  
13 evidence of intent to violate the provisions of subsection (1) of  
14 this section.

15 ~~(4)~~ (5) A designation of assets for or use of income by  
16 an individual in accordance with section 68-922 shall be considered  
17 just cause for failure to use such assets or income to provide  
18 medical support of such individual's spouse.

19 ~~(5)~~ (6) Abandonment of spouse, child, or dependent  
20 stepchild is a Class I misdemeanor.

21 Sec. 5. Original section 28-705, Revised Statutes  
22 Cumulative Supplement, 2006, is repealed.