

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 157

Introduced By: Stuthman, 22; Carlson, 38; Nantkes, 46;
Read first time: January 8, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to infants; to provide for leaving a child
2 with a firefighter or hospital staff member as prescribed;
3 and to provide duties for the Department of Health and Human
4 Services.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) If a parent voluntarily delivers a child to
2 a firefighter or a hospital staff member who engages in the admission,
3 care, or treatment of patients, when such firefighter is at a fire
4 station or such hospital staff member is at a hospital, the
5 firefighter or hospital staff member shall, without a court order,
6 take temporary physical custody of the child if:

7 (a) The child is seventy-two hours old or younger; and

8 (b) The parent did not express an intent to return for the
9 child.

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

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

17 (b) Notify a law enforcement officer of the abandonment
18 within four hours after the abandonment.

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

22 (4) Upon receipt of notice pursuant to subsection (2) of
23 this section, a law enforcement officer shall take the abandoned child
24 into temporary custody pursuant to section 43-248.

25 (5) The Department of Health and Human Services shall
26 maintain and update on a monthly basis a report of the number of
27 children who have been abandoned pursuant to this section.

1 (6) Beginning January 1, 2008, the department shall submit
2 an annual report to the Legislature that compiles the monthly reports,
3 required pursuant to subsection (5) of this section, of the number of
4 children left with firefighters or hospital staff members pursuant to
5 this section.

6 (7) The department shall place a child left with a
7 firefighter or hospital staff member pursuant to this section with a
8 potential adoptive parent as soon as possible. The department shall
9 file a petition pursuant to the Nebraska Juvenile Code to terminate
10 the parental rights of a parent who leaves a child with a firefighter
11 or hospital staff member under this section.