

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SPECIAL SESSION
LEGISLATIVE BILL 3

Introduced by Dubas, 34.

Read first time November 14, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to children; to adopt the Nebraska Infant
2 Safe Haven Act; to adopt the Nebraska Children's Safe
3 Haven Act; to provide a termination date; to eliminate
4 provisions relating to leaving a child with an employee
5 on duty at a hospital; to outright repeal section 29-121,
6 Reissue Revised Statutes of Nebraska; and to declare an
7 emergency.

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

1 Section 1. Sections 1 to 9 of this act shall be known and
2 may be cited as the Nebraska Infant Safe Haven Act.

3 Sec. 2. For purposes of the Nebraska Infant Safe Haven
4 Act, designated facility means a hospital licensed under the Health
5 Care Facility Licensure Act.

6 Sec. 3. The Department of Health and Human Services shall
7 accept any newborn infant one year of age or younger voluntarily
8 placed with a designated facility by a parent of the newborn infant
9 or any person designated by such parent for placement into foster
10 care. Such placement by the parent or designated person shall not
11 constitute grounds for an automatic termination of parental rights
12 but shall be deemed to constitute abandonment of an infant for
13 purposes of section 43-292.02 beginning ninety days after a newborn
14 infant has been placed under this section.

15 Sec. 4. Placement of a newborn infant one year of age
16 or younger with a designated facility shall not constitute grounds
17 for a finding of abuse or neglect or a violation of any criminal
18 statute for child abuse, neglect, or abandonment. If child abuse
19 or neglect is suspected and is not based solely on the newborn
20 infant having been placed with a designated facility pursuant to
21 the Nebraska Infant Safe Haven Act, the suspected abuse or neglect
22 shall be reported pursuant to section 28-711.

23 Sec. 5. The designated facility that has received
24 placement of a newborn infant pursuant to the Nebraska Infant Safe
25 Haven Act shall immediately notify the Department of Health and

1 Human Services of the placement of such newborn infant at the
2 facility. Upon receipt of such notice, the department shall take
3 immediate custody of such newborn infant and shall initiate all
4 actions authorized by law to ensure the safety and achieve the
5 permanent placement of such newborn infant in a manner that is
6 consistent with the best interests of the infant.

7 Sec. 6. (1) Any person who has received placement of a
8 newborn infant at a designated facility pursuant to the Nebraska
9 Infant Safe Haven Act shall attempt to obtain the following
10 information from the person placing such newborn infant:

11 (a) The location of such newborn infant's birthplace;

12 (b) Information relative to such newborn infant's medical
13 history and his or her biological family's medical history, if
14 available;

15 (c) The name and address of the parent or parents; and

16 (d) Any other information that might reasonably assist
17 the Department of Health and Human Services or a court in
18 determining the best interests of the infant, including whether
19 the parent or designated person intends to seek future custody of
20 such newborn infant.

21 Any person who has received placement of such newborn
22 infant shall encourage the parent or designated person to provide
23 the information described in this subsection, but the parent or
24 designated person is not required to provide the information and
25 shall be so informed.

1 (2) Any information obtained concerning the identity of
2 the mother, the other parent, or such newborn infant shall be
3 kept confidential and may only be disclosed to the department for
4 use consistent with the act. The facility shall (a) provide the
5 parent or designated person with (i) contact information regarding
6 available social service agencies and (ii) the name, address, and
7 phone number of the departmental contact person and (b) encourage
8 the parent or designated person to involve the department in the
9 relinquishment of such newborn infant. If practicable, the facility
10 shall also provide the parent with both orally delivered and
11 written information regarding the requirements of the act relative
12 to abandonment and recovery of such newborn infant.

13 (3) Any person who has received placement of a newborn
14 infant at a designated facility pursuant to the act shall record
15 the name and address of the parent or parents if such information
16 is provided by the parent or designated person placing such newborn
17 infant.

18 Sec. 7. (1)(a) Placement of a newborn infant at a
19 designated facility pursuant to the Nebraska Infant Safe Haven Act,
20 (b) failure of the parent placing such newborn infant to visit or
21 seek contact with such newborn infant for a period of ninety days
22 after the date of such placement, and (c) failure to seek contact
23 with such newborn infant through the Department of Health and
24 Human Services or to revoke the placement within ninety days after
25 notice was completed pursuant to this section shall be a basis for

1 termination of parental rights.

2 (2) Within ten days after placement of a newborn infant
3 with a designated facility pursuant to the act, the department
4 shall give notice of such placement once a week for six consecutive
5 weeks in a newspaper or other publication of general circulation
6 in the county in which such placement occurred. The department
7 shall also give such notice in any other county for which there
8 are any facts known to the department that reasonably indicate such
9 newborn infant's parent or parents may be so located. The notice
10 shall include information designed to provide an opportunity for
11 the putative father to claim paternity and for the mother to revoke
12 placement of such newborn infant. Such notice shall (a) describe
13 the newborn infant, (b) identify where and when placement pursuant
14 to the act occurred, (c) specify whom to contact for further
15 information, and (d) provide any other relevant information. The
16 department shall make every reasonable effort to contact the father
17 of such newborn infant.

18 (3) The notice shall specify that the father of such
19 newborn infant who fails to claim paternity by contacting the
20 department within sixty days after the last publication under this
21 section shall be barred from thereafter bringing or maintaining
22 any action to establish paternity of such newborn infant unless
23 the father is able to prove that he was unable to receive proper
24 notice. Such notice shall also specify that such failure to claim
25 paternity within such time shall constitute abandonment.

1 Sec. 8. The Department of Health and Human Services shall
2 develop a procedure that allows the parent of any newborn infant
3 placed at a designated facility under the Nebraska Infant Safe
4 Haven Act to provide information anonymously about the medical
5 history of the infant, including family medical history, to any
6 future caregivers.

7 Sec. 9. The Department of Health and Human Services
8 shall, on or before January 1, 2009, adopt and promulgate rules and
9 regulations to carry out the Nebraska Infant Safe Haven Act.

10 Sec. 10. Sections 10 to 15 of this act shall be known and
11 may be cited as the Nebraska Children's Safe Haven Act.

12 Sec. 11. For purposes of the Nebraska Children's Safe
13 Haven Act, designated facility means a hospital licensed under the
14 Health Care Facility Licensure Act.

15 Sec. 12. A resident of the State of Nebraska who is the
16 parent or guardian of any child who is older than one year of age
17 and under sixteen years of age as provided in section 28-705 may
18 seek assistance at any designated facility for such child under the
19 Nebraska Children's Safe Haven Act. Such placement by the parent
20 or designated person shall not constitute grounds for an automatic
21 termination of parental rights but shall be deemed to constitute
22 abandonment of a child for purposes of section 43-292.02 beginning
23 ninety days after a child has been placed under this section.

24 Sec. 13. When a parent or guardian seeks assistance
25 for a child at any designated facility under the Nebraska

1 Children's Safe Haven Act, a regional safe haven intervention
2 team established pursuant to section 14 of this act shall be
3 contacted within one hour by the designated facility. If a regional
4 safe haven intervention team is unavailable, the statewide Safe
5 Haven Intervention Team established pursuant to section 15 of this
6 act shall be contacted within one hour by the designated facility.

7 Sec. 14. The behavioral health regions described in
8 section 71-807 shall each establish a regional safe haven
9 intervention team consisting of at least four members, including,
10 but not limited to, a psychiatrist, a psychologist, a children's
11 behavioral health professional, and a representative of the
12 Department of Health and Human Services. The team shall work with
13 any parent or guardian who seeks assistance for a child at a
14 designated facility under the Nebraska Children's Safe Haven Act to
15 assess the needs of such child. The team shall provide immediate
16 intervention to the parent, guardian, or child and work with
17 the region's designated service providers to provide any needed
18 services for the child. Such services shall include, but need not
19 be limited to, foster care services, behavioral health services
20 as defined in section 71-804, or both. If it is determined to
21 be in the best interests of the child, the team shall contact
22 the juvenile court with jurisdiction over the child to provide
23 additional oversight and intervention.

24 Sec. 15. The Department of Health and Human Services
25 shall establish a statewide Safe Haven Intervention Team consisting

1 of at least four members, including, but not limited to, a
2 psychiatrist, a psychologist, a children's behavioral health
3 professional, and a representative of the department. The team
4 shall work with a parent or guardian who seeks assistance under
5 the Nebraska Children's Safe Haven Act for a child at a designated
6 facility to assess the needs of the child. The team shall provide
7 immediate intervention to the parent, guardian, or child and work
8 with a behavioral health region's designated service providers
9 to provide any needed services for the child. Such services
10 shall include, but need not be limited to, foster care services,
11 behavioral health services as defined in section 71-804, or both.
12 If it is determined to be in the best interests of the child,
13 the team shall contact the juvenile court with jurisdiction over
14 the child to provide additional oversight and intervention. If
15 the child is a juvenile who has been committed to the Office of
16 Juvenile Services, the team shall contact the office to provide
17 additional oversight and intervention.

18 Sec. 16. The Nebraska Children's Safe Haven Act
19 terminates on June 4, 2009.

20 Sec. 17. The following section is outright repealed:
21 Section 29-121, Reissue Revised Statutes of Nebraska.

22 Sec. 18. Since an emergency exists, this act takes effect
23 when passed and approved according to law.