

§§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] ¹21¹ 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.