

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0108.01 Jane Ritter x4342

SENATE BILL 18-050

SENATE SPONSORSHIP

Smallwood,

HOUSE SPONSORSHIP

Coleman,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCLUDING STAFF OF FREE-STANDING EMERGENCY**
102 **FACILITIES AS PART OF COLORADO'S SAFE HAVEN LAWS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill expands Colorado's safe haven laws to include staff members of free-standing emergency facilities as persons allowed to take temporary physical custody of infants 72 hours old or younger when the infant is voluntarily surrendered by its parent or parents.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-6-401, **amend** (9)
3 as follows:

4 **18-6-401. Child abuse - definition.** (9) (a) If a parent is charged
5 with permitting a child to be unreasonably placed in a situation that poses
6 a threat of injury to the child's life or health, pursuant to ~~paragraph (a) of~~
7 ~~subsection (1)~~ SUBSECTION (1)(a) of this section, and the child was
8 seventy-two hours old or younger at the time of the alleged offense, it is
9 an affirmative defense to the charge that the parent safely, reasonably, and
10 knowingly handed the child over to a firefighter, as defined in section
11 18-3-201 (1.5), or to a hospital staff member who engages in the
12 admission, care, or treatment of patients, PATIENTS AT A HOSPITAL OR
13 COMMUNITY CLINIC EMERGENCY CENTER, AS DEFINED IN SUBSECTION
14 (9)(b) OF THIS SECTION, when the firefighter is at a fire station, or the
15 hospital staff member is at a hospital STAFF MEMBER IS AT A HOSPITAL OR
16 COMMUNITY CLINIC EMERGENCY CENTER, AS DEFINED IN SUBSECTION
17 (9)(b) OF THIS SECTION.

18 (b) "COMMUNITY CLINIC EMERGENCY CENTER" MEANS A
19 COMMUNITY CLINIC LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH
20 AND ENVIRONMENT PURSUANT TO SECTION 25-3-101 (2)(a)(I)(B) THAT:

21 (I) DELIVERS EMERGENCY SERVICES;

22 (II) PROVIDES EMERGENCY CARE TWENTY-FOUR HOURS PER DAY
23 AND SEVEN DAYS A WEEK THROUGHOUT THE YEAR, WITH THE EXCEPTION
24 OF UNUSUAL HOURS OF OPERATION SCHEDULED FOR A HOLIDAY; AND

25 (III) IS NOT ATTACHED TO, CONTAINED WITHIN, AFFILIATED WITH,
26 OR OWNED OR OPERATED BY A HOSPITAL.

27 **SECTION 2.** In Colorado Revised Statutes, 19-1-115, **amend**

1 (7)(b) as follows:

2 **19-1-115. Legal custody - guardianship - placement out of the**
3 **home - petition for review for need of placement.** (7) Reasonable
4 efforts are not required to prevent the child's removal from the home or
5 to reunify the child and the family in the following circumstances:

6 (b) When the parental rights of the parent with respect to a sibling
7 of the child have been involuntarily terminated; unless the prior sibling
8 termination resulted from a parent delivering a child to a firefighter or a
9 hospital staff member OF A HOSPITAL OR COMMUNITY CLINIC EMERGENCY
10 CENTER, AS DEFINED IN SECTION 19-3-304.5 (9), pursuant to the provisions
11 of section 19-3-304.5; or

12 **SECTION 3.** In Colorado Revised Statutes, 19-3-304.5, **amend**
13 (1) introductory portion, (2) introductory portion, (3), and (4.5); and add
14 (9) as follows:

15 **19-3-304.5. Emergency possession of certain abandoned**
16 **children - definition.** (1) If a parent voluntarily delivers a child to a
17 firefighter, as defined in section 18-3-201 (1.5), C.R.S., or a hospital ___
18 staff member who engages in the admission, care, or treatment of
19 patients, PATIENTS AT A HOSPITAL OR COMMUNITY CLINIC EMERGENCY
20 CENTER, AS DEFINED IN SUBSECTION (9) OF THIS SECTION, when the
21 firefighter is at a fire station or the hospital staff member is at a hospital
22 OR COMMUNITY CLINIC EMERGENCY CENTER, AS DEFINED IN SUBSECTION
23 (9) OF THIS SECTION, the firefighter or hospital staff member OF THE
24 HOSPITAL OR COMMUNITY CLINIC EMERGENCY CENTER shall, without a
25 court order, take temporary physical custody of the child if:

26 (2) If a firefighter or hospital staff member OF A HOSPITAL OR
27 COMMUNITY CLINIC EMERGENCY CENTER takes temporary physical

1 custody of a child pursuant to subsection (1) of this section, the firefighter
2 or hospital staff member shall:

3 (3) A firefighter or hospital staff member OF A HOSPITAL OR
4 COMMUNITY CLINIC EMERGENCY CENTER _____ shall incur no civil or
5 criminal liability for any good faith acts or omissions performed pursuant
6 to this section.

7 (4.5) Any document prepared by a firefighter, ~~member of a~~
8 hospital OR COMMUNITY CLINIC EMERGENCY CENTER staff MEMBER, or A
9 law enforcement officer pursuant to this section shall be IS a dependency
10 and neglect record and ~~shall be~~ IS subject to the confidentiality provisions
11 of section 19-1-307.

12 (9) "COMMUNITY CLINIC EMERGENCY CENTER" MEANS A
13 COMMUNITY CLINIC LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH
14 AND ENVIRONMENT PURSUANT TO SECTION 25-3-101 (2)(a)(1)(B) THAT:

15 (I) DELIVERS EMERGENCY SERVICES;

16 (II) PROVIDES EMERGENCY CARE TWENTY-FOUR HOURS PER DAY
17 AND SEVEN DAYS A WEEK THROUGHOUT THE YEAR, WITH THE EXCEPTION
18 OF UNUSUAL HOURS OF OPERATION SCHEDULED FOR A HOLIDAY; AND

19 (III) IS NOT ATTACHED TO, CONTAINED WITHIN, AFFILIATED WITH,
20 OR OWNED OR OPERATED BY A HOSPITAL.

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22 **SECTION 4. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.