

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;

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

18           (c) Place such child with an agency as defined in section  
19 43-121.

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

1           (4) For purposes of this section, generally accepted  
2 standards of professional practice means medical treatment or care  
3 of the type, quality, and amount that a hospital staff person would  
4 be expected to provide according to the professional standards of  
5 care for hospital staff with regard to the medical treatment and  
6 care of infants.

7           Sec. 2. Upon receipt of notice pursuant to section 1 of  
8 this act, the Department of Health and Human Services shall contact  
9 the Nebraska State Patrol to determine if the child is a missing  
10 person as defined in section 43-2003.

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

16           (2) Beginning January 1, 2009, the department shall  
17 submit an annual report to the Legislature that compiles the  
18 monthly reports required pursuant to subsection (1) of this  
19 section.

20           Sec. 4. The Department of Health and Human Services shall  
21 develop and implement a public information program to inform the  
22 general public of the provisions of sections 1 to 3 of this  
23 act. The department shall also work in conjunction with other  
24 departments and agencies of the state and the Nebraska Hospital  
25 Association or its successor entity in development of the program.  
26 The program may include, but need not be limited to, educational  
27 and informational materials in print, audio, video, electronic,

1 and other media, public service announcements and advertisements,  
2 and the establishment of a toll-free hotline. The department shall  
3 develop a method that would allow the parent of any newborn  
4 infant placed under such sections to provide information about the  
5 medical history of the infant, including family medical history,  
6 anonymously.

7           Sec. 5. The Department of Health and Human Services  
8 shall explore the possibility of expending funds received from  
9 the United States Department of Health and Human Services pursuant  
10 to the Promoting Safe and Stable Families Program in order to  
11 implement the public information program required by section 4 of  
12 this act and to alleviate the burden such program may have on the  
13 department's appropriation from the state. When implementing its  
14 public information program, the department shall prioritize those  
15 areas of the state that have been identified as having the highest  
16 teen pregnancy rates.

17           Sec. 6. Section 28-705, Revised Statutes Cumulative  
18 Supplement, 2006, is amended to read:

19           28-705 (1) Any person who abandons and neglects or  
20 refuses to maintain or provide for his or her spouse or his or  
21 her child or dependent stepchild, whether such child is born in or  
22 out of wedlock, commits abandonment of spouse, child, or dependent  
23 stepchild.

24           (2) It is not a violation of this section for a mother  
25 to leave a child who is seventy-two hours old or younger with  
26 a hospital staff member pursuant to section 1 of this act if  
27 the mother provides the hospital staff member with proof of her

1 identity.

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

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

9 ~~(4)~~ (5) A designation of assets for or use of income by  
10 an individual in accordance with section 68-922 shall be considered  
11 just cause for failure to use such assets or income to provide  
12 medical support of such individual's spouse.

13 ~~(5)~~ (6) Abandonment of spouse, child, or dependent  
14 stepchild is a Class I misdemeanor.

15 Sec. 7. Original section 28-705, Revised Statutes  
16 Cumulative Supplement, 2006, is repealed.