

E AND R AMENDMENTS TO LB 157

Introduced by Enrollment and Review Committee: McGill, 26,  
Chairperson

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. (1) If a parent seeking safe-haven care  
4 voluntarily delivers a child thirty days of age or younger to  
5 a firefighter or a hospital staff member who engages in the  
6 admission, care, or treatment of patients, when such firefighter is  
7 at a fire station or such hospital staff member is at a hospital,  
8 the firefighter or hospital staff member shall, without a court  
9 order, take temporary physical custody of the 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  
14 generally accepted standards of professional practice, to protect,  
15 preserve, or aid the physical health or safety of the child during  
16 the temporary physical custody; and

17           (b) Notify a law enforcement officer within four hours.

18           (3) Upon receipt of notice pursuant to subsection (2) of  
19 this section, a law enforcement officer shall take the child into  
20 temporary custody pursuant to section 43-248.

21           (4) The Department of Health and Human Services shall  
22 maintain and update on a monthly basis a report of the number of  
23 children who have been left with safe-haven providers pursuant to

1 this section and the number of children abandoned by other means.

2 (5) Beginning January 1, 2009, the department shall  
3 submit an annual report to the Legislature that compiles the  
4 monthly reports required pursuant to subsection (4) of this  
5 section.

6 Sec. 2. Section 28-705, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8 28-705 (1) Any person who abandons and neglects or  
9 refuses to maintain or provide for his or her spouse or his or  
10 her child or dependent stepchild, whether such child is born in or  
11 out of wedlock, commits abandonment of spouse, child, or dependent  
12 stepchild.

13 (2) It is not a violation of this section for a parent  
14 to leave a child who is thirty days of age or younger with a  
15 firefighter or hospital staff member pursuant to section 1 of this  
16 act.

17 ~~(2)~~ (3) For the purposes of this section, child shall  
18 mean an individual under the age of sixteen years.

19 ~~(3)~~ (4) When any person abandons and neglects to provide  
20 for his or her spouse or his or her child or dependent stepchild  
21 for three consecutive months or more, it shall be prima facie  
22 evidence of intent to violate the provisions of subsection (1) of  
23 this section.

24 ~~(4)~~ (5) A designation of assets for or use of income by  
25 an individual in accordance with section 68-922 shall be considered  
26 just cause for failure to use such assets or income to provide  
27 medical support of such individual's spouse.

1                   ~~(5)~~ (6) Abandonment of spouse, child, or dependent  
2 stepchild is a Class I misdemeanor.

3                   Sec. 3. Original section 28-705, Revised Statutes  
4 Cumulative Supplement, 2006, is repealed.

5                   2. On page 1, line 1, after the semicolon insert "to  
6 amend section 28-705, Revised Statutes Cumulative Supplement,  
7 2006;"; and strike lines 3 and 4 and insert "to provide for  
8 reports; to change provisions relating to criminal abandonment; and  
9 to repeal the original section."