

2015 Regular Session

HOUSE BILL NO. 603

BY REPRESENTATIVE WILLMOTT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN/NEWBORNS: Provides for annual communications and public information plans concerning the Safe Haven Law

1 AN ACT

2 To amend and reenact Children's Code Articles 1149 and 1160 and R.S. 46:2403(D), relative  
3 to laws providing for safe and anonymous relinquishment of an infant known as the  
4 safe haven law; to provide for duties of the Department of Children and Family  
5 Services relative to public awareness of the safe haven law; to provide for  
6 communication plans and dissemination of public information by the Department of  
7 Children and Family Services; to provide for information and training resources to  
8 be utilized by designated emergency care facilities; to authorize funding by the  
9 Children's Trust Fund of outreach concerning the safe haven law; to provide for  
10 reporting; to provide a short title; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Children's Code Articles 1149 and 1160 are hereby amended and  
13 reenacted to read as follows:

14 Art. 1149. Purpose; short title

15 A. The purpose of this Chapter is to provide a mechanism whereby any  
16 parent may relinquish the care of an infant to the state in safety, anonymity, and  
17 without fear of prosecution.

18 B. This Chapter shall be known and may be cited as the "Safe Haven Law".

19 \* \* \*

1 Art. 1160. Additional regulations; Administrative Procedure Act; reporting

2 A. The department, in accordance with the Administrative Procedure Act,  
3 shall promulgate all rules and regulations necessary to carry out the provisions of this  
4 Chapter, including but not limited to the following:

5 (1) Notice to the public of the existence of designated emergency care  
6 facilities and the use of safe havens through the following actions:

7 (a) The establishment of a toll-free telephone number to direct individuals  
8 to designated emergency care facilities.

9 (b) The provision of safe haven publicity and informational materials on the  
10 department's website for review and download by the public.

11 (2)(a) Written information, training materials, and an instructional video to  
12 be made available for download on the department's website, for the instruction of  
13 representatives of emergency medical care facilities who are designated to receive  
14 relinquished children and to interview relinquishing parents.

15 (b) The department shall review all information, materials, video, and any  
16 other media produced in accordance with this Paragraph at least annually; and, to the  
17 extent that funding is available for such purposes, shall update, revise, and reissue  
18 these resources as the secretary of the department deems necessary.

19 (3) Procedures and forms informing a relinquishing parent about his right to  
20 file a claim and be heard in accordance with Articles 1156 and 1157 of this Chapter  
21 and his right to use the services of the voluntary registry in accordance with Chapter  
22 15 of Title XII.

23 (4) Procedures for use by a physician in conducting the medical evaluation  
24 of the child in accordance with Article 1153 of this Chapter.

25 (5) The department shall utilize existing funds to effectuate the provisions  
26 of Paragraphs (A)(1) and (A)(2) of this Article.

27 B. In addition to any other duties as may be required by this Article, the  
28 department shall develop and implement annually each of the following plans:

1           (1) An annual communication and public information action plan to increase  
2           public awareness of the Safe Haven Law. This plan shall include, without limitation,  
3           all of the following actions:

4           (a) Issuing media releases for distribution to print, radio, and television  
5           media.

6           (b) Disseminating information through social media.

7           (c) Conducting outreach to the public through collaborations with  
8           community-based organizations, child protection stakeholder groups, offices of state  
9           government, and any other entities the secretary of the department deems  
10          appropriate.

11          (d) Undertaking any other communication or publicity activity deemed  
12          necessary by the secretary of the department and for which sufficient funding is  
13          available.

14          (2)(a) An action plan providing for dissemination of information and training  
15          resources relating to the Safe Haven Law to designated emergency care facilities.

16          (b) To the extent the secretary of the department deems appropriate, and  
17          contingent upon availability of funding for this purpose, the department may also  
18          disseminate the information and resources provided for in Subparagraph (a) of this  
19          Paragraph to any of the following:

20                (i) Schools of medicine.

21                (ii) Schools of nursing.

22                (iii) Law enforcement training schools.

23                (iv) Firefighter training programs.

24                (v) Emergency medical service provider training programs.

25                (vi) Any other institutions that train professionals who typically work in a  
26                designated emergency care facility.

27           C. On or before January first annually, the department shall submit to the  
28           House Committee on Health and Welfare and the Senate Committee on Health and  
29           Welfare a report addressing efforts undertaken in the period covered by the report

1 to raise public awareness of the Safe Haven Law. The report shall include but not  
2 be limited to a recapitulation of content of the communication and public  
3 information action plan and action plan for dissemination of safe haven information  
4 and training resources required by this Article.

5 Section 2. R.S. 46:2403(D) is hereby amended and reenacted to read as follows:

6 §2403. Creation of the Children's Trust Fund

7 \* \* \*

8 D.(1) The monies in the fund shall be used solely for programs designed to  
9 prevent the physical and sexual abuse and gross neglect of children. Disbursement  
10 of the amount appropriated each year shall be made as determined by the Children's  
11 Trust Fund Board. All unexpended and unencumbered monies in this fund at the end  
12 of the fiscal year shall remain to the credit of the fund.

13 (2) Outreach, communications, and other efforts to raise public awareness  
14 concerning the Safe Haven Law relative to infant relinquishment, Ch. C. Art. 1149  
15 et seq., are hereby declared to be consistent with the purposes of this Subsection, and  
16 are hereby deemed to qualify as programs eligible for funding pursuant to the  
17 provisions of this Chapter.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 603 Original

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**Abstract:** Provides for annual communications and public information plans to be implemented by by the Dept. of Children and Family Services concerning the Safe Haven Law relative to infant relinquishment.

Present law known commonly as the "safe haven law" (Ch. C. Art. 1149 et seq.) provides a mechanism whereby a parent may relinquish the care of an infant who is not more than 60 days old to the state in safety, anonymity, and without fear of prosecution.

Proposed law provides for official designation of present law as the "Safe Haven Law".

Present law provides that the Dept. of Children and Family Services (DCFS) shall produce and issue written information, training materials, and an instructional video to be made available for download on the department's website for the instruction of representatives of emergency medical care facilities who are designated to receive relinquished children and to interview relinquishing parents.

Proposed law retains present law and adds thereto a requirement that DCFS review all of its information, materials, video, and any other media relating to the Safe Haven Law at least annually; and, to the extent that funding is available for such purposes, that the department update, revise, and reissue these resources as the DCFS secretary deems necessary.

Proposed law requires DCFS to develop and implement annually each of the following plans:

- (1) An annual communication and public information action plan to increase public awareness of the Safe Haven Law. Proposed law provides that this plan shall include, without limitation, all of the following actions:
  - (a) Issuing media releases for distribution to print, radio, and television media.
  - (b) Disseminating information through social media.
  - (c) Conducting outreach to the public through collaborations with community-based organizations, child protection stakeholder groups, offices of state government, and any other entities the DCFS secretary deems appropriate.
  - (d) Undertaking any other communication or publicity activity deemed necessary by the DCFS secretary and for which sufficient funding is available.
- (2)(a) An action plan providing for dissemination of information and training resources relating to the Safe Haven Law to designated emergency care facilities.
- (b) Proposed law provides that to the extent the DCFS secretary deems appropriate, and contingent upon availability of funding for this purpose, DCFS may also disseminate the information and resources relating to the Safe Haven Law to any of the following:
  - (i) Schools of medicine.
  - (ii) Schools of nursing.
  - (iii) Law enforcement training schools.
  - (iv) Firefighter training programs.
  - (v) Emergency medical service provider training programs.
  - (vi) Any other institutions that train professionals who typically work in a designated emergency care facility.

Proposed law requires DCFS, on or before Jan. 1 annually, to submit to the legislative committees on health and welfare a report addressing efforts undertaken to raise public awareness of the Safe Haven Law.

Present law, the Children's Trust Fund Act (R.S. 46:2401 et seq.), creates and provides for the Children's Trust Fund to support programs designed to prevent child abuse and neglect. Proposed law retains present law and declares that outreach, communications, and other

efforts to raise public awareness concerning the Safe Haven Law are consistent with the purposes of the Children's Trust Fund Act; and deems such efforts to qualify as programs eligible to be funded by the Children's Trust Fund.

(Amends Ch. C. Arts. 1149 and 1160 and R.S. 46:2403(D))