

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2577

By Committee on Corrections and Juvenile Justice

2-7

1 AN ACT concerning the newborn infant protection act; relating to
2 anonymity of parent surrendering a child; amending K.S.A. 2013 Supp.
3 38-2282 and repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2013 Supp. 38-2282 is hereby amended to read as
7 follows: 38-2282. (a) This section shall be known and may be cited as the
8 newborn infant protection act.

9 (b) A parent or other person having lawful custody of an infant which
10 is 45 days old or younger and which has not suffered bodily harm may
11 surrender physical custody of the infant to any employee who is on duty at
12 a fire station, city or county health department or medical care facility as
13 defined by K.S.A. 65-425, and amendments thereto. Such employee shall
14 take physical custody of an infant surrendered pursuant to this section. *A*
15 *parent or other person voluntarily surrendering an infant under this*
16 *subsection shall not be required to reveal personally identifiable*
17 *information, but may be offered the opportunity to provide information*
18 *concerning the child's familial or medical history.*

19 (c) *A person or facility to whom a child is delivered pursuant to this*
20 *subsection shall not be required to reveal the name **or other personally***
21 ***identifiable information** of the person who delivered the child unless*
22 *there is a reasonable suspicion that the child has been abused, and such*
23 *person or such facility shall be immune from civil or criminal liability for*
24 *any action taken pursuant to this subsection.*

25 ~~(e)~~(d) As soon as possible after a person takes physical custody of an
26 infant under this section, such person shall notify a local law enforcement
27 agency that the person has taken physical custody of an infant pursuant to
28 this section. Upon receipt of such notice a law enforcement officer from
29 such law enforcement agency shall take custody of the infant as an
30 abandoned child. The law enforcement agency shall deliver the infant to a
31 facility or person designated by the secretary pursuant to K.S.A. 2013
32 Supp. 38-2232, and amendments thereto.

33 ~~(d)~~(e) Any person, city or county or agency thereof or medical care
34 facility taking physical custody of an infant surrendered pursuant to this
35 section shall perform any act necessary to protect the physical health or
36 safety of the infant, and shall be immune from liability for any injury to

1 the infant that may result therefrom.

2 ~~(e)~~(f) Upon request, all medical records of the infant shall be made
3 available to the department of social and rehabilitation services and given
4 to the person awarded custody of such infant. The medical facility
5 providing such records shall be immune from liability for such records
6 release.

7 Sec. 2. K.S.A. 2013 Supp. 38-2282 is hereby repealed.

8 Sec. 3. This act shall take effect and be in force from and after its
9 publication in the statute book.