

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

SENATE BILL 7

4
5 By: Senator J. Jeffress
6 By: Representative G. Jeffress

For An Act To Be Entitled

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9
10 AN ACT TO CREATE THE SAFE HAVEN ACT; AND FOR OTHER
11 PURPOSES.

Subtitle

12
13
14 THE SAFE HAVEN ACT.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code is amended to add the following new chapter:

20 CHAPTER 34. VOLUNTARY PLACEMENT OF A CHILD.

21 Subchapter 2. Voluntary delivery of a child.

22 9-34-201. Delivery to provider of emergency medical services.

23 (a) Any medical provider which employs or contracts with a physician
24 licensed under the Arkansas Medical Procedures Act shall, without a court
25 order, take possession of a child who is thirty (30) days old or younger if
26 the child is voluntarily delivered to the medical provider by the child's
27 parent who does not express an intent to return for the child.

28 (b)(1) The medical provider which takes possession of a child under
29 this act shall perform any act necessary to protect the physical health and
30 safety of the child.

31 (2) The medical provider shall incur no civil or criminal
32 liability for any good faith acts or omissions performed pursuant to this
33 section.

34
35 9-34-202. Care of the child.

36 (a) No later than the close of the first business day after the date on

1 which the medical provider took possession of an abandoned child, the medical
2 provider shall notify the Division of Children and Family Services of the
3 Department of Human Services that the medical provider has taken possession of
4 the child.

5 (b) The division shall assume the care, control, and custody of the
6 child immediately upon receipt of notice from the medical provider.

7 (c) The division shall reimburse the medical provider at the standard
8 rate of reimbursement for the services provided.

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10 SECTION 3. Arkansas Code 5-27-203, concerning endangering the welfare
11 of a minor, is amended to add the following new subsection:

12 (c)(1) It shall be an affirmative defense to prosecution under this
13 subchapter that the parent voluntarily delivered the child to and left the
14 child at, or voluntarily arranged for another person to deliver the child to
15 and leave the child with a medical provider as provided in Arkansas Code 9-34-
16 201.

17 (2) Nothing in this subsection shall be construed to create a
18 defense to any prosecution arising from any conduct other than the act of
19 delivering the child as described above, and this subsection specifically
20 shall not constitute a defense to any prosecution arising from an act of abuse
21 or neglect committed prior to the delivery of the child to a medical provider
22 as provided in Arkansas Code 9-34-201.

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