

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 195

By: Senator K. Hammer  
By: Representative C. Fite

## For An Act To Be Entitled

AN ACT TO AMEND AND UPDATE LAWS REGARDING SAFE HAVEN;  
TO CLARIFY WHEN PARENTS' RIGHTS NO LONGER ATTACH  
REGARDING SAFE HAVEN INFANTS; TO AMEND DEFINITIONS  
UNDER THE LAWS REGARDING SAFE HAVEN; AND FOR OTHER  
PURPOSES.

## Subtitle

TO CLARIFY WHEN PARENTS' RIGHTS NO LONGER  
ATTACH REGARDING SAFE HAVEN INFANTS AND  
TO AMEND DEFINITIONS UNDER THE LAWS  
REGARDING SAFE HAVEN.

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

SECTION 1. Arkansas Code § 9-34-201(3), concerning the definition of  
"medical provider", is amended to read as follows:

(3) "Medical provider" means any ~~emergency~~ staffed department of  
a hospital licensed under § 20-9-214.

SECTION 2. Arkansas Code § 9-34-202(b), concerning the protocol  
followed when a medical provider, law enforcement agency, or fire department  
that takes possession of a child in accordance with the Safe Haven Act, is  
amended to add an additional subdivision to read as follows:

(3)(A) If the identity of a parent or child is released or  
otherwise known, the case shall not be treated as a Safe Haven case under  
this section but as an abandonment or other dependency case as defined in §



1 9-27-303.

2 (B)(i) If the child is relinquished at a safe place, the  
3 parent shall not be held criminally liable for the relinquishment or have a  
4 true finding of maltreatment entered against the parent if the parent's  
5 identity is known and the Department of Human Services proceeds under § 9-27-  
6 365.

7 (ii) The Department of Human Services shall make the  
8 determination as to whether the child was relinquished at a safe place under  
9 subdivision (3)(B)(i) of this section.

10 (iii) The Department of Human Services shall  
11 promulgate rules to implement subdivision (b)(3) of this section.

12  
13 SECTION 3. Arkansas Code § 9-34-203 is amended to read as follows:

14 9-34-203. Care of the child and permanency plan.

15 (a) Upon delivery of the child to a medical provider, law enforcement  
16 agency, or fire department, the law enforcement officer, an appropriate  
17 employee of the fire department, or an appropriate employee of the hospital  
18 shall take the child into protective custody for seventy-two (72) hours under  
19 the Child Maltreatment Act, § 12-18-101 et seq.

20 (b)(1) The law enforcement officer, employee of the fire department,  
21 or employee of the hospital shall immediately notify the Division of Children  
22 and Family Services, which shall initiate a dependency-neglect petition under  
23 the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., and shall proceed  
24 under § 9-27-365.

25 (2)(A) Within fourteen (14) days of filing a dependency-neglect  
26 petition, the Department of Human Services shall publish a notification by  
27 warning order to be published weekly for two (2) consecutive weeks in a  
28 newspaper having general circulation in the county where the action is filed.

29 (B) The notification shall contain:

30 (i) The caption of the pleadings in the dependency-  
31 neglect case;

32 (ii) The location where the child was delivered;

33 (iii) The date the child was delivered;

34 (iv) Notice that a dependency-neglect proceeding has  
35 been filed, and that any parent claiming rights to the child must file a  
36 responsive pleading or motion and appear before the court hearing the case to

1 defend the parent's claim within thirty (30) days from the date of first  
2 publication; and

3 (v) Notice that failure to respond or defend the  
4 parent's claim within thirty (30) days may result in the termination of  
5 parental rights to the child.

6 (C) If the identity of a parent or child is released or  
7 otherwise known, the case shall not be treated as a Safe Haven case under  
8 this section but as an abandonment or other dependency case as defined in §  
9 9-27-303.

10 (D) If no responsive pleadings are filed by the parent  
11 within thirty (30) days from the date of first publication and there are  
12 prospective adoptive parents seeking to adopt the child, the Department of  
13 Human Services may proceed with the filing of an adoption petition without  
14 further notice.

15  
16 SECTION 4. DO NOT CODIFY. Rules.

17 (a) When adopting the initial rules required under this act, the  
18 Department of Human Services shall file the final rules with the Secretary of  
19 State for adoption under § 25-15-204(f):

20 (1) On or before January 1, 2024; or

21 (2) If approval under § 10-3-309 has not occurred by January 1,  
22 2024, as soon as practicable after approval under § 10-3-309.

23 (b) The department shall file the proposed rules with the Legislative  
24 Council under § 10-3-309(c) sufficiently in advance of January 1, 2024, so  
25 that the Legislative Council may consider the rules for approval before  
26 January 4, 2024.