



Am. S.B. 304

127th General Assembly
(As Passed by the General Assembly)

Sens. Cates, Schuring, Mason, Wagoner, Seitz, Faber, Buehrer, Morano, Padgett, Austria, Bocchieri, Grendell, Harris, Kearney, Mumper, Niehaus, Sawyer, Schaffer, Schuler, Spada, Wilson

Reps. Goodwin, Webster, Sears, Uecker, Wachtmann, Strahorn, Huffman, Letson, Mecklenborg, DeBose, Brown, Jones, B. Williams, Yuko, J. Otterman, Schindel, Fende, Boyd, Slesnick, Adams, Aslanides, Bacon, Batchelder, Blessing, Bolon, Brinkman, Bubp, Budish, Celeste, Chandler, Ciafardini, Coley, Collier, Combs, Dodd, Dolan, Driehaus, Dyer, Flowers, Gardner, Garrison, Gibbs, Goyal, Grady, J. Hagan, R. Hagan, Harwood, Heard, Hite, Hottinger, Hughes, Koziura, Luckie, Lundy, Mallory, Mandel, Nero, Newcomb, Oelslager, Reinhard, Sayre, Schlichter, Schneider, Setzer, Stebelton, J. Stewart, Szollosi, S. Williams, Zehringer

Effective date: *

ACT SUMMARY

- Increases to 30 days the maximum age at which a child may be voluntarily delivered by the parent to a peace officer, hospital employee, or emergency medical service worker under the safe havens law.
- Requires the Department of Job and Family Services, in collaboration with the Ohio Family and Children First Cabinet Council, to develop an educational plan for informing populations most likely to utilize the safe havens law about this law.

* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.

CONTENT AND OPERATION

Safe havens law

(R.C. 2151.3516 and 2151.3530; R.C. 2151.3515 and 2151.3517 through 2151.3524 (not in the act))

Under law generally retained by the act, commonly referred to as the "safe havens law," a parent is permitted to voluntarily deliver a child to a peace officer, hospital employee, or emergency medical service worker without the parent expressing an intent to return for the child.¹ This law formerly applied only to children who were no more than 72 hours old. The act increases to 30 days the maximum age at which a child may be delivered voluntarily by the child's parent under the safe havens law.

Under continuing law, unless the child has suffered a physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect, the parent who delivers a child in this manner does not commit a crime, is not subject to criminal prosecution, has the right to remain anonymous, and may leave the place at which the child is delivered at any time after delivering the child. Once the child is delivered, a rebuttable presumption is established that it is not in the child's best interest to return to the child's natural parents.

Educational plan

(R.C. 2151.3530)

The act requires the Department of Job and Family Services, in collaboration with the Ohio Family and Children First Cabinet Council, to develop an educational plan to inform at-risk populations who are most likely to voluntarily deliver a child under the safe havens law concerning the provisions of this law.

¹ Under continuing law (R.C. 2151.3515(I)), a "peace officer" is a sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper. A "hospital employee" is (1) a physician who has been granted privileges to practice at the hospital, (2) a nurse, physician assistant, or nursing assistant employed by the hospital, or (3) an authorized person employed by the hospital who is acting under the direction of a physician who has been granted privileges to practice at the hospital. An "emergency medical service worker" is a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic.

HISTORY

ACTION	DATE
Introduced	03-11-08
Reported, S. Health, Human Services & Aging	05-15-08
Passed Senate (32-1)	05-21-08
Reported, H. Health	11-25-08
Passed House (92-0)	12-09-08

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