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Bill Analysis
Legislative Service Commission

S.B. 304
127th General Assembly
(As Introduced)

Sens. Cates, Schuring, Mason, Wagoner, Seitz, Faber, Buehrer

BILL SUMMARY

- Increases the maximum age of a child who may be delivered voluntarily by the child's parent to a peace officer, hospital employee, or emergency medical service worker under the Safe Havens Laws, from 72 hours to 30 days.

CONTENT AND OPERATION

Current law

Under current law, a parent is permitted to voluntarily deliver a child who is not more than 72 hours old to a peace officer, hospital employee, or emergency medical service worker, without the parent expressing an intent to return for the child. A parent who delivers a child in this manner does not commit a crime and is not subject to criminal prosecution. The parent has the right to remain anonymous (unless the child is delivered in a condition that reasonably indicates abuse or neglect) and may leave the place at which the child is delivered at any time after delivering the child. Once a parent delivers the child, a rebuttable presumption is established that it is not in the child's best interest to return to the parent.

Under current law, there are duties imposed on law enforcement agencies, hospitals, emergency medical service organizations, and public children services agencies regarding the care, custody, and treatment of the child who is delivered voluntarily by the parent. A juvenile court procedure exists for adjudication of the child as a deserted child and for disposition of the child. The child is treated the same as a child adjudicated as a neglected child under the Ohio Juvenile Code. The person or government entity who takes possession of the child under the Safe Havens Laws is provided with civil and criminal immunity. (R.C. 2151.3515 to 2151.3530.)

Operation of the bill

The bill increases the maximum age of a child who may be delivered voluntarily by the child's parent to a peace officer, hospital employee, or emergency medical service worker under the Safe Havens Laws, from 72 hours to 30 days (R.C. 2151.3516).

HISTORY

ACTION	DATE
Introduced	03-11-08

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