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Bill Analysis
Legislative Service Commission

Am. S.B. 304
127th General Assembly
(As Reported by H. Health)

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

BILL 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.

CONTENT AND OPERATION

Safe havens law

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

Under current law, commonly referred to as the "safe havens 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.¹ Unless the child has

¹ Under Ohio 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

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 parent.

Current law imposes duties on law enforcement agencies, hospitals, emergency medical service organizations, and public children services agencies regarding the care, custody, and treatment of a 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 that takes possession of the child under the safe havens law is provided with civil and criminal immunity. (R.C. 2151.3515 to 2151.3530.)

The bill increases to 30 days 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 law.

Safe havens law educational plan

(R.C. 2151.3530)

The bill 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.

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

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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, and an "emergency medical service worker" is a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic. (R.C. 2151.3515.)