

**216B.190 Newborn infant -- Treatment when identity of parents is unknown -- Immunity from liability -- Anonymity of person leaving infant -- Emergency custody order -- Materials for health and medical information.**

- (1) As used in this section, "newborn infant" means an infant who is medically determined to be less than seventy-two (72) hours old.
- (2) Every hospital of this state that offers emergency services shall admit and provide all necessary medical care, diagnostic tests, and medical treatment to any newborn infant brought to the hospital when the identity of the parents is unknown. Any person performing medical care, diagnostic testing, or medical treatment shall be immune from criminal or civil liability for having performed the act. Nothing in this subsection shall limit liability for negligence.
- (3) Any person or parent, other than an emergency medical services provider, a police officer, or a firefighter acting in the course of his or her official duties, who leaves a newborn infant at an emergency room, or brings a newborn infant to an emergency room and expresses an intent to leave the infant and not return, shall have the right to remain anonymous and to leave at any time, and shall not be pursued or followed. The physician shall consider these actions as implied consent for treatment.
- (4) Upon admittance, the physician or hospital administrator shall immediately contact the local office of the Department for Community Based Services. The Department for Community Based Services shall immediately seek an emergency custody order in accordance with KRS 620.350.
- (5) Every emergency room shall make available materials to gather health and medical information concerning the infant and the parents. The materials shall be offered to the person leaving the newborn infant and it shall be clearly stated that acceptance is completely voluntary and completion of the materials may be done anonymously.
- (6) The provisions of subsection (3) of this section shall not apply when indicators of child physical abuse or child neglect are present.

**Effective:** April 9, 2002

**History:** Created 2002 Ky. Acts ch. 303, sec. 3, effective April 9, 2002.

**405.075 Anonymity of parent who places newborn infant with emergency provider, police station, fire station, or hospital -- Transport to emergency room -- Implied consent to treatment -- Waiver by parent -- Short title.**

- (1) As used in this section, "newborn infant" means an infant who is medically determined to be less than seventy-two (72) hours old.
- (2) A parent who places a newborn infant with an emergency medical services provider, police station, fire station, or hospital and expresses no intent to return for the infant shall have the right to remain anonymous and not be pursued and shall not be considered to have abandoned or endangered the newborn infant under KRS Chapters 508 and 530.
- (3) Any emergency medical services provider, police officer, or firefighter who accepts physical custody of a newborn infant in accordance with this section shall immediately arrange for the infant to be taken to the nearest hospital emergency room and shall have implied consent to any and all appropriate medical treatment.
- (4) By placing a newborn infant in the manner described in this section, the parent:
  - (a) Waives the right to notification required by subsequent court proceedings conducted under KRS Chapter 620 until such time as a claim of parental rights is made; and
  - (b) Waives legal standing to make a claim of action against any person who accepts physical custody of the newborn infant.
- (5) The provisions of subsection (2) of this section shall not apply when indicators of child physical abuse or child neglect are present.
- (6) KRS 211.951, 216B.190, 311.6526, 405.075, 620.350, and 620.355 shall be known as "The Representative Thomas J. Burch Safe Infants Act."

**Effective:** April 9, 2002

**History:** Created 2002 Ky. Acts ch. 303, sec. 4, effective April 9, 2002.