

Newborn Relinquishment Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

LONG TITLE**General Description:**

This bill amends provisions related to the safe relinquishment of a newborn child.

Highlighted Provisions:

This bill:

- defines terms;
- modifies the locations where an individual may safely relinquish a newborn child;
- permits certain facilities to utilize a newborn safety device to facilitate the safe and anonymous relinquishment of a newborn child; and
- makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

80-4-501, as last amended by Laws of Utah 2023, Chapter 330

80-4-502, as last amended by Laws of Utah 2023, Chapter 139

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **80-4-501** is amended to read:

80-4-501 . Definitions.

As used in this part:

(1) "Designated facility" means:

- (a) a hospital;
- (b) a fire station that is staffed 24 hours a day, seven days a week;
- (c) a law enforcement facility that is staffed 24 hours a day, seven days a week; or
- (d) an emergency medical service provider that is staffed 24 hours a day, seven days a week.

- (2) "Emergency medical service provider" means:
- (a) a licensed ambulance provider, as that term is defined in Section 53-2d-101; or
 - (b) a licensed paramedic provider, as that term is defined in Section 53-2d-101.
- (3) "Hospital" means a general acute hospital, as that term is defined in Section 26B-2-201, that is:
- (a) equipped with an emergency room;
 - (b) open 24 hours a day, seven days a week; and
 - (c) employs full-time health care professionals who have emergency medical services training.
- [2] (4) "Law enforcement facility" means a sheriff's office or police station.
- (5) "Newborn child" means a child who is approximately 30 days old or younger, as determined within a reasonable degree of medical certainty.
- (6) "Newborn safety device" means a secure device voluntarily installed at a designated facility that:
- (a) provides a controlled environment designed to allow an individual to safely place a newborn child inside; and
 - (b) has an alert function that immediately notifies personnel employed by the designated facility when a newborn child is placed inside the device.
- Section 2. Section **80-4-502** is amended to read:
- 80-4-502 . Safe relinquishment of a newborn child -- Termination of parental rights -- Affirmative defense.**
- (1)(a) A parent or a parent's designee may safely relinquish a newborn child at a [~~hospital~~] designated facility in accordance with this part and retain complete anonymity, [~~so long as~~] if the newborn child has not been subject to abuse or neglect.
- (b) Safe relinquishment of a newborn child who has not otherwise been subject to abuse or neglect shall not, in and of itself, constitute neglect, and the newborn child may not be considered a neglected child so long as the relinquishment is carried out in substantial compliance with this part.
- (c)(i) A designated facility shall prominently display signage indicating that an individual may safely relinquish a newborn child at the designated facility.
- (ii) The Department of Health and Human Services may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the signage required under Subsection (1)(c)(i).
- (d)(i) A designated facility may install a newborn safety device to facilitate the safe

and anonymous relinquishment of a newborn child in accordance with this part.

(ii) If a designated facility installs a newborn safety device, the designated facility shall:

(A) test the newborn safety device at least once each month to ensure the device works as designed; and

(B) ensure that at least one individual with current newborn resuscitation certification is available to respond to the newborn safety device at all times.

(2)(a) Personnel employed by a ~~[hospital]~~ designated facility shall accept a newborn child who is relinquished under this part, and may presume that the individual relinquishing is the newborn child's parent or the parent's designee.

(b) ~~[The person]~~ If the newborn child is relinquished directly to personnel employed by a designated facility, the individual receiving the newborn child may request information regarding the parent and newborn child's medical histories, and identifying information regarding the nonrelinquishing parent of the newborn child.

(c) If the newborn child's parent or the parent's designee provides the ~~[person]~~ individual receiving the newborn child with any of the information described in Subsection (2)(b) or any other personal items, the ~~[person]~~ individual shall provide the information or personal items to the division.

(d) Personnel employed by the ~~[hospital]~~ designated facility shall~~[:]~~

~~[(i) provide any necessary medical care to the newborn child;]~~

~~[(ii)]~~ notify the division of receipt of the newborn child as soon as possible, but no later than 24 hours after receipt of the newborn child[; and] .

~~[(iii) prepare a birth certificate or foundling birth certificate if parentage is unknown for the newborn child and file the certificate with the Office of Vital Records and Statistics within the Department of Health.]~~

(e) If a newborn child is safely relinquished at a hospital, personnel employed by the hospital shall:

(i) provide any necessary medical care to the newborn child; and

(ii) prepare a birth certificate or foundling birth certificate if parentage is unknown for the newborn child and file the certificate with the Office of Vital Records and Statistics within the Department of Health and Human Services.

(f) A ~~[hospital]~~ designated facility and personnel employed by a ~~[hospital]~~ designated facility are immune from any civil or criminal liability arising from accepting a newborn child if the personnel employed by the ~~[hospital]~~ designated facility

substantially comply with the provisions of this part and, as applicable, medical treatment is administered according to standard medical practice.

(3) The division shall assume care and protective custody of the newborn child immediately upon notice from ~~[the hospital]~~ a designated facility.

(4) ~~[So long as]~~ If the division determines there is no abuse or neglect of the newborn child, neither the newborn child nor the child's parents are subject to:

(a) the investigation provisions contained in Section 80-2-701; or

(b) the provisions of Chapter 3, Abuse, Neglect, and Dependency Proceedings.

(5)(a) Unless identifying information relating to the nonrelinquishing parent of the newborn child is provided, the division shall:

(i) work with local law enforcement and the Bureau of Criminal Identification within the Department of Public Safety in an effort to ensure that the newborn child has not been identified as a missing child;

(ii) immediately place or contract for placement of the newborn child in a potential adoptive home and, within 10 days after the day on which the child is received, file a petition for termination of parental rights in accordance with this chapter;

(iii) direct the Office of Vital Records and Statistics within the Department of Health and Human Services to conduct a search for:

(A) a birth certificate for the newborn child; and

(B) unmarried biological fathers in the registry maintained by the Office of Vital Records and Statistics in accordance with Title 78B, Chapter 15, Part 4, Registry; and

(iv) provide notice to each potential father identified on the registry described in Subsection (5)(a)(iii) in accordance with Title 78B, Chapter 15, Part 4, Registry.

(b)(i) If no individual has affirmatively identified himself or herself within two weeks after the day on which notice under Subsection (5)(a)(iv) is complete and established paternity by scientific testing within as expeditious a time frame as practicable, a hearing on the petition for termination of parental rights shall be scheduled and notice provided in accordance with this chapter.

(ii) If a nonrelinquishing parent is not identified, relinquishment of a newborn child under this part is considered grounds for termination of parental rights of both the relinquishing and nonrelinquishing parents under Section 80-4-301.

(6) If at any time before the day on which the newborn child is adopted, the juvenile court finds it is in the best interest of the newborn child, the court shall deny the petition for

134 termination of parental rights.

135 (7) The division shall provide for, or contract with a child-placing agency to provide for
136 expeditious adoption of the newborn child.

137 (8) ~~[So long as]~~ If the individual relinquishing a newborn child is the newborn child's parent
138 or a parent's designee, and ~~[there is no]~~ the newborn child has not been subject to abuse
139 or neglect, safe relinquishment of a newborn child in substantial compliance with this
140 part is an affirmative defense to any potential criminal liability for abandonment or
141 neglect relating to the relinquishment.

142 Section 3. **Effective date.**

143 This bill takes effect on May 7, 2025.