

405.075 Anonymity of parent who places newborn infant with emergency provider, police station, fire station, hospital, or participating place of worship -- Transport to emergency room -- Implied consent to treatment -- Waiver by parent -- Sign posted at facility -- Immunity of provider, officer, firefighter, or staff member from liability -- Short title.

- (1) As used in this section:
 - (a) "Newborn infant" means an infant who is medically determined to be less than thirty (30) days old; and
 - (b) "Participating place of worship" means a recognized place of religious worship that has voluntarily agreed to perform the duty granted in this section and display signage prominently on its premises regarding its participation in this section and its operating hours during which staff will be present.
- (2) A parent who places a newborn infant with an emergency medical services provider or at a staffed police station, fire station, hospital, or participating place of worship 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)
 - (a) 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.
 - (b) Any staff member at a participating place of worship who accepts physical custody of a newborn infant in accordance with this section shall immediately contact the 911 emergency telephone service as set forth in KRS 65.750 to 65.760, wireless enhanced 911 system as set forth in KRS 65.7621 to 65.7643, or emergency medical services as set forth in KRS Chapter 311A for transportation to the nearest hospital emergency room.
- (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) A staffed police station, fire station, hospital, emergency medical facility, or participating place of worship may post a sign easily seen by the public stating that: "This facility is a safe and legal place to surrender a newborn infant who is less than 30 days old. A parent who places a newborn infant at this facility 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 their newborn infant under KRS Chapters 508 and 530."
- (6) Actions taken by an emergency medical services provider, police officer, firefighter, or staff member at a participating place of worship in conformity with the duty

granted in this section shall be immune from criminal or civil liability. Nothing in this subsection shall limit liability for negligence.

- (7) The provisions of subsection (2) of this section shall not apply when indicators of child physical abuse or child neglect are present.
- (8) KRS 211.951, 216B.190, 405.075, 620.350, and 620.355 shall be known as "The Representative Thomas J. Burch Safe Infants Act."

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 152, sec. 1, effective July 14, 2018. -- Amended 2016 Ky. Acts ch. 122, sec. 3, effective July 15, 2016. -- Created 2002 Ky. Acts ch. 303, sec. 4, effective April 9, 2002.