

MASSACHUSETTS LAW

CHAPTER 227 OF THE ACTS OF 2004 Chapter 227 of the Acts of 2004 AN ACT RELATIVE TO THE SAFE PLACEMENT OF NEWBORN INFANTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 119 of the General Laws is hereby amended by inserting after section 39 the following section:-

Section 39 1/2. Subject to appropriation, the department of social services shall accept for placement into foster care any newborn infant 7 days of age or less that is voluntarily placed with a hospital, police department or manned fire station, hereinafter "designated facility" by a parent of said newborn infant. Such a voluntary placement under this section shall not constitute, in and of itself, an automatic termination of parental rights or an abrogation of the parental rights or responsibilities but shall, for purposes of authorizing the department to initiate a petition to terminate parental rights under chapter 210, be presumed to be an abandonment of the newborn infant that has been so placed.

Voluntary abandonment of a newborn infant 7 days of age or younger to an appropriate person at a hospital, police department or manned fire station shall not by itself constitute either a finding of abuse or neglect or a violation of any criminal statute for child abuse or neglect or for abandonment. If child abuse or neglect, that is not based solely on the newborn infant having been left in the hospital, police department or manned fire station is suspected, hospital, police or fire department personnel who are mandated reporters under section 51A shall report the abuse or neglect. The designated facility receiving a newborn infant shall immediately notify the department of the placement of the newborn infant at the facility. Upon receipt of such notice, the department shall take immediate custody of the newborn infant and shall initiate all actions authorized by law to achieve the safety and permanent placement of the newborn infant in a manner that is consistent with the best interests of the child. The person accepting a newborn infant at a designated facility shall make every effort to solicit the following information from the parent placing the newborn infant: (1) the name of the newborn infant; (2) the name and address of the parent placing the newborn infant; (3) the location of the newborn infant's birthplace; (4) information relative to the newborn infant's medical history and his or her biological family's medical history, if available; and (5) and any other information that might reasonably assist the department or the court in current or future determinations of the best interests of the child, including whether the parent or guardian plans on returning to seek future custody of the child. The person receiving the newborn infant shall encourage the parent to provide the information but the parent shall not be required to provide such information.

The department shall develop and implement a public information program to inform the general public of the provisions of this section, teen pregnancy prevention programs and adoption information. The department shall also work in conjunction with other departments and agencies of the commonwealth and the Massachusetts Hospital Association relative to development of the program. The program may include, but not be limited to, educational and informational materials in print, audio video, electronic and other media, public service announcements and advertisements and the establishment of a toll-free hotline.

For purposes of this section only, the following term shall be defined in the following manner unless the context shall clearly indicate a different meaning or intent:- "hospital", a hospital that is licensed under section 51 of chapter 111, or operated by the teaching hospital of the University of Massachusetts Medical School. The department shall explore the possibility of expending funds received from the United States Department of Health and Human Services pursuant to the Promoting Safe and Stable

Families Program, as most recently amended by the Promoting Safe and Stable Families of 2001, in order to implement the public information program required by this section and to alleviate the burden said information program may have on the department's appropriation from the commonwealth. When implementing its public information program, the department shall prioritize those areas of the commonwealth that have been identified by the department of public health as having the highest teen pregnancy rates.

SECTION 2. The department of social services, in conjunction with a designee of the juvenile court, the probate and family court, the center for adoption research at the University of Massachusetts, Massachusetts Families for Kids, Massachusetts Children's Trust Fund, Massachusetts Society for the Prevention of Cruelty to Children, Alliance on Teen Pregnancy and the office of child care services, shall submit a report analyzing the overall effectiveness of this act.

The report shall include, but not be limited to, the following: (1) an analysis of the act's effectiveness in decreasing the number of newborns that are abandoned in an unsafe manner in the commonwealth; (2) the department's success or failure in permanently placing in the adoption process any newborn placed with a designated facility pursuant to this act; (3) the average length of time that newborns remain in foster care after being so placed; (4) any issues arising from the termination of parental rights following the placement of a newborn pursuant to this act; (5) the success or failure of any public information campaign implemented by the department pursuant to this act; (6) any increased administrative burdens that may be placed upon any department or agency of the commonwealth as a result of this section; (7) issues with regard to the eligibility of any newborn infant placed pursuant to this act for federal entitlements such as foster care or adoption subsidies under Title IV-E of the United State Social Security Act or any other applicable federal law; and (8) the frequency or infrequency with which a parent placing a newborn at a designated facility supplies the facility with the information sought by the facility pursuant to section 1 of this act and any negative effects the lack of medical or background information on the child or parents may have had on facilitating the temporary or permanent placement of the child through the foster care or adoption process. The report, including any legislative recommendations, shall be submitted to the joint committee on human services and elderly affairs and the house and senate committees on ways and means on or before June 30, 2007.

SECTION 3. This act shall expire on June 30, 2008.