Under current law in Minnesota, it is a crime for a parent to willfully neglect a child when the parent is reasonably able to care for the child and the neglect harms or is likely to substantially harm the child's physical, mental, or emotional health. It is a gross misdemeanor. It is unlikely that a mother who left a newborn at a hospital emergency room would be charged and convicted under that law because of the public policies involved and because a strong argument can be made that abandoning a newborn in that manner neither harms nor is likely to substantially harm the newborn. Nevertheless, the matter is not without doubt, since a legal defense is not clearly established.

Additionally, under current law in Minnesota, a mother seeking to give a newborn up for adoption cannot do so anonymously, although she generally can do so with a reasonable degree of confidentiality. Similarly, if a mother tries to abandon a newborn in Minnesota she would typically be sought out, an assessment would be conducted, and services would be provided. There is essentially no lawful option for giving up a newborn without becoming involved in some type of adoption or other legal proceedings.

This bill provides immunity and anonymity to a person leaving a newborn at a hospital emergency room.

1. **Safe Place for Newborns.** Provides that it is not a crime to leave an unharmed newborn at a hospital emergency room pursuant to the safe place for newborns program.

2. **Safe Place for Newborns.**
   - **Subd. 1. Definitions.** Defines "hospital." Defines "newborn" as a child between birth and 72 hours old, as determined within a reasonable degree of medical certainty.
   - **Subd. 2. Leaving a newborn.** Provides that a mother or a person with the mother's consent may leave a newborn at any hospital emergency room. Provides that a newborn left at a hospital under this program is an abandoned child, but that the mother will receive immunity and
anonymity under this program.

**Subd. 3. Hospital procedures.** Provides that a hospital must accept a newborn left under this section. Provides that the mother may give information about herself and the newborn, but is not required to do so. Provides that the hospital may give the mother a numbered identification bracelet to aid in linking the mother to the newborn later, if sought. Provides that the hospital may provide the mother with information regarding the safe place for newborns program, adoption and counseling services that may be available, and other relevant information.

**Subd. 4. Reporting.** Provides that the hospital must report receiving a newborn under this program to child protection within 24 hours, but not before the mother leaves the hospital.

**Subd. 5. Hospital immunity.** Provides civil and criminal immunity for a hospital and its agents under this program.

**Subd. 6. County response.** Provides that, in response to a report of a newborn left under this program, child protection workers must proceed in the same manner as required by current child protection laws, *except* for trying to identify or investigate the mother. However, it also provides that if it appears that the newborn was harmed, the agency must fully investigate the matter.

**Subd. 7. Procedure if reunification is requested.** Provides that if a person claiming to be the mother, father, or person who left the newborn at the hospital requests reunification, the anonymity protections are lifted. However, if the person seeks information only, the anonymity protections remain in place.

**Subd. 8. Bracelet; effect.** Provides that possession of a bracelet linking a person to a newborn creates a presumption that the person may participate in a CHIPS proceeding, unless parental rights have already been terminated. Provides that the bracelet does not create a presumption of maternity, paternity, or custody.

**Effective date.** Provides an immediate effective date.