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Colorado Department
of Human Services
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STATE OF COLORADO



CHILDREN, YOUTH AND FAMILIES

Division of Child Welfare Services
Lloyd D. Malone, M.P.A., Director

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Denver, Colorado 80203-1714
Phone 303.866.5932 Fax 303.866.5563
www.cdhs.state.co.us/childwelfare

John W. Hickenlooper
Governor

Reggie Bicha
Executive Director

July 24, 2012

The Honorable Brandon C. Shaffer, President of the Senate
The Honorable Frank McNulty, Speaker of the House
200 East Colfax, Room 257
Denver, Colorado 80203

Re: Abandoned Infant Report Pursuit to SB00-171 enacted at C.R.S. § 19-3-304.5 (6)

Dear Senator Shaffer and Representative McNulty:

Pursuant to C.R.S. § 19-3-304.5 Emergency possession of certain abandoned children. (6) The state department of human services shall submit an annual report to the general assembly, beginning January 1, 2001, that compiles the monthly reports, required pursuant to subsection (5) of this section, of the number of children abandoned pursuant to this section.

Provisions of act:

1. Child is 72 hours old or younger
2. Parent(s) did not express an intent to return for the child
3. Child is abandoned at a fire station or a hospital.

One county reported as follows:

Boulder County – One abandoned infant in March 2011, abandoned at the hospital.

We regret the late submission of this report and have made arrangements for timely submission in the next review period. If you have questions regarding this report, please contact Ida Drury, Child Abuse Prevention and Treatment Program Administrator, at 303-866-5937, or by email at Ida.Drury@state.co.us.

Sincerely,

Reggie Bicha
Executive Director

cc: Joint Legislative Library
State Librarian
CDHS Legislative Liaison
CDHS Communications

An Act

SENATE BILL 00-171

BY SENATORS Tanner, Rupert, Dennis, Hernandez, Lacy, Martinez, Musgrave, Nichol, Reeves, Thiebaut, and Congrove;
also REPRESENTATIVES Berry, Clarke, Coleman, Gotlieb, Mace, Plant, Saliman, Smith, Tate, and Tochtrop.

CONCERNING CERTAIN ABANDONED CHILDREN.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 18-6-401, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-6-401. Child abuse. (9) IF A PARENT IS CHARGED WITH PERMITTING A CHILD TO BE UNREASONABLY PLACED IN A SITUATION THAT POSES A THREAT OF INJURY TO THE CHILD'S LIFE OR HEALTH, PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, AND THE CHILD WAS SEVENTY-TWO HOURS OLD OR YOUNGER AT THE TIME OF THE ALLEGED OFFENSE, IT SHALL BE AN AFFIRMATIVE DEFENSE TO SUCH CHARGE THAT THE PARENT SAFELY, REASONABLY, AND KNOWINGLY HANDED THE CHILD OVER TO A FIREFIGHTER, AS DEFINED IN SECTION 18-3-201 (1), OR TO A HOSPITAL STAFF MEMBER WHO ENGAGES IN THE ADMISSION, CARE, OR TREATMENT OF PATIENTS, WHEN SUCH FIREFIGHTER IS AT A FIRE STATION OR SUCH HOSPITAL STAFF MEMBER IS AT A HOSPITAL.

SECTION 2. Part 3 of article 3 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

19-3-304.5. Emergency possession of certain abandoned children.

(1) IF A PARENT VOLUNTARILY DELIVERS A CHILD TO A FIREFIGHTER, AS DEFINED IN SECTION 18-3-201 (1), C.R.S., OR A HOSPITAL STAFF MEMBER WHO ENGAGES IN THE ADMISSION, CARE, OR TREATMENT OF PATIENTS, WHEN SUCH FIREFIGHTER IS AT A FIRE STATION OR SUCH HOSPITAL STAFF MEMBER IS AT A HOSPITAL, THE FIREFIGHTER OR HOSPITAL STAFF MEMBER SHALL, WITHOUT A COURT ORDER, TAKE TEMPORARY PHYSICAL CUSTODY OF THE CHILD IF:

(a) THE CHILD IS SEVENTY-TWO HOURS OLD OR YOUNGER; AND

(b) THE PARENT DID NOT EXPRESS AN INTENT TO RETURN FOR THE CHILD.

(2) IF A FIREFIGHTER OR HOSPITAL STAFF MEMBER TAKES TEMPORARY PHYSICAL CUSTODY OF A CHILD PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE FIREFIGHTER OR HOSPITAL STAFF MEMBER SHALL:

(a) PERFORM ANY ACT NECESSARY, IN ACCORDANCE WITH GENERALLY ACCEPTED STANDARDS OF PROFESSIONAL PRACTICE, TO PROTECT, PRESERVE, OR AID THE PHYSICAL HEALTH OR SAFETY OF THE CHILD DURING THE TEMPORARY PHYSICAL CUSTODY; AND

(b) NOTIFY A LAW ENFORCEMENT OFFICER OF THE ABANDONMENT WITHIN TWENTY-FOUR HOURS AFTER THE ABANDONMENT.

(3) A FIREFIGHTER OR HOSPITAL STAFF MEMBER SHALL INCUR NO CIVIL OR CRIMINAL LIABILITY FOR ANY GOOD FAITH ACTS OR OMISSIONS PERFORMED PURSUANT TO THIS SECTION.

(4) UPON RECEIPT OF NOTICE PURSUANT TO SUBSECTION (2) OF THIS SECTION, A LAW ENFORCEMENT OFFICER SHALL TAKE THE ABANDONED CHILD INTO TEMPORARY CUSTODY PURSUANT TO SECTION 19-3-401.

(5) EACH COUNTY DEPARTMENT OF HUMAN SERVICES SHALL MAINTAIN AND UPDATE ON A MONTHLY BASIS A REPORT OF THE NUMBER OF CHILDREN WHO HAVE BEEN ABANDONED PURSUANT TO THIS SECTION. EACH COUNTY DEPARTMENT OF HUMAN SERVICES SHALL SUBMIT SUCH

INFORMATION TO THE STATE DEPARTMENT OF HUMAN SERVICES.

(6) THE STATE DEPARTMENT OF HUMAN SERVICES SHALL SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY, BEGINNING JANUARY 1, 2001, THAT COMPILES THE MONTHLY REPORTS, REQUIRED PURSUANT TO SUBSECTION (5) OF THIS SECTION, OF THE NUMBER OF CHILDREN ABANDONED PURSUANT TO THIS SECTION.

(7) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT A COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL PLACE AN ABANDONED CHILD WITH A POTENTIAL ADOPTIVE PARENT AS SOON AS POSSIBLE. THE GENERAL ASSEMBLY FURTHER DECLARES THAT, AS SOON AS LAWFULLY POSSIBLE, A COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL PROCEED WITH A MOTION TO TERMINATE THE PARENTAL RIGHTS OF A PARENT WHO ABANDONS A CHILD.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Ray Powers
PRESIDENT OF
THE SENATE

Russell George
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Patricia K. Dicks
SECRETARY OF
THE SENATE

Judith M. Rodrigue
CHIEF CLERK OF THE HOUSE
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APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL 00-171

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