

By: Hughes

S.B. No. 443

A BILL TO BE ENTITLED

AN ACT

relating to emergency possession of certain abandoned children by designated emergency infant care providers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 262.301, Family Code, is amended by amending Subdivision (1) and adding Subdivisions (3), (4), and (5) to read as follows:

(1) "Designated emergency infant care provider" means:

(A) an emergency medical services provider;

(B) a hospital;

(C) a freestanding emergency medical care facility licensed under Chapter 254, Health and Safety Code; ~~[or]~~

(D) a child-placing agency licensed by the Department of Family and Protective Services under Chapter 42, Human Resources Code, that:

(i) agrees to act as a designated emergency infant care provider under this subchapter; and

(ii) has on staff a person who is licensed as a registered nurse under Chapter 301, Occupations Code, or who provides emergency medical services under Chapter 773, Health and Safety Code, and who will examine and provide emergency medical services to a child taken into possession by the agency under this subchapter;

1           (E) a fire department; or

2           (F) a law enforcement agency.

3           (3) "Fire department" means a department of a local  
4 government that is organized to prevent or suppress fires and is  
5 staffed 24 hours a day by employees of the local government.

6           (4) "Law enforcement agency" means an office,  
7 department, or other division of a county or municipality in this  
8 state that is staffed 24 hours a day by peace officers licensed  
9 under Chapter 1701, Occupations Code.

10           (5) "Newborn safety device" means a device installed  
11 by a designated emergency infant care provider in compliance with  
12 Section 262.3025.

13           SECTION 2. Section 262.302(a), Family Code, is amended to  
14 read as follows:

15           (a) A designated emergency infant care provider shall,  
16 without a court order, take possession of a child who appears to be  
17 60 days old or younger if:

18           (1) the child is voluntarily delivered to the provider  
19 by the child's parent by:

20           (A) leaving the child with an employee of the  
21 provider; or

22           (B) placing the child in a newborn safety device  
23 voluntarily installed by the provider; and

24           (2) the parent did not express an intent to return for  
25 the child.

26           SECTION 3. Subchapter D, Chapter 262, Family Code, is  
27 amended by adding Section 262.3025 to read as follows:

1       Sec. 262.3025. NEWBORN SAFETY DEVICE. (a) A designated  
2 emergency infant care provider may install a newborn safety device  
3 to take possession of a child under Section 262.302. The provider  
4 is responsible for the cost of installing the device.

5       (b) A newborn safety device installed by a designated  
6 emergency infant care provider must:

7           (1) be physically located:

8                   (A) inside a facility operated by the provider  
9 that is staffed 24 hours a day by employees of the provider; and

10                   (B) in an area conspicuous and visible to the  
11 employees of the provider; and

12           (2) contain an adequate dual alarm system connected to  
13 the physical location of the device to audibly notify an employee of  
14 the provider that a child has been placed in the device.

15       (c) A designated emergency infant care provider that  
16 installs a newborn safety device shall ensure the device's dual  
17 alarm system is in working order by:

18           (1) testing the alarm system at least one time each  
19 week; and

20           (2) visually inspecting the alarm system at least two  
21 times each day.

22       SECTION 4. This Act takes effect September 1, 2021.