

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1346 Session of
2000INTRODUCED BY HART, HELFRICK, WOZNIAK, EARLL, TILGHMAN, WHITE,
THOMPSON, DENT, PICCOLA AND KUKOVICH, MARCH 21, 2000

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, JUNE 6, 2000

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for endangering
3 welfare of children.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 4304 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 4304. Endangering welfare of children.

9 (a) Offense defined.--[A] Except as provided in subsection
10 (c), a parent, guardian, or other person supervising the welfare
11 of a child under 18 years of age commits an offense if he
12 knowingly endangers the welfare of the child by violating a duty
13 of care, protection or support.

14 (b) Grading.--An offense under this section constitutes a
15 misdemeanor of the first degree. However, where there is a
16 course of conduct of endangering the welfare of a child, the
17 offense constitutes a felony of the third degree.

18 (c) Exception.--This section shall not apply to a parent who

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1 voluntarily delivers and relinquishes that parent's duty of
2 care, protection or support of a child who is less than one
3 month of age to a hospital or a religious institution. SAFE
4 HAVEN.

5 (D) LIABILITY.--

6 (1) A HOSPITAL WHICH OFFERS EMERGENCY SERVICES SHALL
7 ADMIT AND PROVIDE ALL NECESSARY MEDICAL CARE, DIAGNOSTIC
8 TESTS AND MEDICAL TREATMENT TO A NEWBORN INFANT BROUGHT TO
9 THE HOSPITAL PURSUANT TO SAFE HAVEN DELIVERY.

10 (2) DELIVERY OF A NEWBORN TO A SAFE HAVEN CONSTITUTES
11 IMMEDIATE CONSENT FOR THE STATE TO ASSUME CUSTODY OF THE
12 NEWBORN FOR DIRECTING MEDICAL CARE AND TREATMENT AND THE
13 NEWBORN SHALL BE CONSIDERED IMMEDIATELY ELIGIBLE FOR MEDICAID
14 FOR PAYMENT OF MEDICAL SERVICES PROVIDED.

15 (3) A PERSON PERFORMING MEDICAL CARE, DIAGNOSTIC TESTING
16 OR MEDICAL TREATMENT SHALL BE IMMUNE FROM CIVIL LIABILITY FOR
17 HAVING PERFORMED THE CARE DESCRIBED IN THIS SUBSECTION.

18 (4) NOTHING IN THIS SUBSECTION SHALL LIMIT LIABILITY FOR
19 GROSS NEGLIGENCE OR WILLFUL, WANTON OR RECKLESS CONDUCT.

20 (E) NONRELINQUISHING PARENT'S RIGHTS.--

21 (1) IF ONE PARENT OF A NEWBORN HAS RELINQUISHED CUSTODY
22 OF THE CHILD UNDER 23 PA.C.S. CH. 25 SUBCH A (RELATING TO
23 VOLUNTARY RELINQUISHMENT), THE OTHER PARENT OR AN AGENCY AS
24 DEFINED IN 23 PA.C.S. § 2102 (RELATING TO DEFINITIONS) MAY
25 FILE AN ACTION FOR CUSTODY OF THE CHILD UNDER 23 PA.C.S. §
26 2511 (RELATING TO GROUNDS FOR INVOLUNTARY TERMINATION).

27 (2) IF A NONRELINQUISHING PARENT INQUIRES AT A HOSPITAL
28 CONCERNING A CHILD WHOSE CUSTODY WAS RELINQUISHED TO THE
29 HOSPITAL, THE HOSPITAL SHALL PROVIDE TO THAT PARENT A WRITTEN
30 STATEMENT OF THE PARENT'S RIGHTS UNDER 23 PA.C.S. § 2511.

1 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
2 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
3 SUBSECTION:

4 "NEWBORN." A CHILD LESS THAN ONE MONTH OLD.

5 "SAFE HAVEN." ANY OF THE FOLLOWING:

6 (1) A HOSPITAL, AS DEFINED IN SECTION 802.1 OF THE ACT
7 OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE
8 FACILITIES ACT.

9 (2) A POLICE DEPARTMENT, AS DEFINED IN 53 PA.C.S. § 2162
10 (RELATING TO DEFINITIONS).

11 (3) A FACILITY, INCLUDING A CHURCH AS DEFINED PURSUANT
12 TO THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26
13 U.S.C.§ 1 ET SEQ.) THAT HAS SPECIFICALLY DESIGNATED ITSELF AS
14 A SAFE HAVEN FOR THE PURPOSE OF ACCEPTING NEWBORNS UNDER THIS
15 SUBSECTION.

16 Section 2. This act shall take effect in 60 days.