

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 654 Session of
2001

INTRODUCED BY HELFRICK, WOZNIAK, PICCOLA, COSTA, TILGHMAN,
KUKOVICH, M. WHITE, O'PAKE, EARLL, BODACK, MURPHY,
TARTAGLIONE, RHOADES, THOMPSON, BELL, DENT, HOLL AND KASUNIC,
MARCH 19, 2001

AS AMENDED ON SECOND CONSIDERATION, APRIL 24, 2001

AN ACT

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

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

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

9 § 4304. Endangering welfare of children.

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

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

1 (c) Safe haven delivery.--A parent who delivers a newborn to
2 a safe haven shall not be prosecuted for violation of this
3 section.

4 (d) Duties of hospitals.--A hospital which offers emergency
5 services shall admit and provide all necessary medical care,
6 diagnostic tests and medical treatment to a newborn brought to
7 the hospital pursuant to subsection (c).

8 ~~(e) Duties of safe havens.--~~ <—

9 ~~(1) (E) DUTIES OF SAFE HAVENS.--~~ <—

10 (1) A SAFE HAVEN SHALL IMMEDIATELY NOTIFY BY TELEPHONE
11 THE COUNTY CHILDREN AND YOUTH AGENCY IN THE COUNTY WHERE THE
12 NEWBORN WAS RECEIVED.

13 (2) Delivery of a newborn to a safe haven shall be
14 construed as immediate consent for the county agency of the
15 county in which the newborn is delivered under subsection (c)
16 to assume custody of the newborn for directing medical care
17 and treatment and the newborn shall be considered immediately
18 eligible for Medicaid for payment of medical services
19 provided.

20 ~~(2) A safe haven shall provide or transport a newborn~~ <—

21 (3) A SAFE HAVEN SHALL IMMEDIATELY PROVIDE OR TRANSPORT <—
22 A NEWBORN delivered under subsection (c) to a facility where
23 the newborn can receive immediate APPROPRIATE medical care or <—
24 treatment.

25 ~~(3) (4) A safe haven shall post signs to identify itself~~ <—
26 as a safe haven at or near entrances used by the public. The <—
27 size, contents and placement of the signs shall be developed
28 by the Department of Public Welfare through interim
29 guidelines, which shall remain in effect for one year from
30 the effective date of this subsection. Thereafter, the

~~department shall promulgate regulations governing the size,
contents and placement of such signs.~~

(f) Immunity from civil liability.--

(1) A person who performs medical care, diagnostic
testing or medical treatment shall be immune from civil
liability for having performed the care described in this
section.

(2) Nothing in this subsection shall be construed to
limit liability for gross negligence or willful, wanton or
reckless misconduct.

~~(g) Nonrelinquishing parent's rights. The rights and duties
of parents and safe havens and the procedures used for actions
pursuant to this section shall be governed by 23 Pa.C.S. Ch. 25
(relating to proceedings prior to petition to adopt).~~

(G) PROCEDURE.--CARE, CUSTODY AND CONTROL OF THE NEWBORN
SHALL BE GOVERNED BY 42 PA.C.S. CH. 63 (RELATING TO JUVENILE
MATTERS).

(h) Definitions.--As used in this section, the following
words and phrases shall have the meanings given to them in this
subsection:

"County agency." A county children and youth social service
agency established pursuant to section 405 of the act of June
24, 1937 (P.L.2017, No.396), known as the County Institution
District Law, and supervised by the Department of Public Welfare
under Article IX of the act of June 13, 1967 (P.L.31, No.21),
known as the Public Welfare Code.

"Hospital." As defined in section 802.1 of the act of July
19, 1979 (P.L.130, No.48), known as the Health Care Facilities
Act.

"Newborn." A child less than 30 days old.

1 "Safe haven." A hospital ~~or a police department~~ as defined <—
2 in 53 Pa.C.S. § 2162 (relating to definitions).
3 Section 2. This act shall take effect in 60 days.