

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1047

By: Lawson

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7 AS INTRODUCED

8 An Act relating to children; amending 10A O.S. 2021,
9 Section 1-2-109, which relates to relinquishment of a
10 child; modifying age of children for relinquishment
11 purposes; amending 21 O.S. 2021, Section 851, which
relates to abandonment or neglect; modifying age of
children for abandonment purposes; and providing an
effective date.

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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 10A O.S. 2021, Section 1-2-109, is
16 amended to read as follows:

17 Section 1-2-109. A. A parent subject to the provisions of this
18 act shall not be prosecuted for child abandonment or child neglect
19 under the provisions of any statute which makes child abandonment or
20 child neglect a crime, when the allegations of child abandonment or
21 child neglect are based solely on the relinquishment of a child
22 ~~thirty (30)~~ sixty (60) days of age or younger to a medical services
23 provider or a child rescuer as defined in this section.

1 B. The following entities shall, without a court order, take
2 possession of a child ~~thirty (30)~~ sixty (60) days of age or younger
3 if the child is voluntarily delivered to the entity by the parent of
4 the child and the parent did not express an intent to return for the
5 child:

- 6 1. A medical services provider; or
- 7 2. A child rescuer.

8 C. Delivery of the child may be effectuated by an in-person
9 transfer of the child to the medical services provider or child
10 rescuer or by leaving the child in a newborn safety device that is:

- 11 1. Voluntarily installed by the medical services provider or
12 child rescuer;
- 13 2. Physically located inside a police station, fire station,
14 child protective services agency, hospital or other medical
15 facility; and
- 16 3. Located in an area that is conspicuous and visible to the
17 employees of the police station, fire station, child protective
18 services agency, hospital or other medical facility.

19 D. A medical services provider or child rescuer that installs a
20 newborn safety device shall:

- 21 1. Be responsible for the cost of the installation; and
- 22 2. Install an adequate dual alarm system connected to the
23 physical location of the newborn safety device that is:

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- 1 a. tested at least one time per week to ensure the alarm
2 system is in working order, and
3 b. visually checked at least two times per day to ensure
4 the alarm system is in working order.

5 E. Any entity identified in subsection B of this section to
6 which a parent seeks to relinquish a child pursuant to the
7 provisions of this section may:

8 1. Request, but not demand, any information about the child
9 that the parent is willing to share. The entity is encouraged to
10 ask about, but not demand, the details of any relevant medical
11 history relating to the child or the parents of the child. The
12 entity shall respect the wish of the parent if the parent desires to
13 remain anonymous; and

14 2. Provide the parent with printed information relating to the
15 rights of the parents, including both parents, with respect to
16 reunification with the child and sources of counseling for the
17 parents, if desired.

18 F. Once a child has been relinquished to any entity identified
19 in subsection B of this section, the entity receiving the child
20 shall:

21 1. Perform or provide for the performance of any act necessary
22 to protect the physical health or safety of the child; and

23 2. Notify the local office of the Department that a parent of a
24 child ~~thirty (30)~~ sixty (60) days of age or younger, in the best

1 judgment of the receiving entity, has relinquished such child and
2 that the entity has taken possession of the child.

3 G. Upon being made aware that a medical services provider or
4 child rescuer has possession of a child under the provisions of this
5 section, the Department of Human Services shall immediately check
6 with law enforcement authorities to determine if a child has been
7 reported missing and whether the missing child could be the
8 relinquished child.

9 H. The Department shall design and disseminate:

10 1. A simplified form for the recording of medical or other
11 information that a relinquishing parent wishes to share with the
12 entity to whom the child is being relinquished;

13 2. Easily understood printed materials that give information
14 about parents' rights with regard to reunification with a child
15 including, but not limited to, information on how a parent can
16 contact the appropriate entity regarding reunification, and
17 information on sources of counseling for relinquishing parents; and

18 3. Media information including printed material that creates
19 public awareness about the provisions of this act.

20 I. For purposes of this section:

21 1. "Medical services provider" means a person authorized to
22 practice the healing arts including a physician's assistant or nurse
23 practitioner, a registered or practical nurse and a nurse aide; and

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1 2. "Child rescuer" means any employee or other designated
2 person on duty at a police station, fire station, child protective
3 services agency, hospital or other medical facility.

4 J. A medical services provider or child rescuer with
5 responsibility for performing duties pursuant to this section shall
6 be immune from any criminal liability that might otherwise result
7 from the actions of the entity, if acting in good faith in receiving
8 a relinquished child. In addition, such medical provider or child
9 rescuer shall be immune from any civil liability that might
10 otherwise result from merely receiving a relinquished child.

11 SECTION 2. AMENDATORY 21 O.S. 2021, Section 851, is
12 amended to read as follows:

13 Section 851. A. Any parent of any child or children under the
14 age of ten (10) years, and every person to whom such child or
15 children have been confided for nurture or education, who deserts
16 such child or children within this state, or takes such child or
17 children without this state, with the intent wholly to abandon ~~it~~
18 the child or children shall be deemed guilty of a felony and upon
19 conviction thereof shall be punished by imprisonment in the ~~State~~
20 ~~Penitentiary~~ custody of the Department of Corrections for any period
21 of time not less than one (1) year nor more than ten (10) years.

22 B. It is an affirmative defense to a prosecution under this
23 section that a parent voluntarily delivered a child under the age of
24 ~~thirty (30)~~ sixty (60) days to and left the child with, or

1 voluntarily arranged for another person to deliver a child to and
2 leave the child with, a medical services provider or child rescuer
3 as provided in Section 1-2-109 of Title 10A of the Oklahoma
4 Statutes.

5 SECTION 3. This act shall become effective November 1, 2023.

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7 59-1-5227 CMA 12/29/22

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