

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB876

Hearing Date: Wednesday February 07, 2024
Committee On: Judiciary
Introducer: Holdcroft
One Liner: Adopt the Newborn Safe Haven Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Bosn, DeBoer, DeKay, Holdcroft, Ibach
Nay:	2	Senators Blood, Wayne
Absent:		
Present Not Voting:	1	Senator McKinney

Testimony:

Proponents:

Senator Rick Holdcroft
Ryan McIntosh

Sandy Danek
June Grummert
Lucrece Bundy
Katie Nungesser
Judith Mansisor
Jess T. Lammers
Laura L. Williams
Marion Miner
Nate Grasz

Opponents:

Neutral:

Laura Leise
Sarah Helvey
Krissa Delka

Representing:

Opening Presenter
Nebraska State Volunteer Firefighters Association |
Nebraska Fire Chiefs Association
Nebraska Rights to Life
Self
Self
Voices for Children in Nebraska
Self
Self
Self
Nebraska Catholic Conference
Nebraska Family Alliance

Representing:

Representing:

Iowa Health and Human Services SME
Nebraska Appleseed
Nebraska Healthcare Association | Nebraska Nursing
Homes and Assisted Living Communities

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

Section 29-121 currently provides Nebraska's "safe haven" law. This section creates a defense to criminal



prosecution for leaving a child 30 days old or younger in the custody of an employee at a licensed hospital. LB876 would amend this section and add new sections to add additional detail to the process of lawfully surrendering physical custody of a child.

Section 6 would amend 29-121 to change the defense to protect a person from criminal prosecution that surrenders a newborn infant pursuant to this bill.

Section 2 is a new section that provides definitions. Among other terms, “approved drop-off location” is defined to include hospitals, fire stations, and law enforcement agencies; and “newborn infant” is defined as a child who is, or appears to be, ninety days old or younger.

Section 3 is a new section that provides the process for voluntarily releasing custody of a newborn infant. Custody could be surrendered at an approved drop-off locations, to hospital staff, through a newborn safety device, or to an emergency service provider responding to a 911 call.

Section 4 is a new section that states the intent of the Legislature to appropriate \$15,000 for grants to be used to install newborn safety devices.

Section 5 is a new section that states the intent of the Legislature to appropriate \$50,000 in FY25 and \$10,000 every year thereafter for a public information program on this bill.

Explanation of amendments:

AM2458 would replace the original bill.

Section 2 would include organizations in the definition of “emergency medical care provider” and would change the definition of “newborn safety device” to no longer include requirements for devices placed at locations where emergency medical services are provided.

Section 3 would be reorganized and would require approved drop-off locations, hospitals, and emergency medical care providers with a newborn safety device to display a decal or placard authorizing a person to surrender physical custody of an infant at that location.

Section 6 is new and would amend 28-720 to provide that the proper surrender of an infant shall not be entered in the central registry of child protection cases.

Section 7 is Section 6 from the original bill and is unchanged.

Section 8 is new and would amend section 43-245 to exclude a proper surrender from the definition of “abandonment” in the Juvenile Code.

Section 9 is new and would amend section 43-247 to change the juvenile court’s jurisdiction to include properly surrendered newborn infants under the court’s (3)(a) abuse and neglect jurisdiction.

Section 10 is new and would amend 43-283.01 to require the state to undertake reasonable efforts to reunify a family in a juvenile court case if a sibling has been properly surrendered and parental rights have been terminated as a result. Under normal circumstances, the state would not be required to undertake reasonable efforts if the parental rights to a sibling have been terminated. This section would also provide that reasonable efforts would not be required when the child has been properly surrendered.



Section 11 is new and would amend 43-292.02 to require a petition to be filed to terminate parental rights if a court has determined that the child was properly surrendered and no legal or biological parent has attempted to reclaim the infant.

Section 12 is new and makes a harmonizing change.

Section 13 is new and would amend section 71-604 to allow a court to order a filing with DHHS to be treated as a certificate of birth.

Section 14 is a new section that would prohibit DHHS from making efforts to locate or identify the parents or relatives of a properly surrendered child.

Section 15 is a new section that creates a blanket prohibition against prosecution of parents for neglect of a sibling of a child that has been properly surrendered.

Section 16 is a new section that would give jurisdiction to the juvenile court to determine parentage of a surrendered child. This section would also allow notice of a 43-247(3)(a) abuse and neglect petition in juvenile court to be served by publication. This section would create a process for establishing parentage of a properly surrendered child. This process would be different than the existing processes for termination of parental rights in 43-247(6), juveniles that have been voluntarily relinquished in 43-247(7), and paternity determinations in 43-247(10).

Section 17 is a new section that would authorize a juvenile court to issue an order for a birth certificate surrendered under the act.

Justin Wayne, Chairperson

