

PCB HCC 08-13

ORIGINAL

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1                                   A bill to be entitled  
 2           An act relating to infant abandonment; amending s.  
 3           63.0423, F.S.; providing for presumption of consent to  
 4           termination of parental rights in cases of abandoned  
 5           infants; revising requirements for conducting a diligent  
 6           search to identify a parent of an abandoned infant;  
 7           providing an exception; conforming provisions relating to  
 8           granting a petition for termination of parental rights;  
 9           amending s. 383.50, F.S.; increasing the age at which an  
 10          infant is considered a newborn infant for purposes of  
 11          treatment after abandonment; allowing mothers to remain  
 12          anonymous on birth certificates under certain  
 13          circumstances; providing an effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1. Subsections (4), (5), and (6) of section  
 18           63.0423, Florida Statutes, are amended to read:

19           63.0423 Procedures with respect to abandoned infants.--

20           (4) The parent who abandons the infant in accordance with  
 21 s. 383.50 is presumed to have consented to termination of  
 22 parental rights, and express consent is not required. Except  
 23 when there is actual or suspected child abuse or neglect, the  
 24 licensed child-placing agency shall not attempt to pursue,  
 25 search for, or notify that parent as provided in s. 63.088 and  
 26 chapter 49. ~~Within 7 days after accepting physical custody of~~  
 27 ~~the abandoned infant, the licensed child-placing agency shall~~  
 28 ~~initiate a diligent search to notify and to obtain consent from~~

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29 ~~a parent whose identity is known but whose location is unknown.~~  
 30 ~~The diligent search must include, at a minimum, inquiries as~~  
 31 ~~provided for in s. 63.088. Constructive notice must also be~~  
 32 ~~provided pursuant to chapter 49 in the county where the infant~~  
 33 ~~was abandoned. If a parent is identified and located, notice of~~  
 34 ~~the hearing on the petition for termination of parental rights~~  
 35 ~~shall be provided.~~

36 (5) A petition for termination of parental rights under  
 37 this section may not be filed until 30 days after the date the  
 38 infant was abandoned in accordance with s. 383.50. A petition  
 39 for termination of parental rights may not be granted until  
 40 ~~consent to adoption or an affidavit of nonpaternity has been~~  
 41 ~~executed by a parent of the abandoned infant as set forth in s.~~  
 42 ~~63.062, a parent has failed to reclaim or claim the abandoned~~  
 43 ~~infant within the time period specified in s. 383.50, or the~~  
 44 ~~consent of a parent is otherwise waived by the court.~~

45 (6) A claim of parental rights of the abandoned infant  
 46 must be made to the entity having legal custody of the abandoned  
 47 infant or to the circuit court before which ~~whom~~ proceedings  
 48 involving the abandoned infant are pending. A claim of parental  
 49 rights of the abandoned infant may not be made after the  
 50 judgment to terminate parental rights is entered, except as  
 51 otherwise provided by subsection (9).

52 Section 2. Subsections (1) and (5) of section 383.50,  
 53 Florida Statutes, are amended to read:

54 383.50 Treatment of abandoned newborn infant.--

55 (1) As used in this section, the term "newborn infant"  
 56 means a child who ~~that~~ a licensed physician reasonably believes

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57 | ~~is to be~~ approximately 7 ~~3~~ days old or younger at the time the  
58 | child is left at a hospital, emergency medical services station,  
59 | or fire station.

60 |       (5) Except when ~~where~~ there is actual or suspected child  
61 | abuse or neglect, any parent who leaves a newborn infant with a  
62 | firefighter, emergency medical technician, or paramedic at a  
63 | fire station or emergency medical services station, or brings a  
64 | newborn infant to an emergency room of a hospital and expresses  
65 | an intent to leave the newborn infant and not return, has the  
66 | absolute right to remain anonymous and to leave at any time and  
67 | may not be pursued or followed unless the parent seeks to  
68 | reclaim the newborn infant. When an infant is born in a hospital  
69 | and the mother expresses intent to leave the infant and not  
70 | return, upon the mother's request, the hospital or registrar  
71 | shall complete the infant's birth certificate without naming the  
72 | mother.

73 |       Section 3. This act shall take effect July 1, 2008.