

# An Act

SENATE BILL 00-171

BY SENATORS Tanner, Rupert, Dennis, Hernandez, Lacy, Martinez, Musgrave, Nichol, Reeves, Thiebaut, and Congrove;  
also REPRESENTATIVES Berry, Clarke, Coleman, Gotlieb, Mace, Plant, Saliman, Smith, Tate, and Tochtrop.

CONCERNING CERTAIN ABANDONED CHILDREN.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 18-6-401, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**18-6-401. Child abuse.** (9) IF A PARENT IS CHARGED WITH PERMITTING A CHILD TO BE UNREASONABLY PLACED IN A SITUATION THAT POSES A THREAT OF INJURY TO THE CHILD'S LIFE OR HEALTH, PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, AND THE CHILD WAS SEVENTY-TWO HOURS OLD OR YOUNGER AT THE TIME OF THE ALLEGED OFFENSE, IT SHALL BE AN AFFIRMATIVE DEFENSE TO SUCH CHARGE THAT THE PARENT SAFELY, REASONABLY, AND KNOWINGLY HANDED THE CHILD OVER TO A FIREFIGHTER, AS DEFINED IN SECTION 18-3-201 (1), OR TO A HOSPITAL STAFF MEMBER WHO ENGAGES IN THE ADMISSION, CARE, OR TREATMENT OF PATIENTS, WHEN SUCH FIREFIGHTER IS AT A FIRE STATION OR SUCH HOSPITAL STAFF MEMBER IS AT A HOSPITAL.

**SECTION 2.** Part 3 of article 3 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**19-3-304.5. Emergency possession of certain abandoned children.**

(1) IF A PARENT VOLUNTARILY DELIVERS A CHILD TO A FIREFIGHTER, AS DEFINED IN SECTION 18-3-201 (1), C.R.S., OR A HOSPITAL STAFF MEMBER WHO ENGAGES IN THE ADMISSION, CARE, OR TREATMENT OF PATIENTS, WHEN SUCH FIREFIGHTER IS AT A FIRE STATION OR SUCH HOSPITAL STAFF MEMBER IS AT A HOSPITAL, THE FIREFIGHTER OR HOSPITAL STAFF MEMBER SHALL, WITHOUT A COURT ORDER, TAKE TEMPORARY PHYSICAL CUSTODY OF THE CHILD IF:

(a) THE CHILD IS SEVENTY-TWO HOURS OLD OR YOUNGER; AND

(b) THE PARENT DID NOT EXPRESS AN INTENT TO RETURN FOR THE CHILD.

(2) IF A FIREFIGHTER OR HOSPITAL STAFF MEMBER TAKES TEMPORARY PHYSICAL CUSTODY OF A CHILD PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE FIREFIGHTER OR HOSPITAL STAFF MEMBER SHALL:

(a) PERFORM ANY ACT NECESSARY, IN ACCORDANCE WITH GENERALLY ACCEPTED STANDARDS OF PROFESSIONAL PRACTICE, TO PROTECT, PRESERVE, OR AID THE PHYSICAL HEALTH OR SAFETY OF THE CHILD DURING THE TEMPORARY PHYSICAL CUSTODY; AND

(b) NOTIFY A LAW ENFORCEMENT OFFICER OF THE ABANDONMENT WITHIN TWENTY-FOUR HOURS AFTER THE ABANDONMENT.

(3) A FIREFIGHTER OR HOSPITAL STAFF MEMBER SHALL INCUR NO CIVIL OR CRIMINAL LIABILITY FOR ANY GOOD FAITH ACTS OR OMISSIONS PERFORMED PURSUANT TO THIS SECTION.

(4) UPON RECEIPT OF NOTICE PURSUANT TO SUBSECTION (2) OF THIS SECTION, A LAW ENFORCEMENT OFFICER SHALL TAKE THE ABANDONED CHILD INTO TEMPORARY CUSTODY PURSUANT TO SECTION 19-3-401.

(5) EACH COUNTY DEPARTMENT OF HUMAN SERVICES SHALL MAINTAIN AND UPDATE ON A MONTHLY BASIS A REPORT OF THE NUMBER OF CHILDREN WHO HAVE BEEN ABANDONED PURSUANT TO THIS SECTION. EACH COUNTY DEPARTMENT OF HUMAN SERVICES SHALL SUBMIT SUCH

INFORMATION TO THE STATE DEPARTMENT OF HUMAN SERVICES.

(6) THE STATE DEPARTMENT OF HUMAN SERVICES SHALL SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY, BEGINNING JANUARY 1, 2001, THAT COMPILES THE MONTHLY REPORTS, REQUIRED PURSUANT TO SUBSECTION (5) OF THIS SECTION, OF THE NUMBER OF CHILDREN ABANDONED PURSUANT TO THIS SECTION.

(7) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT A COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL PLACE AN ABANDONED CHILD WITH A POTENTIAL ADOPTIVE PARENT AS SOON AS POSSIBLE. THE GENERAL ASSEMBLY FURTHER DECLARES THAT, AS SOON AS LAWFULLY POSSIBLE, A COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL PROCEED WITH A MOTION TO TERMINATE THE PARENTAL RIGHTS OF A PARENT WHO ABANDONS A CHILD.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Ray Powers  
PRESIDENT OF  
THE SENATE

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Russell George  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Patricia K. Dicks  
SECRETARY OF  
THE SENATE

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Judith M. Rodrigue  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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Bill Owens  
GOVERNOR OF THE STATE OF COLORADO