

By Senator Storms

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1 A bill to be entitled

2 An act relating to abandonment of a newborn infant;
3 amending s. 63.0423, F.S.; deleting the requirement for a
4 licensed child-placing agency to conduct a diligent search
5 for the parent and obtain consent for the termination of
6 parental rights; amending s. 383.50, F.S.; redefining the
7 term "newborn infant" to raise the age at which an infant
8 may be left anonymously from 3 to 7 days old; requiring
9 that if an abandoned child is born in a hospital, the
10 mother's name be left off the birth certificate upon the
11 mother's request; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsections (4), (5), and (6) of section
16 63.0423, Florida Statutes, are amended to read:

17 63.0423 Procedures with respect to abandoned infants.--

18 (4) A parent who abandons a newborn infant in accordance
19 with s. 383.50 is presumed to have consented to termination of
20 parental rights, and express consent is not required. Except
21 where there is actual or suspected child abuse or neglect, the
22 licensed child-placing agency may not attempt to search for and
23 notify the parent as required under s. 63.088. Within 7 days
24 after accepting physical custody of the abandoned infant, the
25 licensed child-placing agency shall initiate a diligent search to
26 notify and to obtain consent from a parent whose identity is
27 known but whose location is unknown. The diligent search must
28 include, at a minimum, inquiries as provided for in s. 63.088.
29 ~~Constructive notice must also be provided pursuant to chapter 49~~

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30 ~~in the county where the infant was abandoned. If a parent is~~
31 ~~identified and located, notice of the hearing on the petition for~~
32 ~~termination of parental rights shall be provided.~~

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

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

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

53 383.50 Treatment of abandoned newborn infant.--

54 (1) As used in this section, the term "newborn infant"
55 means a child that a licensed physician reasonably believes to be
56 approximately 7 ~~3~~ days old or younger at the time the child is
57 left at a hospital, emergency medical services station, or fire
58 station.

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

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