

216B.190 Newborn infant -- Treatment when identity of parents is unknown -- Immunity from liability -- Anonymity of person leaving infant -- Emergency custody order -- Materials for health and medical information.

- (1) As used in this section:
 - (a) "Newborn infant" means an infant who is medically determined to be less than thirty (30) days old.; and
 - (b) "Participating place of worship" has the same meaning as in KRS 405.075.
- (2) Every hospital of this state that offers emergency services shall admit and provide all necessary medical care, diagnostic tests, and medical treatment to any newborn infant brought to the hospital when the identity of the parents is unknown. Any person performing medical care, diagnostic testing, or medical treatment shall be immune from criminal or civil liability for having performed the act. Nothing in this subsection shall limit liability for negligence.
- (3) Any person or parent, other than an emergency medical services provider, a police officer, a firefighter, or a staff member at a participating place of worship acting in the course of his or her official duties, who leaves a newborn infant at an emergency room, or brings a newborn infant to an emergency room and expresses an intent to leave the infant and not return, shall have the right to remain anonymous and to leave at any time, and shall not be pursued or followed. The physician shall consider these actions as implied consent for treatment.
- (4) Upon admittance, the physician or hospital administrator shall immediately contact the local office of the Department for Community Based Services. The Department for Community Based Services shall immediately seek an emergency custody order in accordance with KRS 620.350.
- (5) Every emergency room shall make available materials to gather health and medical information concerning the infant and the parents. The materials shall be offered to the person leaving the newborn infant and it shall be clearly stated that acceptance is completely voluntary and completion of the materials may be done anonymously.
- (6) The provisions of subsection (3) of this section shall not apply when indicators of child physical abuse or child neglect are present.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 122, sec. 4, effective July 15, 2016. -- Created 2002 Ky. Acts ch. 303, sec. 3, effective April 9, 2002.