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Title 9 Family Law
Subtitle 3. Minors
Chapter 34 Voluntary Placement of a Child
Subchapter 2 -- Voluntary Delivery of a Child

A.C.A. § 9-34-201. Definitions.

For purposes of this chapter:

(1) "Fire department" means any organization that is staffed twenty-four (24) hours a day and established for the prevention or extinguishment of fires, including, but not limited to, fire departments organized under municipal or county ordinances, improvement districts, membership fee-based private fire departments, and volunteer fire departments;

(2) "Law enforcement agency" means any police force or organization whose primary responsibility as established by law or ordinance is the enforcement of the criminal, traffic, or highway laws of this state as defined in § 12-9-301 and that is staffed twenty-four (24) hours a day; and

(3) "Medical provider" means any emergency department of a hospital licensed under § 20-9-214.

A.C.A. § 9-34-202. Delivery to medical provider, law enforcement agency, or fire department.

(a) Any medical provider, law enforcement agency, or fire department shall take possession of a child who is thirty (30) days old or younger without a court order if the parent of the child, without expressing an intent to return for the child, leaves the child:

(1) With or voluntarily delivers the child to the medical provider, law enforcement agency, or fire department; or

(2) In a newborn safety device that is:

(A) Voluntarily installed by the medical provider, law enforcement agency, or fire department;

(B) Physically located inside a hospital, law enforcement agency, or fire department that is staffed twenty-four (24) hours a day by a medical services provider; and

(C) Located in an area that is conspicuous and visible to the employees of the hospital, law enforcement agency, or fire department.

(b)

(1) A medical provider, law enforcement agency, or fire department that takes possession of a child under subsection (a) of this section shall perform any act necessary to protect the physical health and safety of the child.

(2) A medical provider, law enforcement agency, or fire department shall:

(A) Keep the identity of a parent who relinquishes a child under this section confidential; and

(B) Not release or otherwise make the identity of the parent available except to a:

(i) Law enforcement agency investigating abuse or neglect of the child that was committed before the child was delivered to the medical provider or law enforcement agency; or

(ii) Prosecuting attorney pursuing charges against a parent for abuse or neglect of the child that was committed before the child was delivered to the medical provider, law enforcement agency, or fire department.

(c) A medical provider, law enforcement agency, or fire department shall not be criminally or civilly liable for any good faith acts or omissions performed under this section.

(d) A medical provider, law enforcement agency, or fire department that voluntarily installs a newborn safety device shall:

(1) Be responsible for the cost of the installation; and

(2) Install an adequate dual alarm system connected to the physical location of the newborn safety device that is:

(A) Tested at least one (1) time per week to ensure the alarm system is in working order; and

(B) Visually checked at least two (2) times per day to ensure the alarm system is in working order.

A.C.A. § 9-34-203. Care of the child.

(a) Upon delivery of the child to a medical provider, law enforcement agency, or fire department, the law enforcement officer, an appropriate employee of the fire department, or an appropriate employee of the hospital shall take the child into protective custody for seventy-two (72) hours under the Child Maltreatment Act, § 12-18-101 et seq.

(b) The law enforcement officer, employee of the fire department, or employee of the hospital shall immediately notify the Division of Children and Family Services, which shall initiate a dependency petition under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

A.C.A. § 9-34-204. Missing Persons Information Clearinghouse.

The Division of Children and Family Services of the Department of Human Services shall utilize the Missing Persons Information Clearinghouse and any other national and state resources to determine whether the child is a missing child.