

## ALABAMA LAW

### **Code of Alabama - Title 26: Infants And Incompetents - Section 26-25-1 - Possession and protection of abandoned child**

#### *Section 26-25-1 - Possession and protection of abandoned child.*

(a) An emergency medical services provider, without a court order, shall take possession of a child who is 72 hours old or younger if the child is voluntarily delivered to the provider by the child's parent and the parent did not express an intent to return for the child.

(b) An emergency medical services provider who takes possession of a child under this section shall perform any act necessary to protect the physical health or safety of the child.

(Act 2000-760, p. 1740, §1.)

### **Code of Alabama - Title 26: Infants And Incompetents - Section 26-25-2 - Notification to Department of Human Resources**

#### *Section 26-25-2 - Notification to Department of Human Resources.*

(a) No later than the close of the first business day after the date on which an emergency medical services provider takes possession of a child pursuant to Section 26-25-1, the provider shall notify the Department of Human Resources that the provider has taken possession of the child.

(b) The department shall assume the care, control, and custody of the child immediately on receipt of notice pursuant to subsection (a). The department shall be responsible for all medical and other costs associated with the child and shall reimburse the hospital for any costs incurred prior to the child being placed in the care of the department.

(Act 2000-760, p. 1740, §2.)

### **Code of Alabama - Title 26: Infants And Incompetents - Section 26-25-3 - Affirmative defense under criminal prosecution**

#### *Section 26-25-3 - Affirmative defense under criminal prosecution.*

It is an affirmative defense to prosecution under Sections 13A-13-4, 13A-13-5, and 13A-13-6, if the parent voluntarily delivers the child to an emergency medical services provider pursuant to Section 26-25-1.

(Act 2000-760, p. 1740, §3.)

### **Code of Alabama - Title 26: Infants And Incompetents - Section 26-25-4 - Emergency medical services provider**

*Section 26-25-4 - Emergency medical services provider.*

For the purposes of this chapter, an emergency medical services provider shall mean a licensed hospital, as defined in Section 22-21-20, which operates an emergency department. An emergency medical service provider does not include the offices, clinics, surgeries, or treatment facilities of private physicians or dentists. No individual licensed healthcare provider, including physicians, dentists, nurses, physician assistants, or other health professionals shall be deemed to be an emergency medical services provider under this chapter unless such individual voluntarily assumes responsibility for the custody of the child.

**(Act 2000-760, p. 1740, §4.)**

**Code of Alabama - Title 26: Infants And Incompetents - Section 26-25-5 - Liability**

*Section 26-25-5 - Liability.*

No person or other entity subject to the provisions of this chapter shall be liable to any person for any claim for damages as a result of any action taken pursuant to the requirements of this chapter, and no lawsuit shall be predicated thereon.

**(Act 2000-760, p. 1740, §5.)**