

# SENATE BILL REPORT

## ESSB 5236

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As Passed Senate, January 18, 2002

**Title:** An act relating to the safety of newborn children.

**Brief Description:** Ensuring the health and safety of newborn infants who have been abandoned and exempting from criminal liability persons who abandon them into the custody of a qualified person.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Long, Thibaudeau, Costa, McAuliffe, Eide, Stevens, Fairley, Prentice, Franklin, Fraser, Carlson, Spanel, Regala, Hargrove, Oke and Patterson).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/26/01, 2/22/01 [DPS].

Passed Senate: 3/9/01, 48-0.

**First Special Session:** Passed Senate: 5/23/01, 42-0.

**Second Special Session:** Passed Senate: 6/20/01, 37-0.

Passed Senate: 1/18/02, 46-0.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5236 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair: Costa, Vice Chair: Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

**Staff:** Edith Rice (786-7444)

**Background:** Since 1999 there have been several local incidents of newborn infants being abandoned in a variety of locations, including a convenience store, sidewalk, trash bin and restroom, putting the infant's health at grave and immediate risk. Under current state law, a person who abandons an infant can be criminally charged with abandonment of a dependent person, family abandonment or family non-support.

**Summary of Bill:** Parents who might otherwise abandon their newborn infant are encouraged to leave him or her in a safe place and increase the likelihood of survival. Immunity is provided from specific criminal liability for a parent who transfers a newborn to any hospital employee at a hospital emergency room. The hospital must give the parent the opportunity to provide family medical history anonymously. Child Protective Services is contacted within 24 hours. The hospital, staff, and volunteers are immune from criminal or civil liability for accepting a newborn. No changes are made to current law relating to dependency or termination of parental rights.

The Department of Social and Health Services must form a task force to determine how to implement this bill and report to the Governor and Legislature by December 1, 2002.

**Appropriation:** None.

**Fiscal Note:** Requested on January 16, 2001.

**Effective Date:** Sections 1 through 6 of the bill take effect on July 1, 2002.

**Testimony For:** Any steps taken to encourage a mother who would otherwise abandon her infant, to do so safely, may save a life. Hospital emergency rooms are easily identifiable, open 24 hours a day and are equipped to address the medical needs of the infant and mother.

**Testimony Against:** None.

**Testified:** Susie Tracy, WSMA (pro); Janeen Wells (pro); Elizabeth Hope (pro); Julie Lotz, adoptive parent (pro); Donna Christensen, Washington State Catholic Conference (pro); Joan Dedman, Safe Haven Project (pro); Virginia Pfalzer (pro); Laurie Lippold Children's Home Society (pro); Sherry Appleton (pro); Marianna Conner, Children's Administration, Department of Social and Health Services (concerns); Richard Onizuka, Mental Health Administration, Department of Social and Health Services (concerns); Tom Bristow, Washington State Hospital Association (pro); Lonnie Johns-Brown, Solutions (pro); Bob Higley, Washington Evangelical for Responsible Government (pro).

**House Amendment(s):** The amendment removes language regarding barriers to care from the intent section; allows newborns, 72 hours old or younger, to be transferred to fire station personnel at a manned fire station without subjecting the parent to criminal liability; adds fire fighters and emergency medical technicians to the task force; and requires the task force work to be accomplished within existing resources.