

Children & Family Services

HB 1170

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: Representatives O'Brien, Campbell, Dickerson, Tokuda, Kessler, Skinner, Murray, Schindler, Cody, Dunn, Barlean, Lantz, Darneille, Edmonds, Rockefeller, Quall, Keiser, Edwards, Veloria, Kagi, Kenney, Dunshee, Lovick, Miloscia, Doumit, Ogden, Conway, Woods, Van Luven, Haigh, Simpson, Jackley, Hurst, Mulliken, Schual-Berke and Santos.

Brief Summary of Bill

- *Eliminates criminal liability for a parent who abandons an infant, 72 hours old or younger, in a hospital to a designated person.*
- *Creates a 15 member task force to recommend methods of implementation, ways to promote adoption, and ways of providing access to the abandoning parents' medical history.*
- *Appropriates \$200,000 for the biennium to the department of social and health services.*

Hearing Date: 1/31/01

Staff: Tracey Taylor (786-7196).

Background:

Over the years, there have been several reports of newborn children being abandoned by

their parents. In some cases, the newborn was found and received prompt medical attention. Unfortunately, there are some cases where the newborn, exposed to the elements, died as the result of the abandonment.

This past year, 23 year state legislatures, as well as the U.S. Congress, have considered abandoned babies– legislation. Under current Washington state law, the abandoning parent could face felony or gross misdemeanor charges for the reckless abandonment or endangerment of a dependent person.

Summary of Bill:

If a parent abandons a newborn, 72 hours old or less, to a qualified person at a hospital licensed under 70.41 RCW, he or she will not face criminal liability for abandonment of a dependent person in the first, second or third degree, reckless endangerment, or family abandonment or nonsupport. A qualified person includes a physician, an osteopathic physician and surgeon, a nurse, a nurse practitioner, a midwife, emergency medical technician and a physician's trained emergency medical service intermediate life support technician and paramedic.

A 15 member task force, convened by the Secretary of the Department of Social and Health Services, must make recommendations regarding the implementation of the safe abandonment program. Among the topics to be considered by the task force: reasonable methods of educating the public about the need for prenatal and postdelivery health care for a newborn, ways to improve the promotion of adoption as an alternative to hazardously abandoning an infant, and methods of providing access to the medical history of the newborn and the newborn's parents.

The task force members shall not receive compensation, except reimbursement for expenses, and must include representatives from: licensed physicians, public and private agencies providing adoption services, licensed nursing community, hospitals, prosecuting attorneys, foster parents, the Department of Health, the Attorney General's office, advocacy groups concerned with the availability of adoption records and at least three members of the public at large.

The task force's report and recommendations is due by December 1, 2001.

Effective Date: *For sections one through six: July 1, 2002. For section seven: Ninety days after adjournment of session in which bill is passed.*

Appropriation: *The Sum of \$200,000 for the biennium. No money may be spent on the task force's recommendations until March 1, 2002.*

Fiscal Note: *Requested on January 23, 2000.*

