

HOUSE BILL REPORT

ESB 5425

As Reported by House Committee On:
Early Learning & Children's Services

Title: An act relating to adding additional appropriate locations for the transfer of newborn children.

Brief Description: Adding additional appropriate locations for the transfer of newborn children.

Sponsors: Senators Kohl-Welles, Hargrove, Stevens and Regala.

Brief History:

Committee Activity:

Early Learning & Children's Services: 2/22/08, 2/26/08 [DP].

Brief Summary of Engrossed Bill

- Adds to the types of locations where a newborn infant can be transferred without incurring criminal liability.
- Requires the Department of Social and Health Services to collect, compile, and report annually regarding newborn infants transferred at appropriate locations and infants abandoned at other locations.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: Do pass. Signed by 6 members: Representatives Kagi, Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman, Hinkle and Pettigrew.

Minority Report: Without recommendation. Signed by 1 member: Representative Roberts, Vice Chair.

Staff: Sydney Forrester (786-7120).

Background:

Abandoning or otherwise transferring a newborn infant or other dependent person can result in criminal charges of abandonment of a dependent person, family abandonment, or family non-

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support. Infant safe haven laws are intended to designate safe locations where newborn infants can be safely and legally abandoned by a parent without the parent incurring criminal liability. Texas was the first state to enact such a law in 1999. In January and February of 2008, Alaska and Nebraska respectively became the 49th and 50th states to enact safe haven laws.

In 2002 the Washington Legislature enacted ESSB 5236 allowing a parent to avoid criminal liability for abandoning a child if the parent leaves a newborn infant with a qualified person at a hospital emergency room or an occupied fire station within 72 hours of birth. If the newborn is transferred to a designated location, the employees, volunteers, and staff members of the designated location are immune from criminal and civil liability for accepting the newborn.

Summary of Bill:

In addition to a hospital emergency room or occupied fire station, a federally-designated rural health clinic or federally-qualified health center is an authorized location for the noncriminal transfer of a newborn infant.

The Department of Social and Health Services is required to gather information concerning the number and medical condition of newborns lawfully transferred and those otherwise abandoned, and report its findings to the Legislature annually, beginning on January 1, 2010.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) The challenge we face in addressing abandonment of infants is to make sure young mothers, often teenagers who are scared and desperate, know there are places where they can safely transfer the infant when they are not capable of caring for the child. What is needed is to expand the options for safe transfer locations in rural areas, especially in eastern Washington, where a person may have to drive several miles to reach a hospital or fire station. Adding rural health clinics to the list of places where a newborn can be safely transferred in the event a mother determines it is best to do so will help safeguard against tragic abandonments.

This bill also adds an important component to begin gathering data on infants who are safely transferred, as well as those who are improperly abandoned. (Opposed) None.

Persons Testifying: Senator Kohl-Welles, prime sponsor; and Lonnie Johns-Brown, National Organization for Women.

Persons Signed In To Testify But Not Testifying: None.