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**Early Learning & Children's  
Services Committee**

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**ESB 5425**

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

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

**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 to appropriate locations and infants abandoned at other locations.

**Hearing Date:** 2/22/08

**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-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.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**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 (DSHS) is required to gather information concerning the number and medical condition of newborns transferred under the act, 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.