
HOUSE BILL 2939

State of Washington

64th Legislature

2016 Regular Session

By Representatives Stokesbary and Pollet

Read first time 01/28/16. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to requiring the department of social and health
2 services to collect and publicly report information on the safe
3 surrender of newborn children; amending RCW 13.34.360; and creating a
4 new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that on February 12,
7 2014, the body of a newborn girl was found near the side of a road in
8 North Bend, Washington, wrapped in a blanket. The newborn was less
9 than half a mile away from Snoqualmie valley hospital, a location
10 where infants can be safely and anonymously surrendered under
11 Washington state's safety of newborn children law. The legislature
12 further finds that while national estimates are that safe surrender
13 laws across the country have saved well over one thousand infants in
14 the past decade, surprisingly little is known about how many
15 abandonment incidents occur and how many could have been or have been
16 prevented through safe surrender laws.

17 The legislature further finds that no newborn should be abandoned
18 to die alone and hungry as its first and only exposure to the world,
19 any life that can be saved under the safety of the newborn children
20 law is worth saving, and understanding the characteristics of newborn
21 abandonment and knowing when and where they occur is crucial for

1 developing effective public awareness strategies to make caregivers
2 aware of the state's safe surrender option. The legislature further
3 finds that while existing state law requires persons receiving
4 infants under the safety of newborn children law to notify child
5 protective services, which is situated within the Washington state
6 department of social and health services (DSHS) children's
7 administration, within twenty-four hours, there is no statutory
8 requirement for DSHS to report data on surrendered newborns. The
9 legislature therefore intends to require DSHS to provide consistent
10 tracking and regular public reporting of safe surrender information
11 statewide and to regularly publish information on safe surrenders.

12 **Sec. 2.** RCW 13.34.360 and 2009 c 290 s 1 are each amended to
13 read as follows:

14 (1) For purposes of this section:

15 (a) "Appropriate location" means (i) the emergency department of
16 a hospital licensed under chapter 70.41 RCW during the hours the
17 hospital is in operation; (ii) a fire station during its hours of
18 operation and while fire personnel are present; or (iii) a federally
19 designated rural health clinic during its hours of operation.

20 (b) "Newborn" means a live human being who is less than seventy-
21 two hours old.

22 (c) "Qualified person" means (i) any person that the parent
23 transferring the newborn reasonably believes is a bona fide employee,
24 volunteer, or medical staff member of the hospital or federally
25 designated rural health clinic and who represents to the parent
26 transferring the newborn that he or she can and will summon
27 appropriate resources to meet the newborn's immediate needs; or (ii)
28 a firefighter, volunteer, or emergency medical technician at a fire
29 station who represents to the parent transferring the newborn that he
30 or she can and will summon appropriate resources to meet the
31 newborn's immediate needs.

32 (2) A parent of a newborn who transfers the newborn to a
33 qualified person at an appropriate location is not subject to
34 criminal liability under RCW 9A.42.060, 9A.42.070, 9A.42.080,
35 26.20.030, or 26.20.035.

36 (3)(a) The qualified person at an appropriate location shall not
37 require the parent transferring the newborn to provide any
38 identifying information in order to transfer the newborn.

1 (b) The qualified person at an appropriate location shall attempt
2 to protect the anonymity of the parent who transfers the newborn,
3 while providing an opportunity for the parent to anonymously give the
4 qualified person such information as the parent knows about the
5 family medical history of the parents and the newborn. The qualified
6 person at an appropriate location shall provide referral information
7 about adoption options, counseling, appropriate medical and emotional
8 aftercare services, domestic violence, and legal rights to the parent
9 seeking to transfer the newborn.

10 (c) If a parent of a newborn transfers the newborn to a qualified
11 person at an appropriate location pursuant to this section, the
12 qualified person shall cause child protective services to be notified
13 within twenty-four hours after receipt of such a newborn. Child
14 protective services shall assume custody of the newborn within
15 twenty-four hours after receipt of notification.

16 (d) A federally designated rural health clinic is not required to
17 provide ongoing medical care of a transferred newborn beyond that
18 already required by law and may transfer the newborn to a hospital
19 licensed under chapter 70.41 RCW. The federally designated rural
20 health clinic shall notify child protective services of the transfer
21 of the newborn to the hospital.

22 (e) A hospital, federally designated rural health clinic, or fire
23 station, its employees, volunteers, and medical staff are immune from
24 any criminal or civil liability for accepting or receiving a newborn
25 under this section.

26 (4)(a) Beginning July 1, 2011, an appropriate location shall post
27 a sign indicating that the location is an appropriate place for the
28 safe and legal transfer of a newborn.

29 (b) To cover the costs of acquiring and placing signs,
30 appropriate locations may accept nonpublic funds and donations.

31 (5) The department of social and health services shall collect
32 and compile information concerning: (a) The number and medical
33 condition of newborns transferred under this section after the
34 effective date of this section; and (b) the number and medical
35 condition of newborns abandoned within the state who were not
36 transferred under this section after the effective date of this
37 section. The department shall report its findings to the public
38 annually, which may be on its web site, beginning July 31, 2016.

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