

HOUSE BILL REPORT

SSB 5522

As Reported by House Committee On: Early Learning & Human Services

Title: An act relating to requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children.

Brief Description: Requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children.

Sponsors: Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Palumbo, Fain and Nelson).

Brief History:

Committee Activity:

Early Learning & Human Services: 3/14/17, 2/15/18, 2/16/18 [DPA].

Brief Summary of Substitute Bill (As Amended by Committee)

- Requires the Department of Children, Youth, and Families to annually report to the public the number of newborns safely transferred to appropriate persons who can summon immediate care for the newborn beginning July 1, 2018.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: Do pass as amended. Signed by 12 members: Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Eslick, Frame, Goodman, Griffey, Kilduff, Klippert, Lovick, Muri and Ortiz-Self.

Staff: Luke Wickham (786-7146).

Background:

Safe Transfer of Newborns.

A parent of a newborn infant less than 72 hours old may transfer that newborn to certain people in certain locations without incurring criminal liability.

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.

The locations that are available for the safe transfer of newborns include:

- the emergency department of licensed hospitals during the hours of hospital operation;
- a fire station during hours of operation while fire personnel are present; or
- a federally designated rural health clinic during normal hours of operation.

The persons to whom parents may safely transfer newborns include:

- any person who the parent believes is an employee, volunteer, or medical staff member who represents to the parent that he or she can and will summon appropriate resources to meet the newborn's immediate needs; or
- a firefighter, volunteer, or emergency medical technician at a fire station who represents to the parent that he or she can and will summon appropriate resources to meet the newborn's immediate needs.

The person to whom the parent transfers the newborn must not require the parent to provide any identifying information and shall attempt to protect the anonymity of the parent. This person must also provide referral information about adoption options, counseling, appropriate medical and aftercare services, domestic violence, and legal rights to the parent seeking transfer of the newborn.

Each safe transfer location is required to post signs indicating that the location is an appropriate place for the safe and legal transfer of newborns.

In 2009 the Governor vetoed one section of a bill that required the Department of Social and Health Services (DSHS) to collect and compile information concerning the number and medical condition of newborns transferred:

- to qualified persons at appropriate locations who can summon the resources to meet the newborn's immediate needs and prevent parents from being subjected to certain criminal liability; and
- in a manner that does not protect parents from criminal liability and allow for the immediate care of newborns.

On July 1, 2018, the child welfare function of the DSHS will transfer to the Department of Children, Youth, and Families (DCYF).

Summary of Amended Bill:

The DSHS (and after July 1, 2018, the DCYF) must collect and compile information concerning the number of newborns who are transferred to qualified persons at appropriate locations that can summon the resources to meet the newborn's immediate needs and prevent parents from being subjected to certain criminal liability.

The DSHS must report its findings regarding newborn safe transfer annually to the public beginning on July 31, 2018.

Amended Bill Compared to Substitute Bill:

The amended bill replaces a reference to the DSHS with a reference to the "department" which will refer to the DCYF after the transfer of child welfare programs on July 1, 2018.

The amended bill eliminates the requirement that the department collect and compile information concerning the number of newborns who are not transferred using the safe transfer of newborns law.

The amended bill delays the reporting requirement regarding the number of newborns safely transferred from July 31, 2017, to July 31, 2018.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill was heard last year. The DSHS provided information around the safe transfer of newborns in King County last year. This bill tries to ensure the sharing of information and came as a recommendation from a task force.

From 2009 to 2017, there were 50 newborns safely transferred pursuant to the safe transfer of newborns law. In 2017 there were two of these safe transfers in King County.

(Opposed) None.

Persons Testifying: Mac Nicholson, King County.

Persons Signed In To Testify But Not Testifying: None.