

5236-S

Sponsor(s): Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Long, Thibaudeau, Costa, McAuliffe, Eide, Stevens, Fairley, Prentice, Franklin, Fraser, Carlson, Spanel, Regala, Hargrove, Oke and Patterson)

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.

SB 5236-S.E - DIGEST

(DIGEST AS ENACTED)

Ensures the health and safety of newborn infants who have been abandoned and exempts from criminal liability persons who abandon them into the custody of a qualified person.

Provides that, for purposes of this act: (1) "Appropriate location" means (a) the emergency department of a hospital licensed under chapter 70.41 RCW during the hours the hospital is in operation; or (b) a fire station during its hours of operation and while fire personnel are present.

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

(3) "Qualified person" means (a) any person that the parent transferring the newborn reasonably believes is a bona fide employee, volunteer, or medical staff member of the hospital and who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs; or (b) a fire fighter, volunteer, or emergency medical technician at a fire station who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs.

Declares that a parent of a newborn who transfers the newborn to a qualified person at an appropriate location is not subject to criminal liability under RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, 26.20.035.

Provides that, if a parent of a newborn transfers the newborn to a qualified person at an appropriate location pursuant to this act, the qualified person shall cause child protective services to be notified within twenty-four hours after receipt of such a newborn. Child protective services shall assume custody of the newborn within twenty-four hours after receipt of notification and shall arrange for discharge of the newborn from the hospital.

Provides that a hospital, or fire station, its employees, volunteers, and medical staff are immune from any criminal or civil liability for accepting or receiving a newborn under this act.

Directs the secretary of the department of social and health services to convene a task force to recommend methods of implementing this act, including how private or public funding may be obtained to support a program of public education regarding the provisions of this act.

Requires the task force to submit its report and

recommendations to the governor and legislature not later than
December 1, 2002.

Expires January 1, 2004.