

SSB 5522 - H COMM AMD

By Committee on Early Learning & Human Services

ADOPTED 02/27/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that on February
4 12, 2014, the body of a newborn girl was found near the side of a
5 road in North Bend, Washington, wrapped in a blanket. The newborn was
6 less than half a mile away from Snoqualmie valley hospital, a
7 location where infants can be safely and anonymously surrendered
8 under Washington state's safety of newborn children law. The
9 legislature further finds that while national estimates are that safe
10 surrender laws across the country have saved well over one thousand
11 infants in the past decade, surprisingly little is known about how
12 many abandonment incidents occur and how many could have been or have
13 been prevented through safe surrender laws.

14 The legislature further finds that no newborn should be abandoned
15 to die alone and hungry as its first and only exposure to the world,
16 any life that can be saved under the safety of the newborn children
17 law is worth saving, and understanding the characteristics of newborn
18 abandonment and knowing when and where they occur is crucial for
19 developing effective public awareness strategies to make caregivers
20 aware of the state's safe surrender option. The legislature further
21 finds that while existing state law requires persons receiving
22 infants under the safety of newborn children law to notify child
23 protective services, which is situated within the Washington state
24 department of social and health services children's administration,
25 within twenty-four hours, there is no statutory requirement for the
26 department of social and health services to report data on
27 surrendered newborns. The legislature therefore intends to require
28 the department of social and health services to provide consistent
29 tracking and regular public reporting of safe surrender information
30 statewide and to regularly publish information on safe surrenders.

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

3 (1) For purposes of this section:

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

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

11 (c) "Qualified person" means (i) any person that the parent
12 transferring the newborn reasonably believes is a bona fide employee,
13 volunteer, or medical staff member of the hospital or federally
14 designated rural health clinic and who represents to the parent
15 transferring the newborn that he or she can and will summon
16 appropriate resources to meet the newborn's immediate needs; or (ii)
17 a firefighter, volunteer, or emergency medical technician at a fire
18 station who represents to the parent transferring the newborn that he
19 or she can and will summon appropriate resources to meet the
20 newborn's immediate needs.

21 (2) A parent of a newborn who transfers the newborn to a
22 qualified person at an appropriate location is not subject to
23 criminal liability under RCW 9A.42.060, 9A.42.070, 9A.42.080,
24 26.20.030, or 26.20.035.

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

28 (b) The qualified person at an appropriate location shall attempt
29 to protect the anonymity of the parent who transfers the newborn,
30 while providing an opportunity for the parent to anonymously give the
31 qualified person such information as the parent knows about the
32 family medical history of the parents and the newborn. The qualified
33 person at an appropriate location shall provide referral information
34 about adoption options, counseling, appropriate medical and emotional
35 aftercare services, domestic violence, and legal rights to the parent
36 seeking to transfer the newborn.

37 (c) If a parent of a newborn transfers the newborn to a qualified
38 person at an appropriate location pursuant to this section, the
39 qualified person shall cause child protective services to be notified
40 within twenty-four hours after receipt of such a newborn. Child

1 protective services shall assume custody of the newborn within
2 twenty-four hours after receipt of notification.

3 (d) A federally designated rural health clinic is not required to
4 provide ongoing medical care of a transferred newborn beyond that
5 already required by law and may transfer the newborn to a hospital
6 licensed under chapter 70.41 RCW. The federally designated rural
7 health clinic shall notify child protective services of the transfer
8 of the newborn to the hospital.

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

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

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

18 (5) The department shall collect and compile information
19 concerning the number of newborns transferred under this section
20 after the effective date of this section. The department shall report
21 its findings to the public annually, which may be on its web site,
22 beginning July 31, 2018."

23 Correct the title.

EFFECT: The amendment makes the following changes:

(1) Replaces a reference to the Department of Social and Health Services with a reference to the "department" which will refer to the Department of Children, Youth, and Families after the transfer of child welfare programs on July 1, 2018.

(2) 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.

(3) Delays the reporting requirement regarding the number of newborns safely transferred from July 31, 2017, to July 31, 2018.

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