

I. Purpose

- ❖ On January 1, 2001, California's Safely Surrendered Baby Law (SB 1368) went into effect. The Safely Surrendered Baby Law (SSB) allows a parent or other person who has lawful custody of a baby to surrender that baby, up to 72 hours old, without criminal prosecution for abandonment, provided that there is no suspicion of abuse or neglect. Newborns may be surrendered to any employee on duty at a public or private hospital emergency room or any designated fire station in San Benito County. The parent or other person who has lawful custody of a baby is not required to give a name or any other information. The law also allows the parent or other person who has lawful custody of a baby to reclaim the baby within a 14-day period, beginning on the day the baby was surrendered. The action is legal and confidential.
- ❖ Lawful custody is defined as "physical custody of a minor 72 hours old or younger accepted by a person from a parent or other person who has lawful custody of the minor, who the person believes in good faith is the parent or other person who has lawful custody of the minor, with the specific intent and promise of effecting the safe surrender of the child."

II. Authority

- ❖ California Health and Safety Code, Section 1255.7

**NOTE:** *H&S §1255.7 (h) "A safe-surrender site, or the personnel of a safe-surrender site, shall not have liability of any kind for a surrendered child prior to taking actual physical custody of the child. A safe surrender site, or personnel of the safe-surrender site, that accepts custody of a surrendered child pursuant to this section shall not be subject to civil, criminal, or administrative liability for accepting the child and caring for the child in the good faith belief that action is required or authorized by this section, including, but not limited to, instances where the child is older than 72 hours or the parent or individual surrendering the child did not have lawful physical custody of the child. A safe-surrender site, or the personnel of a safe-surrender site, shall not be subject to civil, criminal, or administrative liability for a surrendered child prior to the time that the site or its personnel know, or should know, that the child has been surrendered. This subdivision does not confer immunity from liability for personal injury or wrongful death, including, but not limited to, injury resulting from medical malpractice."*

III. Differences between Safe Surrender, Abandonment and Voluntary Relinquishment

- ❖ Safe Surrender
  - Under 72 hours of age **AND** surrendered at a hospital, fire station or medical facility
  - OR**
  - Delivered at a hospital and mother clearly indicates that she is aware of the SSB law and wishes to surrender her baby under the law.

Safely Surrendered Babies are those **without** any evidence of abuse or neglect.

- ❖ Abandonment
  - Abandoned in a public location (e.g. dumpsters, alleys, doorsteps, public restroom, etc.)



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- OR**
- Abandoned in a private location (e.g. hidden/and or abandoned in private residence, closets, bathtubs, wastebaskets, etc.) **AND** survives

❖ Voluntary Relinquishment

Parents or other person who has lawful custody of a baby who simply state that they are unable or unwilling to care for the infant or do not believe they have the means, ability and/or desire to parent their baby.

IV. Policy/Procedures

Any person on duty at a safe surrender site shall accept physical custody of a minor child 72 hours-old or younger pursuant to Health and Safety Code, §1255.7. If a parent or other individual having lawful custody of the child voluntarily surrenders physical custody of the child to personnel who are on duty at the safe surrender site, the qualified person at the safe surrender site will:

- Fire Station designated as Safe Surrender Site:
  - Accept newborn and open a “Newborn Safe Surrender Kit”
  - Complete a medical screening examination of the newborn and provide necessary medical care for the infant
    - Consent of the parent or other relative is not required to provide care to the infant
  - Provide the newborn with a coded, confidential identification bracelet and make a good faith effort to provide the person surrendering the child a copy of the bracelet to facilitate reclaiming the child
  - Make a good faith effort to provide the parent or person surrendering the newborn a medical questionnaire and ask the person to complete the questionnaire at the site or to mail in the completed questionnaire
  - Advise the parent that, provided there has been no abuse or neglect, the parent or surrendering party may reclaim the infant within 14 days by contacting the:
    - Hospital, if the reclaiming is made within 48 hours, **or**
    - Health & Human Services Agency at (831) 636-4190, in the event the child is placed in protective custody
  - Call an ambulance to transport the safely surrendered baby to a hospital for medical assessment
  - Call law enforcement to contact Child Protective Services
- Surrender of newborn delivery on scene:

Contracted 911 ambulances will carry the “Newborn Safe Surrender Kit” and will complete the steps outlined above should the mother surrender her newborn and refuse transport. All attempts should be made to encourage the mother to be seen at the hospital for evaluation. If mother agrees to transport, the receiving hospital will complete the Safe Surrender process as outlined in their policies and procedures.



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If a parent or individual who has voluntarily surrendered a child requests that the safe-surrender site that has physical custody of the child return the child and the safe-surrender site still has custody of the child, personnel of the safe-surrender site shall either return the child to the parent or individual or contact a child protective agency if any personnel at the safe-surrender site knows or reasonably suspects that the child has been the victim of child abuse or neglect. The voluntary surrender of a child pursuant to the SSB law is not in and of itself a sufficient basis for reporting child abuse or neglect.

V. Designated Safe Surrender Sites in San Benito County

- Hazel Hawkins Memorial Hospital  
911 Sunset Drive, Hollister, CA 95023
- Hollister Fire Department, Station 1  
110 5<sup>th</sup> Street, Hollister, CA 95023
- Hollister Fire Department, Station 2  
1000 Union Road, Hollister, CA 95023
- San Juan Bautista/Hollister Fire Department, Station 4  
24 Polk Street, San Juan Bautista, CA 95045
- Aromas Tri-County Fire Protection District  
492 Carpenteria Road, Aromas, CA 95004



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