

Safely Surrendered Babies Report to the Legislature



STATE OF CALIFORNIA
Edmund G. Brown, Jr., Governor

HEALTH AND HUMAN SERVICES AGENCY
Diana S. Dooley, Secretary

CALIFORNIA DEPARTMENT OF SOCIAL
SERVICES
Will Lightbourne, Director



OFFICE OF
CHILD ABUSE
PREVENTION
California Department of Social Services
grow strong families

FEBRUARY 2017

Legislative Mandate

The Safely Surrendered Baby (SSB) law became operative January 1, 2001, with the enactment of [Senate Bill \(SB\) 1368](#) (Brulte, Chapter 824, Statutes of 2000). The California Department of Social Services (CDSS) submitted two reports to the Legislature in 2003 and 2005 regarding the effectiveness of the SSB law.

[Assembly Bill \(AB\) 1048](#) (Torrico, Chapter 567, Statutes of 2010), requires CDSS to report to the Legislature on the effectiveness of the SSB law as follows:

On or before January 1, 2013, and, each subsequent year, contingent upon availability of sufficient funding, CDSS shall report to the Legislature regarding the effect of AB 1048, including, but not limited to, all of the following information, as initially required by SB 1368:

- (a) The number of children one year of age or younger who are found abandoned, dead or alive, in the State for each year in which reporting is required under this act.
- (b) The number of infants surrendered pursuant to this act, with their approximate age.
- (c) The number of medical history questionnaires completed in those cases.
- (d) The number of instances in which a parent or other person having lawful custody seeks to reclaim custody of a surrendered child, both during and after the initial period following surrender, and the outcome of those cases.
- (e) Whether a person seeking to reclaim custody is the individual who surrendered the child.
- (f) The number of children surrendered pursuant to this act who show signs of neglect or abuse and the disposition of those cases.
- (g) The number of parents or legal guardians eventually located and contacted by social workers.

Additional copies of this report can be obtained from:

California Department of Social Services
Office of Legislation
744 P St., MS 8-16-32
Sacramento, CA 95814
(916) 657-2623

This report also may be obtained on the CDSS website: www.babysafe.ca.gov

Contents

Legislative Mandate.....	1
Contents	2
Executive Summary	3
History	3
Methodology.....	4
Data	6
Policy Updates.....	10
Future Plans.....	11



Executive Summary

A total of 83 infants were safely surrendered in 2015, of whom seven were reclaimed by a parent. This brings the total number of Safely Surrendered children to 787 since the law was implemented in 2001.



The Safe Surrender law has been a success, with the rate of abandonments decreasing from 25 cases in 2002 to six or fewer cases per year since 2010. This is an 80 percent decrease in infant abandonments statewide in the past fifteen years.

Five children were found abandoned alive in 2015. There were no abandoned deceased children reported in 2015, the first year since the law began in 2001 in which California has completely avoided the tragedy of infant death as a consequence of abandonment.

Moving forward, the California Department of Social Services' (CDSS) Office of Child Abuse Prevention (OCAP) plans to revise and promote outreach materials. The outreach efforts will include an increase in the number of languages in which Safely Surrendered Baby (SSB) materials are available, working to increase the visibility of SSB site locations and promoting the SSB hotline, 877-BabySaf.

History

Since 2001, California has responded to the issue of infant abandonment by providing a life-saving alternative to distressed parents who are unwilling or unable to care for a newborn child. Through the enactment of [Senate Bill \(SB\) 1368](#) (Brulte, Chapter 824, Statutes of 2000), a parent or individual having lawful custody of a newborn is granted immunity from criminal prosecution for specific crimes relating to child abandonment if the parent or surrendering individual surrenders the baby at a hospital or other designated safe surrender site within 72 hours of the child's birth.

The SSB law, also known as "Safe Arms for Newborns" or the safe haven law, was created when SB 1368 enacted [Health and Safety Code Section 1255.7](#) and [Penal Code Section 271.5](#), in response to several high-profile media stories about infant abandonment. The law became effective January 1, 2001. SB 1368 intended to save the life of a child by encouraging parents to safely surrender their infant at a designated safe surrender site rather than abandoning the baby in an unsafe location or otherwise harming the baby.

Since implementation of the SSB law, several changes have taken place to enhance the program's effectiveness. Assembly Bill ([AB\) 2817](#) (Maddox, Chapter 1099, Statutes of

2002) required school districts to include information about the SSB law in sex education classes. [SB 139](#) (Brulte, Chapter 150, Statutes of 2003) clarified the definition of a “safe surrender site,” allowed any surrender site on-duty personnel to accept physical custody of the child and introduced the mandatory statewide SSB logo. The SSB law was originally written to sunset in 2006 however, [SB 116](#) (Dutton, Chapter 625, Statutes of 2005) extended the provisions of the SSB law indefinitely. [AB 1048](#) (Torrico, Chapter 567, Statutes of 2010), requires CDSS to report to the Legislature annually on the effectiveness of the SSB law.

Methodology

This Safely Surrendered Baby Report to the Legislature provides updates on Safely Surrendered and abandoned infants in 2013 and 2014 and reports out for the first time on infants who were surrendered or abandoned in 2015.



Safely Surrendered Babies

A safely surrendered baby is defined by the following criteria:

- 72 hours of age or younger **AND**
- Voluntarily surrendered by a parent or an individual with lawful custody **AND**
- Surrendered to personnel on duty at a designated safe surrender site

Data Collection for Safe Surrenders:

- 1) Child Welfare Services/Case Management System (CWS/CMS):
In All County Letter 02-01, counties were instructed to track all Safely Surrendered Babies using the CWS/CMS data system. On a quarterly basis, CDSS reviews data that has been entered into the SSB Special Project Code in CWS/CMS. Additionally, CDSS staff regularly reviews all children who are identified as “abandoned” in CWS/CMS to ensure that all babies who are surrendered are appropriately identified and recorded.
- 2) State of California (SOC) 880 forms:
In 2012, CDSS began requesting counties to report Safely Surrendered Babies using the State of California (SOC) 880 form. This form is filled out by the county social worker and submitted to CDSS via confidential email. The information in the SOC 880s is reconciled with the data pulled from CWS/CMS each quarter.

Abandoned Infants

The data on abandoned infants in this report includes children who meet the following criteria:

- One year of age or younger **AND**
- Abandoned in a public or private location and survive the abandonment **OR**
- Deceased as the result of infanticide, lack of attention following delivery or exposure to the elements following abandonment.

Excluded from data collection are the following cases:

- Infants “abandoned” in the care of persons, even those who are strangers to the parent

Data Collection for Infant Abandonments

1) CWS/CMS:

Abandoned infants are tracked in the CWS/CMS system with the allegation of “Caretaker Absence/Incapacity.” CDSS staff reviews these cases to determine which meet the criteria listed above.

2) Media:

CDSS also monitors and tracks statewide media for reports of abandoned infants. All abandoned alive infants are reported to county CWS for services. The CDSS does not follow up or investigate as that is a county function. Abandoned deceased are to be reported to CWS, but in practice, that often doesn’t happen, which is why we monitor media reports.

3) Sources for Data on Abandoned Deceased Infants:

Information on Abandoned Deceased Infants is additionally obtained through SOC 826 reports submitted to CDSS for the purpose of reporting a child fatality, and data from the Fatal Child Abuse and Neglect Surveillance (FCANS) system, maintained by the California Department of Public Health (CDPH).

Data

Number of Safe Surrenders and Infant Abandonments

Year	Safely Surrendered	Reclaimed	Abandoned Deceased	Abandoned Surviving	Total Abandoned
2013	62	2	4*	2	6*
2014	74	0	2	4	5
2015	83	7	0	5	5

*This data has been reconciled with child death numbers available from CDPH and the FCANS system and reflects an update on numbers reported in the prior Safely Surrendered Baby Report to the Legislature.

Safely Surrendered Babies and Their Approximate Age

California law permits children to be surrendered within 72 hours of birth. In 2010, in an effort to encourage all mothers to seek professional attention for their labor and delivery, CDSS instructed counties that children who are left by their mothers at the hospital with no provision for their care should be considered as safely surrendered babies. As a result, the majority of surrendered babies are born in hospitals and surrendered there, either by explicit request of the mother or by her implicit action of leaving her child with no information or plans to return. A small minority of children are surrendered one or two days after birth.

Year	Newborn		One Day Old		Two Days Old		Unknown/ Within 72 Hrs.		Total
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	
2013	52	83.9%	3	4.8%	2	3.2%	5	8.1%	62
2014	64	86.5%	5	6.8%	4	5.4%	1	1.4%	74
2015	72	86.75%	3	3.6%	3	3.6%	5	6%	83

Safe Surrender Locations

As noted above, the majority of surrendered babies are born and surrendered in hospitals, a trend that has been steadily increasing. This is a positive development as a birth attended by trained medical personnel is a safe option for both the mother and the baby. The presence of a hospital social worker also offers the opportunity to counsel the mother on adoption and available services as well as surrender.

Year	Hospital Birth and Surrender		Birth Elsewhere and Hospital Surrender		Fire Station or Other Surrender Site		Unknown/Not Documented		Total
2013	47	75.8%	9	14.5%	4	6.5%	2	3.2%	62
2014	58	78.4%	10	13.5%	5	6.8%	1	1.4%	74
2015	65	78.3%	9	10.8%	8	9.6%	1	1.2%	83

Medical History Questionnaires Completed

During a surrender, site personnel must make a good faith effort to provide a medical questionnaire to the surrendering individual. The medical questionnaire inquires as to the parents' ethnicity and medical history in order to gain information that will be helpful to medical staff, the child and the child's adoptive parents. The medical questionnaire is optional and no identifying information is requested of the surrendering individual. In September 2016, CDSS released All County Information Notice (ACIN) I-63-16, reminding counties of the importance of providing and tracking the receipt of the medical questionnaire.

Year	Offered & Completed		Offered; Not Completed		Total Offered		Declined/ No Chance to Offer		Unknown if Offered		Total SSB
2013	29	46.8%	11	17.7%	40	64.5%	1	1.6%	21	33.9%	62
2014	35	47.3%	11	14.9%	46	62.2%	2	2.7%	26	35.1%	74
2015	49	59%	6	7.2%	55	66.3%	7	8.4%	21	25.3%	83

Reclaimed Safely Surrendered Babies

Under the SSB law, a surrendering parent has a 14-day window in which she or he can reclaim the child. If the child has not been placed with the local Child Welfare Services agency (CWS), the fire station or hospital personnel must return the baby to the parent immediately, unless the staff has reason to suspect that the child would be at risk of abuse or neglect if returned to his or her parents' care. If CWS has already taken custody of the child, then CWS conducts an assessment of the parents' circumstances and ability to care for the child. If CWS determines the child may safely be released to his or her parents' custody, it will request the court to release the child to his or her parents' custody and dismiss the petition for dependency. If CWS determines the child would not be safe in the parents' custody absent court supervision, the CWS agency will seek release of the child to the parents but decline to seek dismissal of the petition. Under those circumstances, CWS provides court-ordered family maintenance services.

If the agency determines the child cannot be safely returned to the parents' custody even with court supervision, CWS proceeds with a traditional child welfare case.

In 2015, there were seven successful reclaims and one unsuccessful reclaim. In the case of the failed reclaim, a young mother indicated she wished to surrender the baby and then later asked for a visit. The social worker informed the mother repeatedly of the 14-day window to reclaim and suggested that voluntary relinquishment would permit the mother to have an ongoing connection with the child. The mother attempted to reclaim the baby after the reclaim period had expired. The reclaim was denied due to the provisions of the Safe Surrender law.

Six out of the seven successful reclaims were undertaken by the person who surrendered the baby. In one case, a mother suffering from mental health issues indicated that she wished to surrender the baby and the Safe Surrender paperwork was prepared. The child's biological father found out about the delivery and came to the hospital inquiring about his child. Social Services staff released the child to the father's custody.

Year	Attempted Reclaims	Reclaim By Person Who Surrendered	Reclaim During 14-Day Period	Successful Reclaims	Unsuccessful Reclaims	Total SSB
2013	3	2	2	2	1	62
2014	0	0	0	0	0	74
2015	8	7	7	7	1	83

Surrendered Children Who Show Signs of Neglect or Abuse

None of the Safely Surrendered babies in 2015 were reported by safe surrender sites as showing signs of neglect or abuse. However, 25 of the 83 safely surrendered babies (30 percent) were born drug exposed. Under California law ([Penal Code Section 11165.13](#)), drug exposure at the time of delivery in and of itself does not constitute abuse or neglect. The number and percent of surrenders with drug exposure has increased dramatically in recent years, likely as a result of the current opioid-abuse epidemic occurring in California and nationwide.

In 2015, two women who attempted to safely surrender their babies were not permitted to surrender as a result of the babies being born drug-exposed. CDSS released ACIN I-63-16 in September 2016, which reiterates that a positive drug screening in and of itself, without other indicators of abuse or neglect, does not constitute child abuse under California law and that these babies are eligible for the Safe Surrender process. In both cases, the allegation of Caretaker Absence was substantiated as the official position of the hospitals and local Child Protective Services were that the babies were abandoned.

Year	Surrendered with Signs of Abuse or Neglect	Surrendered with Positive Toxicology	Percent Born with Positive Toxicology
2013	0	9	14.5%
2014	0	19	25.7%
2015	0	25	30.1%

Parents or Guardians Contacted by Social Workers

In 2013 and 2015 no social workers attempted to contact a surrendering parent. In 2014 there were two instances where the social worker attempted to contact the surrendering parent. In one case, the mother left the hospital with no information and the social worker attempted to contact the mother to confirm that she wished to surrender or see if a voluntary relinquishment was possible. In the second case, there was no information available on the reason for the social worker contact. As the SSB law provides a safe and anonymous means for individuals to surrender rather than abandon a newborn, it is predictable that few parents will be located or contacted.

Year	Social Worker Contact	Percent
2013	0	0%
2014	2	2.7%
2015	0	0%

Policy Updates

Rights of the Non-Surrendering Parent and other Biological Relatives

CDSS has received inquiries involving situations where a child was surrendered by the birth mother, following which an alleged biological father or other relative came forward attempting to reclaim custody of the baby. These situations were not anticipated when the law was written, as it was presumed that the majority of surrendering parents would be surrendering as an alternative to abandonment or infanticide.

Contrary to the perception that a surrendering mother may be a frightened teenager who had hidden her pregnancy, it is common for a surrendering mother to be an adult. The mother may be struggling with substance use or mental health issues and feel that she cannot care for a child. The Inter-Agency Council on Child Abuse and Neglect (ICAN) tracks data where possible on Safe Surrenders in the county of Los Angeles. While only able to collect information on 57 Safe Surrenders, ICAN was able to identify that at least 33 surrendering mothers (58 percent) had other children and that at least 18 (32 percent of the total) were married at the time of the surrender.¹ In these cases, the woman has usually not hidden her pregnancy and may even have family members or the baby's father in the hospital with her. It is in these situations where disagreements and conflicts over the decision to surrender may arise. Counties have expressed concerns around confidentiality of the surrendering parent in these instances.

After consultation with CDSS legal staff and counties and a review of the SSB bill analyses to ascertain the author's intent, CDSS released guidance on the matter of non-surrendering relatives in ACIN I-63-16. CDSS stated that while the law provides for confidentiality in an effort to remove a barrier to surrendering, this is not the primary intent of the law. The primary intent of the law is to protect the lives of newborns and provide immunity from prosecution for the parents. Therefore, while the county must make every effort to preserve the surrendering parent's confidentiality, the rights and wellbeing of the child must be prioritized. Additionally, CDSS clarified a legal process using a Welfare and Institutions Code (WIC) 388 petition, whereby a surrendering parent could petition to re-establish custody after the reclaim period ended, based on changed circumstances in that the other parent or biological relative had come forward to assume custody of the baby.

¹ Inter-Agency Council on Abuse and Neglect. "Safely Surrendered and Abandoned Infants In Los Angeles County - 2002-2015"

Future Plans

Public Awareness and Outreach

In an effort to ensure consistent and accurate information is shared with surrendering parents, regardless of the site of surrender, OCAP is developing updated educational and outreach materials. Information provided in these materials will address the rights of a surrendering parent, including available options such as adoption, and how to access additional information on available services. Additionally, these materials will address the specific rights of children covered under the Indian Child Welfare Act (ICWA), which provides special protections for children of Native American descent.

CDSS and OCAP leadership, external stakeholders and public health experts have reviewed the draft materials. The documents are in the final stages of revision and will be released in multiple languages in early 2017.

Increasing the Visibility of Safe Surrender Baby Sites

OCAP has been working to increase the visibility of SSB site locations and to promote the SSB hotline, 877-BabySaf. OCAP is investigating how to best highlight the location of Safely Surrendered Baby program sites through online mapping programs. Enhancing the visibility of SSB sites will hopefully improve accessibility and further enhance the positive impacts of the SSB law.

Safely Surrendered Baby Site Packets

OCAP is now producing Safely Surrendered Baby program site packets free of charge to all California counties upon request. A packet includes matching ID bracelets, voluntary medical questionnaire and informational materials for the surrendering parent or person.

