

HB

322

SENATE COMMITTEE REPORT

DATE: 5/1/06

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered CS FOR HOUSE BILL NO. 322(JUD) am

HB 322 SAFE SURRENDER OF BABIES

"An Act relating to infants who are safely surrendered by a parent shortly after birth."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
CHAIR: <i>[Signature]</i>	✓			

ALASKA STATE LEGISLATURE



SESSION ADDRESS
Alaska State Capitol
Juneau, AK 99801-1182
(907) 465-2487
Fax (907) 465-4956

INTERIM ADDRESS
112 Mill Bay Road
Kodiak, AK 99615
(907) 486-8872
Fax (907) 486-5264

Representative Gabrielle LeDoux

SPONSOR STATEMENT

CSHB 322, Safe Surrender of Infants Act

This is a bill that will allow parents to safely surrender an infant shortly after birth without fear of being criminally prosecuted. The parent may, without expressing an intent to return for the infant, leave the infant in the physical custody of a person who the parent reasonably believes is a peace officer, a physician or hospital employee in a hospital or hospital emergency room, or a volunteer with or employee of a fire station or emergency medical service who is performing activities within the scope of the volunteer's or employee's fire services or emergency medical services duties.

There are similar laws in 46 other states and this is a way of encouraging people to not abandon infants in a way that could lead to injury or death. A record regarding the surrender of an infant is confidential and not subject to public inspection.

CS FOR HOUSE BILL NO. 322(JUD) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 4/28/06

Offered: 4/27/06

Sponsor(s): REPRESENTATIVES LEDOUX AND GRUENBERG, Kerttula, McGuire, Dahlstrom, Neuman, Anderson, Kapner, Thomas, Lynn, Crawford, Croft, Kott, Wilson, Seaton

15

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to infants who are safely surrendered by a parent shortly after birth."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 SHORT TITLE. This Act may be known as the Safe Surrender of Infants Act.

6 * Sec. 2. AS 11.81 is amended by adding a new section to read:

7 Article 4A. Prohibition on Prosecution.

8 Sec. 11.81.500. No prosecution for safe surrender of infant. A parent may
9 not be criminally prosecuted for surrendering a child of the parent if the child

10 (1) is an infant who is less than 21 days of age;

11 (2) is surrendered in the manner described in AS 47.10.013(c); and

12 (3) is not the subject of a court order affecting custody of the child.

13 * Sec. 3. AS 47.10.013 is amended by adding new subsections to read:

14 (c) A parent who is immune from prosecution under AS 11.81.500 and
15 chooses to surrender an infant shall surrender the infant in the manner described in this

1 subsection. Surrendering the infant in the manner described in this subsection
 2 constitutes abandonment for purposes of this chapter. An infant's parent is considered
 3 to have abandoned the infant safely, and, notwithstanding AS 25.20.030 and
 4 AS 47.10.120, the parent's legal duty to support the infant is extinguished if

5 (1) the parent, without expressing an intent to return for the infant,
 6 leaves the infant in the physical custody of a person who the parent reasonably
 7 believes is a peace officer, a physician or hospital employee in a hospital or hospital
 8 emergency room, or a volunteer with or employee of a fire station or emergency
 9 medical service who is performing activities within the scope of the volunteer's or
 10 employee's fire services or emergency medical services duties; and

11 (2) there is no evidence the infant has been physically injured prior to
 12 abandonment.

13 (d) A person to whom an infant is abandoned safely within the meaning of (c)
 14 of this section shall

15 (1) act appropriately to care for the infant;

16 (2) inform the parent that the parent may, but is not required to, answer
 17 any questions regarding the name or identity of the infant or the parents of the infant
 18 unless the parent chooses to contact the department under (3) of this subsection;

19 (3) ask the parent if the parent wishes to relinquish the parent's
 20 parental rights and release the infant for adoption; if the answer is affirmative, the
 21 person shall contact the department so that the parent can discuss that option with the
 22 department.

23 (e) An individual, agency facility, or entity that receives an infant abandoned
 24 safely under (c) of this section is not liable for civil damages for failure to discharge
 25 the duties listed in (d) of this section.

26 (f) A record regarding the surrender of an infant under (c) of this section is
 27 confidential and not subject to public inspection or copying under AS 40.25.100 -
 28 40.25.220.

29 * Sec. 4. AS 47.10.086(a) is amended to read:

30 (a) Except as provided in (b), (c), and (g) [(b) AND (c)] of this section, the
 31 department shall make timely, reasonable efforts to provide family support services to

1 the child and to the parents or guardian of the child that are designed to prevent out-of-
2 home placement of the child or to enable the safe return of the child to the family
3 home, when appropriate, if the child is in an out-of-home placement. The department's
4 duty to make reasonable efforts under this subsection includes the duty to

5 (1) identify family support services that will assist the parent or
6 guardian in remedying the conduct or conditions in the home that made the child a
7 child in need of aid;

8 (2) actively offer the parent or guardian, and refer the parent or
9 guardian to, the services identified under (1) of this subsection; the department shall
10 refer the parent or guardian to community-based family support services whenever
11 community-based services are available and desired by the parent or guardian; and

12 (3) document the department's actions that are taken under (1) and (2)
13 of this subsection.

14 * Sec. 5. AS 47.10.086 is amended by adding a new subsection to read:

15 (g) The department is not required to make reasonable efforts of the type
16 described in (a) of this section if the department took emergency custody of an infant
17 under AS 47.10.142 after the infant was abandoned safely within the meaning of
18 AS 47.10.013(c).

19 * Sec. 6. AS 47.10.990 is amended by adding a new paragraph to read:

20 (32) "infant" means a child who is less than 21 days of age.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 322(HES)
 (H) Publish Date: 4/26/06
 Dept. Affected: Health & Social Services

Revision Date/Time (Note: if correction):

Title: INFANTS SAFELY SURRENDERED BY A PARENT SHORTLY AFTER BIRTH
 RDU: Children's Services
 Component: Family Preservation

Sponsor: LEDOUX
 Requester: HOUSE (HES)

Component No. 1628

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual	100.0	100.0	100.0	100.0	100.0	100.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	100.0	100.0	100.0	100.0	100.0	100.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)

	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1002 Federal Receipts						
1003 GF Match						
1004 GF	100.0	100.0	100.0	100.0	100.0	100.0
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	100.0	100.0	100.0	100.0	100.0	100.0

Estimate of any current year (FY2006) cost: _____
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill provides for the safe surrender of infants whereby the parent may not be criminally prosecuted for surrendering an infant in the manner described.

Drawing on other states' experience with similar laws, the OCS believes that adequate public education is key to success. If the desired effect of this bill is to stop abandonment of babies, the public needs to be made aware of their options. This fiscal note would cover estimated costs for a campaign that provides for media advertising, brochures, posters, etc., to be distributed in hospitals, clinics, doctors' offices, public assistance offices, and other public areas. Estimated costs are based on similar campaigns and promotions managed within OCS.

Prepared by: Tammy Sandoval, Deputy Commissioner Phone 465-3191
 Division: Office of Children's Services Date/Time 04/21/2006
 Approved by: Karleen Jackson, Commissioner Date 04/24/2006
 Agency: Department of Health and Social Services

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 322(JUD)
 (H) Publish Date: 4/27/2006

Revision Date/Time (Note if correction): _____ Dept. Affected: HSS
 Title Infants Safety Surrendered by Parent RDU _____
Shortly After Birth Component _____
 Sponsor LeDoux _____
 Requester HJUD Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Sha'lon Szymanski
 Division: House Judiciary Committee
 Approved by: Rep. Lesil McGuire, Chair
 Agency: House Judiciary Committee

Phone 907-465-6841
 Date/Time 04/26/06 3:45 p.m.
 Date 4/26/2006

Christine Marasigan

From: Suzanne Hancock
Sent: Monday, May 01, 2006 8:10 AM
To: Christine Marasigan
Subject: FW: House Bill 322 - Baby Safe Haven

fyi

Suzanne Hancock, Chief of Staff
Representative Gabrielle LeDoux
State Capitol
District 36
Juneau, AK 99801-1121
phone: (907) 465-2487 (office)
(907) 465-4230 (direct)
fax: (907) 465-4956

From: BabySafeHaven@aol.com [mailto:BabySafeHaven@aol.com]
Sent: Monday, May 01, 2006 2:23 AM
To: Suzanne Hancock
Subject: House Bill 322 - Baby Safe Haven

Please let Representative LeDoux know that there are many people and organizations across the country that are very grateful for her work in forwarding the Alaska Baby Safe Haven legislation.

Just to let you know, on May 2, at 11:30 am, Governor Jim Douglas (R), of Vermont, will be signing Senate Bill 27, the VT Baby Safe Haven bill, into law in a ceremony at his office at the Vermont Capitol.

This will make Vermont the 47th state to pass and enact a Baby Safe Haven law. Massachusetts was the 46th state to pass a Baby Safe Haven law, signed by Lt. Governor Kerry Healey (R), for Governor Mitt Romney (R). Lt. Governor Healey is our biggest advocate for our MA Baby Safe Haven law, and we're sure her office would be of assistance in any support you may need.

Thank you again for all of your work.

Sincerely,

Jean & Mike Morrissey
Baby Safe Haven New England Foundation
15 Clelland Road
Lexington, MA 02421
(781) 74-0071



National Council
For Adoption

May 1, 2006

Senator Fred Dyson
Chair, Senate Health, Education, and Social Services Committee
Alaska State Capitol, Room 121
Juneau, AK 99801

Dear Chairman Dyson:

On behalf of the National Council For Adoption (NCFA), I am writing to express our support for the safe haven policy established in Alaska HB 322, which passed the unanimously in the House on April 8, 2006 and will now be considered by the Senate Health, Education, and Social Services Committee. Thank you for your support of this legislation.

If enacted, HB 322 would protect newborns' lives and health by allowing desperate young mothers and fathers, when they are at risk of harming or abandoning their newborns, to place their babies in safe havens without fear of prosecution or loss of confidentiality. By offering safe havens to desperate parents, HB 322 provides a non-threatening alternative to newborn abandonment or infanticide, and the outcome for the children is adoption into loving, permanent families.

Since 1999, this compassionate policy has swept the nation, with 47 states enacting it. More than 600 newborns have been placed safely under these laws, and this number includes only the documented cases in 33 states. Lives are being saved!

We ask that this letter of support for HB 322 be added to the record prior to the committee's consideration. Please contact the National Council For Adoption with any additional questions about our position on infant safe haven laws. Thank you for your consideration of NCFA's comments and for Alaska's attention to this important child welfare safeguard.

Sincerely,

Thomas C. Atwood
President and CEO

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF CHILDREN'S SERVICES

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110630
JUNEAU, ALASKA 99811-0630
PHONE: (907) 465-3170

April 24, 2006

Honorable Representative Gabrielle LeDoux
Alaska State Legislature
State Capitol, Room 412
Juneau, AK 99801-1182

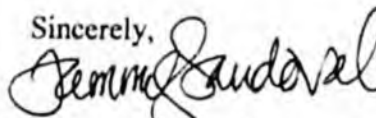
Dear Representative LeDoux:

Thank you for your work this legislative session on House Bill 322. Passage of this bill may prevent harm to some infants as it allows a parent to safely surrender their child without fear of criminal prosecution.

The Office of Children's Services supports HB 322 and is interested in collaborating with you on new state law that would provide an infant who may otherwise be abused or neglected with the opportunity for a stable and loving home.

Thank you for your commitment to Alaska's children and their families.

Sincerely,



Tammy Sandoval
Deputy Commissioner



**Testimony
House Bill 322**

Planned Parenthood of Alaska applauds Representatives LeDoux and Representative Gruenberg for introducing the "Safe Surrender" bill. House Bill 322 allows a parent to surrender a newborn at a designated safe place where someone can attend to the infant's needs. Any parent who relinquishes an unharmed infant under this bill will have total anonymity. Sixteen states have already passed similar laws. President Bush signed the first Safe Surrender bill into law while he was governor of Texas.

The decriminalization of infant abandonment is an important step to help young women deal with an unwanted pregnancy. Alaska's open adoption law, while securing adoptee rights, may deter women from adoption and push them toward abortion. Many of these women do not want their families to know about their pregnancy. There is no guarantee of privacy in open adoption; furthermore, adoption is a complicated and intrusive process. It requires permission from the father, questioning, paper work, etc. Safe Surrender is an offer of assistance to women who might otherwise abandon a newborn. Under existing law the police track down a woman who abandons an infant. Illegal abandonment can lead to a baby's death and the mother's prosecution.

This is a first step. Safe Surrender does not address the societal ills that lead to unintended pregnancy and the drastic acts of infanticide and abandonment. Teens need to know if they make a mistake their family and society will treat them compassionately. Young people need to have honest and medically accurate sex education. We need enhanced out-reach and support for at-risk parents. Greater access to birth control, including insurance coverage of all FDA approved contraception, should be made available.

Therefore, Planned Parenthood of Alaska supports this bill.

Sincerely,

A handwritten signature in black ink, appearing to read 'CS', followed by a long horizontal line extending to the right.

Clover Simon, MSW
Planned Parenthood of Alaska
4001 Lake Otis Pkwy
Anchorage, AK 99503
907.770.9705

ALASKA WOMEN'S LOBBY

*AWL Mission: To defend and advance the rights and needs of Women,
Children and Families in Alaska*

P.O. Box 20891
Juneau, Alaska 99802-0891
www.akwomenslobby.org

2006 AWL Steering Committee Members

Caren Robinson
Lobbyist

Geran Tarr,
Chair

Diane DiSanto

Marissa Flannery

Torie Foots

Sherrie Goll

Janelle Hafner

Nacole Heeslep

Lauree Hugonin

Joy Lister

Mary Matthewr

Taber Rehbaum

Mary Elizabeth
Rider

Nancy Scheetz-
Freymler

Libby Silberling

Jana Varrati

Rose Wysocki

Position Paper

HB 322, SAFE SURRENDER OF BABIES

April 2006

The Alaska Women's Lobby supports HB 322. The bill is an important safety measure to increase the likelihood that troubled parents will turn over their newborns to medical or other emergency personnel instead of leaving them in potentially dangerous situations.

Beginning in Texas in 1999, "Baby Moses laws" or infant safe haven legislation has been enacted as an incentive for mothers in crisis to safely relinquish their babies to a safe haven where the baby will be protected and provided with medical care until a permanent home can be found. Safe haven laws generally allow the parent, or an agent of the parent, to remain anonymous and to be shielded from prosecution for abandonment or neglect in exchange for safely surrendering the baby to a safe haven. According to a report of the Alan Gattmacher Institute, as of June 2005, these laws exist in 45 states. It is time for Alaska to join these other states.

Variations by state include limits on the infant's age at time of relinquishment (72 hours to 1 year) and the people and places authorized to accept the infants (e.g., Emergency Medical Services, hospitals, fire stations, and police stations). Most state policies adopt a "no questions asked" approach, but some states require that a person accepting the infant ask for a medical history. We support the one year time length this bill suggests.

One important issue to consider as the bill moves through the committee process is public education about the bill when it becomes law. In 2003, 15 states had mandated public information campaigns to increase public awareness of safe haven legislation. Several common elements of such campaigns include toll-free hotlines, pamphlets and written material, and public service messages. Funding should be provided so that once the service is available, those who are eligible to receive the infants can be trained and the public can be made aware of the service throughout the state.

Thank you for hearing this piece of legislation. Creating avenues for parents to relinquish newborns in a way that protects both the parents and the newborns should lessen the odds of finding babies abandoned in dumpsters or empty parking lots.

Legislative Research Services

Alaska State Legislature
Legislative Affairs Agency
Division of Legal and Research Services

State Capitol, Juneau, AK 99801
Phone: 907-465-3991
Fax: 907-465-3908

January 27, 2006

Memorandum

TO: Representative Gabrielle LeDoux
FROM: Becky Taylor
Legislative Analyst
RE: Safe Haven Laws In Other States
LRS Report 06.118

You asked for an overview of safe haven laws. Specifically, you were interested in which states have such laws, when these laws were enacted, where and up until what age infants can be dropped off in different states, and how these laws address the issue of parental rights.

Safe Haven laws are intended to reduce infant abandonment and abuse by providing mothers in crisis with designated locations where they can leave an infant and know that the child will be safe and cared for. Hospitals, police and fire stations, and emergency medical service agencies are often used as safe haven locations. Age limits of 72 hours or 30 days are most common, although North Dakota's safe havens will accept children up to a year old. A few states require a check of the putative father registry, and include provisions to contact the putative father, but most do not require notification of fathers who may not be aware of the child's birth.

At least forty-six states have enacted safe haven laws. According to the Child Welfare League of America, forty-one of these states passed safe haven legislation between 1999 and August 2002. Currently, Alaska, Hawaii, Nebraska, and Vermont appear to be the only states that do not have safe haven laws. Massachusetts was the most recent state to enact this type of legislation with the 2004 Safe Haven Act of Massachusetts. A number of organizations have compiled information about these laws. We have attached the following publications that address your specific questions in more detail:

- ◆ "Infant Safe Haven Laws," *State Statute Series 2004*, National Adoption Information Clearinghouse, U.S. Department of Health and Human Services, current through November 2004.
- ◆ "Update: Safe Havens for Abandoned Infants," National Conference of State Legislatures, October 21, 2003.
- ◆ Williams-Mbengue, Nina, "Safe Havens for Abandoned Infants," *NCSL State Legislative Report*, Volume 26, Number 8, National Conference of State Legislatures, September 2001.
- ◆ "Baby Abandonment Project," Child Welfare League of America, August 2002. As you will see, this document provides brief summaries of the various laws current as of 2002, including information, in many cases, specific to your questions. The on-line version of this compilation of state laws includes links to the text of each state's bill, and is available at <http://www.cwla.org/programs/prev/flocrittsafehaven.htm>.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.



State Statutes Series 2004 Infant Safe Haven Laws

State legislatures have felt the need to address infant abandonment and infanticide in response to a reported increase in the abandonment of infants.

Beginning in Texas in 1999, "Baby Moses laws" or infant safe haven legislation has been enacted as an incentive for mothers in crisis to safely relinquish their babies to a safe haven where the baby will be protected and provided with medical care until a permanent home can be found. Safe haven laws generally allow the parent, or an agent of the parent, to remain anonymous and to be shielded from prosecution for abandonment or neglect in exchange for safely surrendering the baby to a safe haven.

To date, approximately¹ 46² States have enacted safe haven legislation to provide a vehicle for the safe relinquishment of unwanted newborns.

In most States with safe haven laws, a parent may surrender the baby to a safe haven. In four States (Georgia, Maryland, Minnesota, and Tennessee),³ only the mother may relinquish the infant, while Idaho specifies that only a custodial parent may surrender the infant. Other States allow either parent of the baby, an agent of the parent (someone who has the parent's approval),⁴ or another person having custody of the child⁵ to take the baby to a safe haven. Five States⁶ do not specify the person who may relinquish an infant.

Safe haven providers include hospitals, emergency medical services, police stations, and fire stations. Generally, anyone on staff at these institutions can receive an infant, and the provider is authorized to provide any care and treatment the infant may require.

Who May Leave a Baby at a Safe Haven

Safe Haven Providers

¹ The word *approximately* is used to stress the fact that the States frequently amend their laws, so this information is current only through November 2004.

² Alaska, Hawaii, Nebraska, Vermont, the District of Columbia, and the territories of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands have not yet addressed the issue of abandoned newborns in legislation.

³ Maryland and Minnesota do allow the mother to approve another person to deliver the infant on her behalf.

⁴ In 10 States: Arizona, Arkansas, Connecticut, Iowa, Missouri, North Dakota, Rhode Island, South Carolina, Utah, and Wyoming

⁵ In California and Kansas

⁶ Delaware, Maine, New Jersey, New Mexico, and New York



**Immunity
From
Liability**

In many States, the provider is required to ask the parent for family and medical history information. In some States, the provider is required to attempt to give the parent or parents information about the legal effects of leaving the infant and information about referral services. In all cases, the relinquishing parent may not be compelled either to provide personal information or to accept the information offered.

The focus of these laws is protecting newborns, and in approximately 16 States,⁷ infants who are 72 hours old or younger may be relinquished to a designated safe haven. Many other States accept infants up to 1 month old,⁸ while North Dakota's safe havens will accept a child as old as 1 year.⁹

Safe haven providers are given protection from liability for anything that might happen to the infant while in their care unless there is evidence of major negligence on the part of the safe haven.

**Protections
for the
Parents**

Anonymity for the parent or agent of the parent may be expressly guaranteed in statute,¹⁰ or the statute may state that the safe haven cannot compel the parent or agent of the parent to provide identifying information.¹¹ Some States provide an assurance of confidentiality for any information that is provided.¹²

In addition to the guarantee of anonymity, many States limit prosecution¹³ or provide that safe relinquishment of the infant is an affirmative defense¹⁴ in any prosecution¹⁵ of the parent or his/her agent for any crime against the child, such as abandonment, neglect, or child endangerment.

The privileges of anonymity and immunity will be forfeited in most States if there is evidence of abuse or neglect of the child.

⁷ Alabama, Arizona, California, Colorado, Florida, Illinois, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Ohio, Tennessee, Utah, Washington, and Wisconsin

⁸ In 14 States: Arkansas, Connecticut, Idaho, Louisiana, Maine, Missouri, Montana, Nevada, New Jersey, Oregon, Pennsylvania, Rhode Island, South Carolina, and West Virginia

⁹ Other States specify varying age limits in their statutes: 5 days (New York); 7 days (Georgia, Massachusetts, New Hampshire, North Carolina, and Oklahoma); 14 days (Delaware, Iowa, Virginia, and Wyoming); 45 days (Indiana and Kansas); 60 days (South Dakota and Texas); and 90 days (New Mexico).

¹⁰ In approximately 13 States: Arizona, Delaware, Florida, Illinois, Kentucky, Ohio, Oklahoma, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming

¹¹ In 26 States: Arizona, California, Connecticut, Delaware, Idaho, Indiana, Iowa, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, West Virginia, and Wyoming.

¹² In 12 States: Connecticut, Delaware, Idaho, Iowa, Kentucky, Maine, Michigan, Montana, New Mexico, Rhode Island, South Carolina, and Tennessee

¹³ In approximately 7 States (Arizona, Connecticut, Illinois, Louisiana, Nevada, Pennsylvania, and South Dakota), the statutes state that a safe relinquishment is not considered a violation of the law. In 21 States, the relinquishing parent is provided immunity from prosecution: California, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Maryland, Minnesota, Missouri (if the child is 5 days old or younger), Montana, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Wisconsin, and Washington.

¹⁴ In a State with an affirmative defense provision, a parent or agent of the parent can be charged and prosecuted, but the act of leaving the baby safely at a safe haven can be a defense to an accusation of abandonment, abuse, neglect, or child endangerment.

¹⁵ In 17 States: Alabama, Arkansas, Colorado, Delaware, Indiana, Maine, Michigan, Mississippi, Missouri (if the child is 6 days old or older, but less than 30 days old), New Jersey, New York, Oregon, Texas, Utah, Virginia, West Virginia, and Wyoming

Consequences of Relinquishment

In most States with safe haven laws, custody of the infant who has been relinquished will be transferred to the department that handles child protective or child welfare cases.

The department has responsibility for placing the child, usually in a pre-adoptive home, and for petitioning the court for termination of the birth parent's parental rights. Several States have procedures in place for a parent to reclaim the infant,¹⁶ usually within a specified time period and before any petition to terminate parental rights has been granted. A few States¹⁷ also have provisions for a nonrelinquishing father to petition for custody of the child.

This publication is a product of the State Statutes Series prepared by the National Adoption Information Clearinghouse (NAIC). While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

Electronic copies of this publication may be downloaded from the Clearinghouse website at <http://naic.acf.hhs.gov/general/legal/statutes/safehaven.cfm>.

- To find statute information for a particular State, go to <http://naic.acf.hhs.gov/general/legal/statutes/search> and select the specific State and topic.
- To find information on all of the States and territories, view the complete PDF at <http://naic.acf.hhs.gov/general/legal/statutes/safehavenall.pdf> or call the Clearinghouse at (888) 251-0075 or (703) 352-3488 to order a copy.

¹⁶ Approximately 16 States have provisions for the relinquishing parent to petition to reclaim the child: California, Connecticut, Delaware, Florida, Idaho, Illinois, Iowa, Kentucky, Louisiana, Michigan, Missouri, Montana, New Mexico, Rhode Island, Tennessee, and Wyoming.

¹⁷ In approximately 4 States: Louisiana, South Dakota, Tennessee, and Utah.

Welfare Project

UPDATE: SAFE HAVENS FOR ABANDONED INFANTS October 21, 2003

Forty-five states now have some type of safe haven legislation. (The following states do not have safe haven legislation: AK, HI (Vetoed 7/2/03), MA, NE and VT.) Most of the laws designate hospitals, emergency medical services, fire stations and police stations as safe locations. One exception is New York, which stipulates that the baby may be left with a suitable person or may be left in a suitable location so long as an appropriate person is promptly notified. Immunity is granted generally to employees who are required to accept and care for relinquished infants. About half of the states will not prosecute parents who relinquish unharmed infants. The remainder allows an affirmative defense to prosecution. State laws vary on the age of infants who may be relinquished. The ages range from 72 hours old or younger up to 5 days old or younger. The most common ages found in the statutes are 72 hours and 30 days.

How Effective are the Laws?

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How Effective are the Laws?

The laws continue to have a limited effect. A number of states have begun to report on infants abandoned after the passage of the safe haven legislation. As of September 2001, approximately 33 babies had been legally relinquished including five each in Texas, Michigan and Alabama, six in New Jersey, four in California, two in Connecticut, Minnesota and Ohio and one each in Kansas and South Carolina. The numbers are approximate because officials in several states reported that they are not officially tracking the numbers of infants or that they had unofficial media counts of infants. Officials in New York, West Virginia and Florida reported that they were not sure that any infants had been relinquished because their laws do not require reporting or tracking that information. As of September 2002, state agency officials in California report that they have had 20 infants abandoned through the law since their legislation went into effect. New Jersey reported 10 safe haven infants, a 63% reduction in infant abandonment, since the passage of their law in 2000 (compared to 8 abandonments prior to the passage of the law). Illinois reported 2 safe haven abandonments since their law was enacted in 2001.

Unlawful abandonment continues to be a problem. As of September 2001, Texas reported at least 12 infants had been abandoned illegally since the passage of its law, but the abandonments occurred before the start of a public awareness campaign. None have been abandoned outside safe havens since this publicity. Louisiana reported that five infants had been abandoned illegally since passage of its law. Three babies died, and the parents were prosecuted. At least five babies were illegally abandoned in California; two more of them were found dead. In Connecticut, one baby was discarded near a highway. Three babies had been abandoned illegally in Colorado. In one case, the mother attempted to regain custody. Michigan reported nine attempts including one in which a judge ruled that the case was not a safe haven surrender because the parents had not been given enough information on their legal rights. As of September 2002, California reported 21 illegal abandonments and 17 infants abandoned found deceased. Illinois reported four infants illegally abandoned and found deceased. Illinois averaged 25 illegal abandonments over the previous four-year period.

Areas of Concerns for Policymakers

Child welfare experts, state agency officials and state lawmakers continue to examine a number of critical issues related to infant safe haven legislation:

Need for Examination of Statewide Services for Women at Risk

Child welfare experts state that, although safe haven legislation may be a good idea, it needs to be part of a larger effort to increase services for women who are at risk of abandoning their infants. Experts from the fields of child welfare, mental health, youth services, the medical establishment and teen pregnancy will want to work with young parents to examine the existing system of services. Such an examination might provide some answers about why this population of parents is unable -or unwilling- to use these services.

Lack of a Comprehensive Strategy for the Prevention of Infant Abandonment

Critics are concerned that states are not viewing safe haven programs as an integral part of child abuse prevention. Has infant abandonment been considered in the state's child abuse prevention efforts? Does the strategy target young women at risk of abandonment? These are just a few questions policymakers may want to ask as they work with public health, child protection, child abuse prevention, mental health, families and others to develop a comprehensive strategy to prevent infant abandonment.

Anonymity and Termination of Parental Rights

Child welfare experts are apprehensive that the anonymity provided to parents in the safe haven laws conflicts with biological parents' due process rights in termination of parental rights proceedings. As previously mentioned, states have attempted to address this critical issue by providing some type of notice or search for the biological parents of the abandoned infant in an effort to include them in judicial proceedings related to the adoption of the infant. States will want to carefully examine their termination of parental rights statutes to avoid conflicts with safe haven laws.

Relationship to Existing Child Welfare Statutes

Likewise, states may want to examine all their existing statutes related to adoption, paternity, custody and all judicial proceedings associated with child abandonment. It is also important that states clarify their definitions of infant abandonment. For example, several states with new laws exempt safe haven abandonment from the statutory definition of abandonment, child abuse or child neglect. Other states add safe haven abandonment to their existing definition of abandonment.

Father's Rights

Some states require a check of the putative father registry and include provisions to contact the putative father, but most do not contain provisions to address notification of fathers who may not be aware of the child's birth. Critics contend that denying notification unfairly presumes that these fathers do not want to care for their children. Utah's legislation addresses this concern by requiring a search of the confidential registry for unmarried biological parents and requiring that notice be sent to each potential father identified in the registry. The termination of parental rights hearing must be scheduled as soon as possible if no one has identified himself as the father (or if the mother has not identified herself) within two weeks after notice is complete. If a non-relinquishing parent is not identified, the surrender of the newborn shall be considered grounds for termination of parental rights of both parents.

Adoption

Adoption advocates are particularly concerned about the lack of medical and family history. They note that a lack of information about their backgrounds is often troublesome for adopted children and worry about the stability of the child and his or her adopted family later in life. They fear that the lack could be a setback to the trend in adoption policy to provide the adoptee with information about the birth family. Adoption and other child welfare experts also point out that the legislation may not be necessary because most states will not prosecute women who give birth and relinquish their newborns in the hospital. Additionally, every state allows women to voluntarily relinquish their infants for adoption.

Parental Irresponsibility

Many policymakers are concerned that these laws may only encourage parental irresponsibility. Since so little is known about the women who abandon their babies, there is no proof that the legislation will discourage mothers from leaving their infants in unsafe places. For women who might otherwise seek help from family, friends and social service agencies, the enactment of safe haven laws might encourage them to anonymously abandon their newborns rather than take advantage of their traditional network of support.

State by State

	A	B	C	D	E	F
1	STATE	Days to surrender	Who can surrender	Focus of Law	Anonymity for parent or agent of parent may be expressly guaranteed in statute	Statute states that the safe haven cannot compel parent or agent of parent to provide identifying info
2	Alabama	3 days		Protecting newborns		
3	Arizona	3 days	a parent or a parents agent	Protecting newborns	Yes	Yes
4	Arkansas	30 days	a parent or a parents agent			
5	California	3 days	a parent or a parents agent or another person having custody of the child	Protecting newborns		Yes
6	Colorado	3 days		Protecting newborns		
7	Connecticut	30 days	a parent or a parents agent			Yes
8	Delaware	14 days	not specified		Yes	Yes
9	Florida	3 days		Protecting newborns	Yes	
10	Georgia	Less than 1 week	Mother only			
11	Idaho	30 days	Custodial parent			Yes
12	Illinois	3 days		Protecting newborns	Yes	
13	Indiana	45 days				Yes
14	Iowa	14 days	a parent or a parents agent			Yes
15	Kansas	45 days	a parent or a parents agent or another person having custody of the child			

State by State

	A	B	C	D	E	F
16	Kentucky	14 days		Protecting newborns	Yes	
17	Louisiana	30 days				Yes
18	Maine	31 days	not specified			Yes
19	Massachusetts	Less than 1 week				Yes
20	Maryland	Less than 3 days	Mother only/or another person approved by the mother to deliver infant on her behalf	Protecting newborns		
21	Michigan	3 days		Protecting newborns		Yes
22	Minnesota	3 days	Mother only/or another person approved by the mother to deliver infant on her behalf	Protecting newborns		Yes
23	Mississippi			Protecting newborns		
24	Missouri	Less than 30 days	a parent or a parents agent			
25	Montana	30 days				Yes
26	Nevada	30 days				Yes
27	New Hampshire					Yes
28	New Jersey	30 days	not specified			Yes
29	New Mexico	90 days	not specified			Yes
30	New York	5 days	not specified			
31	North Carolina	7 days				Yes
32	North Dakota	1 year	a parent or a parents agent			Yes
33	Ohio	3 days		Protecting newborns	Yes	
34	Oklahoma	7 days			Yes	Yes
35	Oregon	30 days				Yes

NAIC

National Adoption Information Clearinghouse
and
Child Welfare League of America

State by State

	A	B	C	D	E	F
36	Pennsylvania					
37	Rhode Island	30 days	a parent or a parents agent			
38	South Carolina	30 days	a parent or a parents agent			Yes
39	South Dakota	60 days				Yes
40	Tennessee	3 days	Mother only	Protecting newborns		Yes
41	Texas	60 days			Yes	
42	Utah	3 days	a parent or a parents agent	Protecting newborns	Yes	
43	Washington	3 days		Protecting newborns	Yes	
44	West Virginia	30 days			Yes	Yes
45	Wisconsin	3 days		Protecting newborns	Yes	
46	Wyoming		a parent or a parents agent		Yes	Yes

From: infoweb@newsbank.com
Sent: Wednesday, October 19, 2005 1:28 PM
Subject: Requested NewsBank Article

Paper: Anchorage Daily News (AK)
Title: INFANT FOUND AT UAA
Author: TRACY BARBOURDaily News reporterStaff
✓ Date: June 13, 1995
Section: Metro
Page: B1

A newborn boy abandoned on the sidewalk in front of a University of Alaska Anchorage building Monday morning was in serious condition by the end of the day. A campus employee found 'Baby Doe' about 7

a.m. at the University Lake Building, which houses support services, said Nancy Killoran, a university spokeswoman.

Baby Doe, who appears to be white and a couple days old, was left wrapped in a blanket and with a shoestring tied around his umbilical chord, she said.

The university employee called campus security, who alerted the Anchorage Police Department.

Police found the newborn suffering from hypothermia. Otherwise, he appeared to be fine, Anchorage police Sgt. Gary Apperson said.

But by 7 p.m Monday, Baby Doe was listed in serious condition at Providence hospital, a hospital spokeswoman said. She refused to say what the child was suffering from.

Police said they have no idea who deserted the baby and that there was no note or other clues to the identity of the boy's parents.

Whoever abandoned the child faces charges of child abandonment and neglect, police said.

Author: TRACY BARBOURDaily News reporterStaff
Section: Metro
Page: B1

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From: infoweb@newsbank.com
Sent: Wednesday, October 19, 2005 1:59 PM
Subject: Requested NewsBank Article

Paper: Anchorage Daily News (AK)
Title: NEWBORN GIRL FOUND IN BATHROOM STALL AT HOSPITAL
Author: PETER S. GOODMAN Daily News reporter Staff
Date: December 1, 1994
Section: Nation
Page: A1

A newborn girl was found wrapped in a blanket in a bathroom stall at Alaska Regional Hospital on Wednesday morning. A hospital employee found the infant when she went into the first-floor women's restroom to get a cup of water about 7:30 a.m., police said. A note of explanation was found nearby, but investigators would not reveal what it said. Several people later told investigators they had heard the baby crying as they passed by the bathroom. Hospital staff rushed the newborn to the emergency room, said Mary Hofbauer, a nursing supervisor. Doctors pronounced her in satisfactory shape.

State child welfare authorities took formal custody of the child, who remained at the hospital late Wednesday.

Police spent much of the day trying to locate the baby's mother. Detective Terry Games said witnesses spotted a white woman with long brown hair near where the baby was found. She was described as being in her mid-to-late teens, 5-feet-6 to 5-feet-7-inches tall and wearing a long brown coat. Police "strongly believe" she is the baby's mother, Games said.

Hofbauer said the infant is a "pretty little baby" who appeared to be about 12 hours old at the time she was found. She had apparently been born full term. Police said she weighed nearly 7 pounds and measured about 19 inches long.

The state will likely place the baby in a foster home after doctors clear her to be released from the hospital, said Faye Moore, regional administrator at the Division of Youth and Family Services in Anchorage. What happens after that is uncertain.

Moore wouldn't discuss the particulars of the case, but she predicted there is less than an even chance the mother will be found. If the mother never enters the picture, the state would likely try to get court approval to put the baby up for adoption, she said.

Bob Newell, an intake officer with the youth services agency, said it would be several months before the baby can be adopted because the state is obligated to give the mother a chance to come forward and claim her child.

If the mother does turn up and shows an interest in taking the baby, the state would assess whether she's fit to be a parent, Moore said. She "would have the burden of demonstrating to us (she) can take care of the child."

According to Newell, the state typically does whatever it takes to help mothers become suitable parents. They may undergo drug or alcohol counseling, welfare assistance or job placement, Newell said.

According to Joyce Johnson at the Child Welfare League of America in Washington, D.C., women who abandon babies tend to be young, poor and isolated. They don't know how to cope with being pregnant and they lack the sophistication to get help, she said.

"Maybe they haven't located the father or they haven't told their family that they're pregnant," Johnson said. "It's a trauma. They're not thinking coherently. And there's fear. How are they going to take care of the child? Maybe they don't have any money."

Johnson said there are places for such women to go: social service organizations that counsel women on their options, provide shelter and find them medical care.

Elaine Stoneburner, the adoption coordinator at Catholic Social Services in Anchorage, has a list of two dozen couples waiting to adopt babies. They are likely to wait anywhere from 10 months to three and a half years for a child, she said. For those would-be parents, news of a newborn being left in a bathroom stings, she said.

Johnson said that abandoned children are usually left in public places where the mothers hope they'll be found and cared for. But not always. On New Year's Eve, police found a newborn girl outside a used-clothing store in Peters Creek. She was rushed to Providence Hospital and treated for hypothermia. She was eventually adopted.

If the mother of the hospital baby is found, she could face criminal charges for abandoning her child, police said. Assistant District Attorney Steve Branchflower said the mother's intentions would be weighed in any decision to prosecute.

"Is the baby in a Dumpster or in a hospital?" Branchflower asked. "That says something about a person's intent."

Joan Teel, a private adoption consultant and former state social worker, said that's an important detail.

"There should be no judgment passed," she said. "Let's applaud (the mother) for putting the baby somewhere safe and warm."

Author: PETER S. GOODMAN
Daily News reporter
Staff
Section: Nation
Page: A1

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From: infoweb@newsbank.com
Sent: Wednesday, October 19, 2005 2:00 PM
Subject: Requested NewsBank Article

Paper: Anchorage Daily News (AK)
Title: ABANDONED BABY GETS A NEW YEAR'S EVE CHANCE DAY-OLD GIRL LEFT OUTSIDE
Author: S.J. KOMARN "SKYDaily News reporterStaff
Date: January 1, 1995
Section: Nation
Page: A1

It was a shocking discovery: a baby girl wrapped only in a blanket outside a used clothing store in Peters Creek in the freezing cold, her umbilical cord still attached and tied off with a piece of twine. The pudgy newborn would have faced a night outdoors in freezing temperatures if not for a woman's anonymous call to police and a quick search by two nurses from a nearby senior center. Instead, she was rushed to Providence Hospital, where she was listed in serious condition with hypothermia late New Year's Eve. A police investigator estimated she was about a day old.

Officers first heard about the baby just before 3 p.m. when a woman called from a pay phone at the Peters Creek Trading Post with an anonymous tip. The woman said there was a cold baby in a container at The Garret, a used-clothing store about a mile from the convenience store. The woman didn't make herself clear and hung up before dispatchers could get her name or ask her any questions.

But they made out enough to know there might be a baby somewhere around the clothing store. Dispatchers were still deciphering the message when they called the Chugiak Senior Center, where Sharon Cloud, 44, and Charlene Beckwith, 50, work as nurse's assistants. The center is just downhill from the store.

Beckwith said they were told a child had been dropped off in a container and were asked to take a look around.

So, she and Cloud started working their way up the hill toward the store, looking in Dumpsters along the way. Nothing. Then they started searching around the store, which was closed. Still nothing.

In the meantime, Officer Robert Dutton headed to The Garret to check things out. Dispatchers still weren't sure exactly what the woman had told them and sent Dutton without lights or sirens, he said. But another officer, hearing there might be a baby involved, told Dutton to speed up.

It was just after Dutton arrived that Cloud found the girl.

Beckwith said she and Cloud had already made one search around the building when Dutton showed up. They were about to go back, thinking it was a prank call. That's when Cloud started looking through a pile of donated clothes in plastic bags left on a walkway not in a container in front of the store and found the girl under a lampshade.

"I had just been going through the clothes and I had just seen a doll," Cloud said. "I thought it was another doll. But then she moved."

Dutton told the two women to get the baby into his car, where it was warm. He later said the temperature outside was about 21 degrees.

Beckwith said the girl never cried and it was hard to tell if she was suffering from hypothermia.

"She had that newborn baby look, kind of bluish-purple," she said.

But, once the two women got in the patrol car, Beckwith could see that the girl's toes and

fingers were "really blue." The baby acted like one of her feet was numb, Beckwith said.

Dutton drove Beckwith back to the senior center and headed for Providence Hospital with Cloud cradling the child in her arms in the back seat.

Arriving at Providence just before 4 p.m., the girl was rushed to an intensive care unit and immediately put under heat lamps.

Beckwith said she's glad they found the baby in time. The clothing store was closed for the day.

"She probably would not have made it through the night," she said.

Temperatures in Anchorage were forecast to be about 20 degrees Friday night.

So far, there are few clues to the mother's identity.

Dianne Hagerty, who works at the Trading Post, said nobody noticed a woman making a call from the store's pay phone around 3 p.m. The phone is around the corner, and the store gets a lot of traffic, she said.

"Usually you don't pay attention to who is on the phone anyway," she said.

Beckwith said a woman was dropping off clothes at The Garret when she and Cloud first came up the hill. But the woman looked to be in her 50s and she said she had just arrived, Beckwith said.

The woman was putting her donation right next to where the baby was. She said she never heard a peep, Beckwith said.

Police investigators are asking for the public's help in locating a woman who was in late pregnancy and now isn't, and who doesn't have a baby to show for it.

Lt. Bill Gaither said the woman could face a number of charges for abandoning the girl, including child abuse, child neglect, reckless endangerment and endangering the welfare of a minor.

That is if the child survives, he said. If she dies, the mother could face murder charges, he said.

Beckwith said that there's already a waiting list of staffers at the center and even one elderly resident who say they'd be happy to adopt the baby.

"She's a very cute little female, kind of pudgy infant," Beckwith said.

Beckwith said the image that stayed in her mind was what Cloud told her later, that, on the ride to the hospital, the girl clung to her finger the whole time.

"We couldn't believe anyone would do such an atrocity," Beckwith said. "It was just such a pathetic thing to see. The fact that she was so naked and outside was kind of devastating."

Author: S.J. KOMARNITSKY Daily News reporter Staff

Section: Nation

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From: infoweb@newsbank.com
Sent: Wednesday, October 19, 2005 1:27 PM
Subject: Requested NewsBank Article

Paper: Anchorage Daily News (AK)
Title: INFANT FOUND IN BIN
Author: DON HUNTER Daily News Reporter Staff
Date: September 6, 1986
Section: Metro
Page: 1

A newborn baby boy abandoned in a box in a Muldoon alley Thursday night was in good condition Friday at Humana Hospital. The infant was wrapped in a towel and hidden in a cardboard box left on the ground beside a Salvation Army collection bin. He was found by two teen-age boys who heard him crying as they rode by on their bicycles.

"It was crying, real loud," 15-year-old Christian Chain said. Chain was interviewed Friday while walking his dog, Duke, in the neighborhood.

"The box was closed," he said. "There was no lid, but the sides were folded up on top of the baby. We opened it up and, you know, there was a baby . . .

"It was wrapped in a towel, a tan towel," he said.

"It was real young, not that old at all."

Only minutes before Chain and Lamont Williams, 14, found the baby, an anonymous caller told an Anchorage Police dispatcher a baby had been left at the bin.

By the time officers arrived, the boys had picked up the box, climbed back on their bikes, and taken the baby to the Chain home, where they called police.

The boys discovered the baby shortly after 9 p.m., according to police. Officers took him to Humana Hospital about 9:30 p.m. Police Spokesman Joe Young said the infant was "a few hours old, at most."

Salvation Army dispatcher Alice Phillips said donations left at the bin are picked up about 11 a.m. every day. The bin is directly behind a Salvation Army thrift shop at 101 Muldoon Road.

Lynn Whitley, a hospital spokeswoman, said the baby weighed seven pounds, one ounce and was in satisfactory condition in the Humana nursery late Friday afternoon. He was stable, with vital signs within normal limits, she said.

The infant is now in the custody of the state division of family and youth services. Dolly Coke, a social worker supervisor, said in cases where the state assumes custody of children, they are placed in a foster home until a permanent placement is arranged.

Authorities have named the baby John Doe.

Storekeepers and residents of a trailer park across the street from the thrift shop said they had seen no unusual activity Thursday night. But a delivery man for a sandwich shop directly across Muldoon Road said he saw a young couple acting a little strangely.

"I was fixing to go out and make some deliveries, and I was sitting in my car adjusting packages and something caught my eye just across the street at the Goodwill box," said Chuck Argo.

There was a couple in a late model, foreign pickup, sort of rummaging around in the boxes there. I thought it was unusual to see people with a truck like that looking in the bin .

"Then they had a bundle, looked like a bundle of clothes, and just kind of laid it over there in the boxes and took off. I didn't think anything of it until I got back (from making deliveries) and my supervisor said" police had been there.

"It didn't dawn on me it could have been a child," he said.

Young, the police spokesman, said another person called police late Thursday night after seeing reports of the abandonment on television. The caller said he had seen "a very pregnant woman in the area of the bin an hour or two before," Young said.

"That's not very much to go on," he said.

Coke, the social worker, said state law prevents her from discussing Baby Doe's specific case. She did describe procedures used in similar cases, however.

"It's very rare" for a newborn infant to be abandoned, she said. "I've been here five years, and I don't know of another infant I can remember who was abandoned . . .

"Whenever a child is abandoned you can usually assume the mother was under a great deal of stress, and may have assumed she could not provide for the child," she said.

"In these cases, it's my experience the parent will eventually surface," Coke said.

"Sometimes, someone who has been pregnant suddenly isn't, and there's no baby, and someone who knows her will call. Or sometimes they have a second thought and the parent will come forth."

If the parent or parents do appear, social workers will counsel them and try to decide the best solution for the child, Coke said.

Author: DON HUNTERDaily News reporterStaff

Section: Metro

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ALASKA STATE LEGISLATURE



SESSION ADDRESS
Alaska State Capitol
Juneau, AK 99801-1182
(907) 465-2487
Fax (907) 465-4956

INTERIM ADDRESS
112 Mill Bay Road
Kodiak, AK 99615
(907) 486-8872
Fax (907) 486-5264

Representative Gabrielle LeDoux

MEMO

TO: REPRESENTATIVE GABRIELLE LEDOUX
FROM: CHRISTINE R. MARASIGAN
SUBJECT: SUMMARY OF CHANGES TO HB 322
DATE: 5/3/2006

There were several changes to HB 322, the Safe Surrender of Infants Act. The biggest changes were in consultation with the Office of Children's Services and Department of Law. These changes are listed in chronological order as follows:

Upon consultation with several agencies, a committee substitute was requested with the following changes:

Page 1, Sec. 2, line 10 and an infant who is less than three days of age replaced [less than
Page 3, Sec. 6, line 19 12 months of age]

Page 2, Sec. 3, line 2 extinguished after 28 days if replaced [extinguished, if]

Page 2, Sec. 3(d) (3) lines 16- under (4) was replaced with [under (3)]
17 (3) was deleted.

Rationale: The most significant change in SSHB 322 is three days and 28 days. In the original bill, agencies commented that 12 months was too long and that there was a potential for abuse and neglect. "28 days" was inserted as a time compromise between those interested in three days and other interested in one month. (3) was deleted because it was unnecessary and would encumber medical or firefighting volunteers. In (4) the parent would be directed towards counseling and appraised of laws related to relinquishing parental rights.

The **House Health, Education and Social Services Committee** adopted the CS and made the following amendments to 24-LS1110\F resulting in version 24-LS 110\Y.

Page 1, Sec. 2, line 10 and eight days replaced [three days]
Page 3, Sec. 6, line 19

Page 2, Sec. 3, line 3

[after 28 days] was deleted

Rationale: Three days was felt to be too short a time period. Extending a parent's legal duty for support for 28 days once surrender has occurred is unnecessary.

The **House Judiciary Committee** made the following amendments to 24-LS1110\Y resulting in version 24-LS1110\L:

Page 1, Sec. 2, line 10 and
Page 3, Sec. 6, line 19

21 days of age replaced [eight days]

Rationale: Eight days was felt to be too short a time period.

There were two amendments to CSHB 322 during the **House Floor Session**.

Page 2, lines 9-10 (2) there is no evidence the infant has been physically injured prior to abandonment replaced [(2) there is no evidence at the time of abandonment that the infant has been physically injured.]

Page 1, line 9, following "parent" (1) is an infant who is less than 21 days of age; (2) is surrendered in the manner described in AS 47.10.013(c); and (3) is not the subject of a court order affecting custody of the child replaced [in the manner described in AS 47.10.013(c) if the child is an infant who is less than 21 days of age]

Page 1, line 12 who is immune from prosecution under AS 11.81.500 and chooses to surrender an infant shall surrender the [may not be criminally prosecuted for surrendering an]

Page 1, line 13: Surrendering [although surrendering]

Page 2, lines 21 - 22: An individual, agency, facility, or entity that receives an infant abandoned safely under (c) of this section is replaces [A hospital, hospital emergency room, fire station, emergency medical service, or employees or volunteers of these entities, are]

Rationale: The first amendment ensures that if there are pre-existing injuries to the infant that become apparent after abandonment, the parent surrendering the infant would be held accountable for the injury. The second amendment was an omnibus amendment offered by the sponsors and crafted upon consultation with the Department of Law and the Office of Children's Services. There are three parts. 1) there needed to be some assurance that the parent surrendering the infant wasn't someone with a court order against them as might be the case in a domestic violence case. 2) this merely cleaned up some language and made the text consistent. 3) this section made the language concerning where and who an infant could be surrendered to consistent with the rest of the bill.

Senate Judiciary considered CSHB 322 version 24-LS1110/L.A. There were no amendments and the bill was passed out of committee to **Senate Rules**.