

WASHINGTON DC LAW

Councilmembers Tommy Wells and David A. Catania introduced the following bill, which was referred to the Committee on _____.

To provide that a parent may surrender a new-born infant, where there is no actual or suspected abuse, to a hospital, police station, fire station, or emergency medical facility without being charged with abuse, neglect, or abandonment of the new-born infant, to require hospitals, police stations, fire stations, and emergency medical facilities to accept a surrendered child, to provide for further placement with Child and family Services agency, and to require the Mayor in promulgate rules to implement this act and to submit the proposed rules to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Newborn Safe Haven Act of 2009”.

Sec. 2. Definitions.

For the purpose of this act, the term:

- (1) “Newborn” means an infant who a licensed physician or the person authorized to accept the surrender reasonably believes is 7 days old or less.
- (2) “Surrender” means to bring a newborn to a hospital, police station, fire station, or emergency medical facility and to leave the newborn with personnel of the facility when the person leaving the newborn does not express an intent to return for the newborn or states that he or she will not return for the newborn or when a mother gives birth in a hospital and following the birth expresses the intent to leave the hospital without the newborn and to not return for the newborn and leaves the hospital without the newborn.

Sec. 3. Surrendering.

- (a) Except when there is actual or suspected child abuse, a parent who surrenders a newborn shall have the right to remain anonymous and to leave the place of surrendering at any time and shall not be pursued or prosecuted for giving up the newborn.
- (b) Surrendering a newborn infant in accordance with this act, and rules promulgated pursuant to this act, shall not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment a newborn.
- (c) The personnel receiving the surrendered newborn shall make reasonable efforts to anonymously obtain family and medical history and attempt to provide the surrendering parent information on adoption and counseling services.

Sec. 4. Signage.

Every hospital, fire station, police station, and emergency medical facility that is required to accept a surrendered newborn in accordance with this act shall post a sign in a conspicuous place on the exterior of the facility that states in plain terms that a newborn may be surrendered at the facility in accordance with this act.

Sec. 5. Placement.

- (a)(1) After the surrendering of a newborn, the fire station, police station, or emergency medical facility shall transport the newborn to the nearest hospital as soon as transportation can be arranged.
- (2) The act of surrendering shall constitute implied consent for the hospital to which the newborn is transported, and that hospital's medical personnel and physicians, to treat and provide care for the newborn and arrange for further placement with the Child and Family Services Agency.
- (3) If the parent of a newborn returns to reclaim the child within 72 hours after surrendering, the personnel of the facility that received the newborn shall inform the parent of the name and location of the hospital to which the newborn was transported.

Sec. 6. Rulemaking.

The Mayor shall promulgate rules to implement this act. The proposed rules shall be 7 submitted to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed approved.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.