

Safely Surrendered Babies

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ORANGE COUNTY SOCIAL SERVICES AGENCY CFS OPERATIONS MANUAL

Effective Date: March 9, 2004
Revised: March 10, 2005
Revised: August 24, 2005
Revised: July 21, 2006
Revised: January 18, 2011
Revised: March 17, 2011
Revised: September 28, 2012

Number: A-0409

Safely Surrendered Babies

Purpose	To provide guidelines for processing referrals and cases involving infants surrendered at designated safe surrender sites.
Approved	This policy was approved by Gary Taylor, Director of CFS, on September 28, 2012. <i>Signature on file.</i>
Most Recent Revision	<p>This revision of the Policy and Procedure (P&P) contains new or updated policy information that includes:</p> <ul style="list-style-type: none">• Maintaining the confidentiality of all safely surrendered baby information in the event that a child abuse report is filed on other children in the home• Addition of a designated CWS/CMS Management and Reports Team Staff Specialist to the <i>Special Incident Report (F063-03-48)</i> notification list for all safely surrendered baby reports• Reporting safely surrendered baby information to the California Department of Social Services (CDSS) via the <i>SOC 880</i>
Background	<p>On January 1, 2001, the Safely Surrendered Baby Law (SSB) was created in response to the increasing number of newborn infant deaths due to abandonment in unsafe locations. Senate Bill (SB)1368 (1999) established the SSB law by adding Section 1255.7 to the Health and Safety Code (HSC) and Section 271.5 to the Penal Code (PC). SB 139 (2003) redefined the allowable locations of a safe-surrender site. SB 116 (2005) made the SSB law permanent.</p> <p>The SSB law provides a safe alternative for the surrender of a newborn baby in specified circumstances. Under the SSB law, a parent or person with lawful custody can safely surrender a baby, within 72 hours of birth, who has not suffered abuse or neglect, to personnel of a designated safe surrender site. The parent or person with lawful custody can safely surrender a baby confidentially, and without fear of criminal prosecution for abandonment, desertion, or failure to provide for the child.</p> <p>The intent of the SSB law is to encourage safe and healthy births and prevent newborn harm and infant deaths resulting from abandonment in unsafe locations.</p>

Legal Mandates

Health and Safety Code § 1255.7:

- Defines safe surrender site; outlines requirements and responsibilities of safe surrender personnel
- Establishes confidentiality of a parent or individual who surrenders a minor child 72 hours old or younger
- Outlines responsibilities of child welfare services personnel investigating the circumstances of a safely surrendered minor child 72 hours old or younger and mandates notification to the California Missing Children Clearinghouse and to the National Crime Information Center
- Outlines responsibilities of safe surrender personnel and child welfare services personnel when a parent or individual who has voluntarily surrendered a minor child 72 hours old or younger returns within 14 days of the voluntary surrender to claim physical custody of the child
- Provides immunity from liability for a safe surrender site or personnel of a safe surrender site that accepts custody of a surrendered child pursuant to this section
- Provides immunity from liability for a person who in good faith and without financial compensation provides assistance for the purpose of affecting a safe surrender
- Defines “assistance” and “lawful custody”

Welfare and Institutions Code (WIC) § 291 outlines requirements for notification of hearings after the initial petition hearing.

WIC § 294(g)(1)(2) outlines requirements for notification for hearings held pursuant to WIC § 366.26; stipulates due diligence requirements in attempting to identify an unknown parent in preparation for a 366.26 hearing.

WIC § 300(g) includes an unclaimed safely surrendered child as a child within the jurisdiction of the Juvenile Court who may be adjudged as a dependent child of the court.

WIC § 361.5(4)(b)(9) exempts the provision of reunification services to a parent or guardian when the court finds, by clear and convincing evidence, that the parent or other person having custody of the child, voluntarily surrendered physical custody of the child pursuant to Section 1255.7 of the Health and Safety Code.

Penal Code (PC) § 271.5 exempts a parent or other individual having lawful custody of a minor child 72 hours old or younger who surrenders the child to on duty personnel at designated safe surrender sites from criminal prosecution for abandonment, desertion, and failure to provide.

PC § 11165.13 stipulates that a positive toxicology screen at the time of the delivery of an infant is not in and of itself a sufficient basis for reporting child abuse or neglect; requires that any indication of maternal substance abuse will lead to an assessment of the needs of the mother and child; stipulates that if other factors are present that indicate risk to the child a child abuse report will be made to the county child welfare department.

All County Letter (ACL) 02-01 Safe Arms for Newborns.

All County Information Notice (ACIN) I-57-03 Safely Surrendered Baby Law – Hospital Births.

ACIN I-88-10 Safely Surrendered Baby Definition, Intake and Data Entry.

ACIN 1-19-12 Reporting Safely Surrendered Babies to The California Department Of Social Services, The California Missing Children Clearing House, and The National Crime Information Center.

Definitions

For the purpose of this P&P, the following definitions apply.

Safe Surrender Site:

- A. A location within a public or private hospital that is designated by that hospital to be responsible for accepting physical custody of a safely surrendered baby.
- B. Locations specifically designated by the Orange County Board of Supervisors:
 - All Orange County hospital emergency rooms
 - Orangewood Children and Family Center (OCFC)
 - Orange County Fire Stations staffed 24 hours a day, seven days a week

Personnel: An officer, employee, or worker with staff privileges (e.g., a private physician with hospital admitting privileges) at a designated safe surrender site.

POLICY

General Guidelines

The Safe Surrender Law outlines the following provisions and requirements for safe surrender:

- A. Personnel at safe surrender sites accepting physical custody of a surrendered child must:
 1. Provide or facilitate a medical screening examination and necessary medical care for the child.
 2. Attempt to provide and secure a completed *Safely Surrendered Baby Medical Questionnaire (SOC 861)* from the parent or surrendering individual. The *Safely Surrendered Baby Medical Questionnaire (SOC 861)* may be declined, voluntarily completed at the time of the surrender, or returned to the surrender site at a later time in an envelope provided to the surrendering individual for that purpose.
 3. Place a coded, confidential ID bracelet on the child.
 4. Attempt to provide the parent or surrendering individual a copy of the ID bracelet to present when/if the child is reclaimed.

5. Notify the Orange County Children and Family Services (CFS) Child Abuse Registry (CAR) as soon as possible but no later than 48 hours after accepting custody of the surrendered child.
 6. Provide CFS with information concerning the child's medical screening examination and any necessary medical care provided.
 7. When reporting to CFS, exclude identifying information about the parent or surrendering individual.
- B. If the person surrendering a child returns to reclaim the child prior to the filing of a petition (i.e., prior to CFS taking the child into protective custody), the hospital or surrender site may either return the child or contact CFS if abuse or neglect is suspected. The voluntary surrender of a child (pursuant to Health and Safety Code § 1255.7) is not, in and of itself, a sufficient basis for reporting child abuse or neglect.
- Note:** Per Health and Safety Code § 1255.7(B)(4)(b)(2), possession of the bracelet identification, in and of itself, does not establish parentage or a right to custody of the child.
- C. Personnel at safe surrender sites accepting physical custody of a surrendered child are not subject to civil, criminal, or administrative liability for accepting the child in good faith belief that the action is required or authorized by law.

Hospital Births

Current state policy permits the safe surrender of babies born in hospitals when the birth mother, **by word or action**, indicates that she does not want to keep her baby.

In the event of a hospital birth, CFS staff will advise hospital safe surrender personnel to:

- A. Affirm to the birth mother that voluntary relinquishment, for the purpose of adoption, is the preferred option for a parent unable or unwilling to care for a baby.
- B. If the birth mother is reluctant to voluntarily relinquish the baby, and begin the adoption process, encourage the parent to safely surrender the newborn instead of leaving the baby in an unsafe place.

Note: The intent of the Safe Surrender Law is to ensure that the baby is safe; remaining in the care of the hospital would be considered a safe surrender option. The statute does not state that the birth mother must be familiar with the law in order to safely surrender her baby. The following situations are examples of this intent:

1. The birth mother leaves the hospital premises while the baby is in the care of hospital staff, but does not verbally indicate her intent to surrender. It is consistent with statute to consider this action a safe surrender rather than a case of abandonment.

2. The birth mother leaves the hospital against medical advice (AMA), and leaves the baby in the care of hospital staff. Depending on the circumstances and safety of the baby, this may be considered a safe surrender.
3. The birth mother indicates she would like to voluntarily relinquish her baby for adoption, and then subsequently decides to safe surrender within the 72-hour timeframe. If all other conditions are met, the baby must be considered safely surrendered.
4. The birth mother safely surrenders a baby who subsequently tests positive on a toxicology screen. **Per Penal Code 11165.13, a positive toxicology screen at the time of delivery of an infant is not in and of itself a sufficient basis for reporting child abuse or neglect. The baby may be considered a safe surrender unless, in addition to the positive toxicology screen, other factors are present that indicate risk of abuse or neglect. In those situations, a child abuse report is required.**

OCFC

For babies safely surrendered to OCFC, CFS staff will:

- A. Comply with OCFC's Safely Surrendered Babies policy.
- B. Immediately contact CAR to report the safe surrender.
- C. If a completed *Safely Surrendered Baby Medical Questionnaire (SOC 861)* is returned to the safe surrender site, OCFC staff will:
 1. Search CWS/CMS for "Baby Boy Doe" or "Baby Girl Doe" and by the safely surrendered baby's date of birth to identify the assigned SSW.
 2. Forward the *Safely Surrendered Baby Medical Questionnaire (SOC 861)* to the assigned SSW in a **sealed** envelope placed within a pony envelope.

Note: The assigned SSW will ensure that the information contained in the *Safely Surrendered Baby Medical Questionnaire (SOC 861)* is entered in the child's CWS/CMS case.

For additional information on the documentation and data entry of health information for children in out-of-home care, refer to CFS P&P Health and Education Passport (I-0403) and CWS/CMS Data Entry Standards—Health and Education Passport.

CFS Response

In response to reports of safely surrendered babies from designated surrender sites:

- A. **The CAR Senior Social Worker (SSW) will:**
 1. Receive reports from hospitals, designated fire stations, or OCFC regarding safely surrendered infants.

2. Complete referral information in CWS/CMS (see CWS/CMS Data Entry Standards—Safely Surrendered Baby Referrals).
3. Transfer the referral to Emergency Response (ER) for assignment.
4. Provide immediate notification of the SSB report by completing a *Special Incident Report (F063-03-48)*. For more specific information, refer to Policy section “Immediate Notifications.”

B. The ER SSW will:

1. Consult with the Reporting Party (RP) and obtain any information that is useful in providing for the child’s needs and care. Place the child into protective custody by filing an *Application for Petition (F063-28-43)* or initiating a *Hospital Hold (F063-25-125)*.

Refer to CFS P&P Abuse Investigations—Protective Interventions (A-0414) for additional information on filing petitions and placing hospital holds.

Note: In the event that information concerning suspected child abuse or neglect of other children in the home is disclosed, the ER SSW will contact CAR to file a separate report. **All SSB information is confidential and will not be referenced in any other report:**

- The ER SSW will not provide CAR with any information concerning the SSB referral
- The CAR SSW will not document or reference any information concerning the SSB referral if a new report is taken
- Do not link the referrals as Companion-To-Case (C-To-C) reports

2. Report all known, identifying information concerning the safely surrendered child to the California Missing Children Clearinghouse (MCCH) **as soon as possible but no later than 24 hours** after taking the child into protective custody. **All identifying information regarding the person surrendering the child must be excluded from the report.**

Note: The MCCH cross reports all safe surrender information to the National Crime Information Center (NCIC). Reporting the safely surrendered baby to MCCH fulfills the Social Services Agency’s (SSA’s) requirement to report this information to both agencies pursuant to HSC 1255.7(e).

3. Do not cross report the referral to law enforcement.

C. The Dependency Investigations SSW will:

1. Complete the investigation according to CFS policy.
2. In the event that a parent comes forward to reclaim the child within 14 days of the date of surrender:

- a. Verify the identity of the parent or individual. Request the copy of the ID bracelet provided at time of surrender.
- b. Conduct an assessment of the parent's or individual's circumstances, safety issues, and ability to parent. Consider obtaining criminal history information through the California Law Enforcement Telecommunications System (CLETS). Refer to CFS P&P CLETS (B-0116) for additional information on requesting and obtaining a criminal clearance for investigation purposes through CLETS.
- c. Consult with County Counsel.
- d. If the child is not determined to be at risk of abuse or neglect as described in WIC § 300(a)-(j), request that the Juvenile Court dismiss the petition for dependency and order the release of the child.
- e. Contact the Adoption or Placement SSW as soon as possible to:
 - Coordinate the child's release, if applicable
 - Consider arranging a meeting between the parent, caregiver, and the SSW to facilitate the child's transition

Note: If the individual who voluntarily surrendered the child returns to claim the child prior to the Detention Hearing, the steps as outlined above will be conducted by the assigned ER/Intake SSW.

D. Documentation:

CFS staff will omit and redact information regarding the person who surrendered the child from all paperwork and CWS/CMS, unless and until the person who surrendered the child reclaims the child within the 14-day window period.

Immediate Notifications

When CAR receives a report of a safely surrendered baby, the CAR SSW will **immediately** provide notification of the report by completing a *Special Incident Report (F063-03-48)*, and send by email, **including weekends, after hours, and holidays**, to:

- A. CAR Program Manager (PM) or PM designee.
- B. All CAR Senior Social Services Supervisors (SSSS).
- C. Diversion Unit Officer of the Day (OD) (email: OCH Diversion).
- D. All Adoptions SSSSs.
- E. Designated CWS/CMS Management and Reports Team Staff Specialist.

Note: Send the *Special Incident Report (F063-03-48)* via email selecting "send to mail recipient" and **not** as a document attachment.

Upon receipt and review, the CAR PM or PM designee will forward the *Special Incident Report (F063-03-48)* by email, **including weekends, after-hours, and holidays**, to:

- CFS Deputy Director of Intervention and Prevention Services
- CFS Director
- Social Services Agency (SSA) Chief Deputy Director
- SSA Director

Exception: CAR SSWs will answer CAR calls after regular business hours, on weekends, and on holidays. OCFC Intake staff will answer CAR calls when CAR SSWs are unavailable to do so. OCFC Intake staff will **immediately** provide notification of the report by calling the ER On-Call SSSS. The ER On-Call SSSS will call the On-Call PM, who will continue the notification up the CFS/SSA chain of command as specified above. The *Special Incident Report (F063-03-48)* will be completed by the assigned CAR SSW the next day, and will be forwarded by email as outlined above.

Note: In the event that a report is not originally received as a safely surrendered baby (e.g., birth parent[s] initially seek to place the baby for adoption), however, the baby is subsequently safely surrendered, the CFS staff member bringing the child into protective custody will be responsible for completing the *Special Incident Report (F063-03-48)* and for immediately providing notification as outlined above.

**California
Department of
Social Services
(CDSS)
Notification**

ACIN 1-19-12 clarifies California counties' responsibility for immediately reporting safely surrendered babies to CDSS utilizing the *Safely Surrendered Baby Report to the California Department of Social Services (SOC 880)*.

Upon receipt of the *Special Incident Report (F063-03-48)*, the designated CWS/CMS Management and Reports Team Staff Specialist will complete the *Safely Surrendered Baby Report to the California Department of Social Services (SOC 880)*, save as a PDF file format, and send via SECURE (i.e., encrypted) email to ssb@dss.ca.gov.

For additional information on encrypting and sending email outside of the SSA network, refer to CFS P&P Confidentiality—CFS Client Records (F-0105).

**CFS Search
Requirements**

Pursuant to WIC 294(g)(1)(2) and 361.5(4)(b)(9), the CFS Search Unit must complete a Search and provide a Declaration for the unknown mother and father for all safely surrendered baby cases. Further:

- A. No identifying information may be noted on the Search documentation or the Declaration other than "unknown mother" and "unknown father."
- B. All identifying information regarding parents must be redacted to maintain anonymity, as outlined and intended in the law.

For additional information on completing an absent parent search and Declaration, refer to CFS P&P Absent Parent Search (G-0801).

Naming Children CFS staff will name the surrendered child according to procedures for naming foundlings (e.g., Baby Boy Doe or Baby Girl Doe).

For further information on obtaining birth certificates, amending birth certificates, or registering births, refer to CFS P&P Birth Certificate—Foster Child (D-0401).

Filing Pursuant to CFS P&P Case Filing (E-0102), completed forms will be filed or documented as follows:

- *Safely Surrendered Baby Medical Questionnaire (SOC 861) on the Medical Acco (F063-25-1115)*
 - *Safely Surrendered Baby Report to the California Department of Social Services (SOC 880) is documented on the CFS Safely Surrendered Baby Report*
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REFERENCES

Attachments and CWS/CMS Data Entry Standards Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- CWS/CMS Data Entry Standard—Health and Education Passport
 - CWS/CMS Data Entry Standard—Non-Foster Care Placement of Safely Surrendered Baby
 - CWS/CMS Data Entry Standards—Safely Surrendered Baby Referrals
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Hyperlinks Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- California Department of Social Services, Safely Surrendered Baby Homepage
 - California Missing Children Clearinghouse
 - CFS P&P Absent Parent Search (G-0801)
 - CFS P&P Abuse Investigations—Protective Interventions (A-0414)
 - CFS P&P Birth Certificate-Foster Child (D-0401)
 - CFS P&P Case Filing (E-0102)
 - CFS P&P CLETS (B-0116)
 - CFS P&P Confidentiality—CFS Client Records (F-0105)
 - CFS P&P Health and Education Passport (I-0403)
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Other Sources Other printed references include the following:

None.

REQUIRED FORMS

Online Forms Required forms that may be printed out and completed, or completed online, are listed below and may be accessed by clicking on the link provided.

Form Name	Form Number
Safely Surrendered Baby Medical Questionnaire	SOC 861
Safely Surrendered Baby Medical Questionnaire (Spanish)	SOC 861 (SP)
Safely Surrendered Baby Medical Questionnaire (Chinese)	SOC 861 (CH)
Safely Surrendered Baby Medical Questionnaire (Russian)	SOC 861 (RS)
Safely Surrendered Baby Report to the California Department of Social Services	SOC 880
Special Incident Report	F063-03-48

Hard Copy Forms Required forms that must be completed in hard copy (including multi-copy NCR forms) are listed below, and must be obtained in the CFS forms rooms. **For reference purposes only**, links are provided to view these hard copy forms, where available.

Form Name	Form Number
Hospital Hold	F063-25-125
Application for Petition	F063-28-43

CWS/CMS Forms The following required forms may **only** be obtained in CWS/CMS. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
Health and Education Passport	OHCHEP REV

Brochures Brochures that should be distributed in conjunction with this procedure include:

Brochure Name	Brochure Number
There is an option. Don't Abandon Your Baby (available in English, Spanish, Chinese, and Russian) (issued by CDSS)	PUB 400A

PROCEDURE

Required Actions—CWS/CMS Data Entry in CAR The following actions must be completed when CAR receives a report of a safely surrendered baby.

Staff Responsible	Step	Required Action
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CAR SSW or Designee

1. Open the Special Projects page in the Referral Notebook.
2. Select the Special Projects page tab and then the (+) button for the focus child.
3. Click the down arrow to display the available list of Special Projects.
4. Select "Safely Surrendered Babies."
5. Enter the date of the referral opening.
6. Complete the Special Projects page in its entirety. This information is required for mandatory reports to the California Department of Social Services (CDSS).
7. Do not enter an End Date, as the system will populate this field when appropriate.
8. Enter the child's hospital identification number under the ID Number page, under the Medical Record Type.
9. Name the child according to current procedures for naming foundlings (e.g., Baby Boy Doe or Baby Girl Doe).

For additional information on data entry of safely surrendered baby CAR referrals, refer to CWS/CMS Data Entry Standards—Safely Surrendered Baby Referrals.

Required Actions—ER The following actions must be completed when ER investigates a report of a safely surrendered baby.

Staff Responsible	Step	Required Action
ER SSW or Designee	1.	Accept custody of infant if ready for release.
	2.	Obtain ankle bracelet number for data entry into CWS/CMS. Be advised whether or not the parent has also been given the bracelet number.
	3.	If completed, obtain <i>Safely Surrendered Baby Medical Questionnaire (SOC 861)</i> from safe surrender site staff.
	4.	Contact Diversion Unit at OCH for placement resources, including ESH.
	5.	Report the child and any identifying child only information required to the California Missing Children Clearinghouse at 1-800-222-FIND (3463).
	6.	a. Do not cross report the referral to law enforcement agencies.

- b. **Do not provide any identifying information about the person who surrendered the child, even if requested. This information is completely confidential.**

OCSSSA