

SAFE ARMS FOR NEWBORNS

SUMMARY

The Safe Arms for Newborns Law (Senate Bill 1368) was enacted on January 1, 2001. The law permits a parent or other person who has lawful custody of a newborn, age 72 hours or younger, to anonymously surrender the infant to a public or private emergency room without fear of being prosecuted. In Orange County, Orangewood Children's Home has been designated.

The Grand Jury became aware of the lack of publicity of the law and believes advertising and education targeting adolescents is necessary.

PURPOSE

The two-fold purpose of the report is:

1. To determine if Orange County Social Services Agency (OCSSA) has adequately implemented and publicized the provisions of the law so that mothers considering abandonment of babies are aware of the options of emergency rooms and Orangewood Children's Home.
2. To determine if OCSSA works in cooperation with the hospitals in Orange County to assure compliance with the requirements with the statutory provisions in the law.

BACKGROUND

"The measure of a society is in how it treats its aged and its very young." Author unknown.

It is impossible to know the number of abandoned baby deaths. Unfortunately, many abandoned babies will never be found.

The United States Center for Disease Control (CDC) published a report covering the period from 1989 through 1998. That report concluded, "The risk for infant homicide is greatest on the day of birth. Among homicides during the first week of life, 89% of known perpetrators are female, usually the mother. Mothers who kill their infants are more likely to be adolescents and have a history of mental illness." Many of these mothers have kept their pregnancy a secret and have not given birth to their child in a hospital. The above and other information can be found on the CDC website, (<http://www.cdc.gov/mmwr/previewmmwrhtml/mm5109a3.htm>).

In Orange County, there are no published statistics on abandoned babies. The staff of the Public Administrator of Orange County was contacted and from memory cited three or four deaths in the past thirty-one years. These deaths were particularly disturbing. For example, one child was left to decompose on a roof. Another was left in an office filing cabinet, while the mother went on vacation. The Coroner's Division of the Sheriff's Department was also contacted and reported the circumstances of five deaths during the past twenty years. OCSSA recorded ten abandoned babies that were found living, some involving babies born in hospitals where the mother left the hospital without the child.

Media Awareness

Ten thousand brochures, entitled "Don't Throw Your Baby Away," are in the process of being printed in English. Spanish and Vietnamese translations had been planned. These brochures will be distributed to Orange County hospitals and school health offices. Families and Communities Together, a branch of OCSSA, is directing the media awareness campaign. The brochure tells how a newborn can be brought to a hospital emergency room or to Orangewood Children's Home. It also states how the babies will be taken care of and ensures the mother's confidentiality. The brochure states that newborn babies up to three days old are eligible.

Abandonment of babies has been considered a low frequency crime, and funds have not been readily available for an advertising campaign. OCSSA has not had a previous policy or need to advertise its services.

The State of California has made \$500,000 available to be used statewide for public service campaigns of the Safe Arms for Newborns Law. In April 2002, the State became more active in the awareness campaign. Their campaign will be referred to as "Safely Surrendered Infants". The California Department of Social Services will be working with the County Welfare Director's Association. Statewide materials will be distributed in August 2002.

OCSSA had allocated \$200,000 for child abuse media awareness. The media campaign was to include abandoned babies, shaken babies, and positive parenting skills. "In Kind" funds from Proposition 10 were also available for consulting services. Planning was underway to show advertisements in movie theaters, a good target for adolescents.

Due to the State of California's media awareness campaign, OCSSA has discontinued its plans. OCSSA will continue with the distribution of its "Don't Throw Your Baby Away" already in production.

The Process

The Grand Jury interviewed OCSSA to learn how a baby comes to their attention. The child must be brought to an emergency room or Orangewood Children's Home. The Grand Jury then visited selected emergency rooms, and found that personnel were aware of the procedures of the Safe Arms for Newborns Law. These procedures include an optional questionnaire asking for general medical history. An identification wristband is provided for the child and for the mother. This guarantees proper identification if the mother changes her mind during the first fourteen days after the child was brought to the

hospital. There is also information for the mother on mental health clinics for follow-up treatment or support. If the mother does not want to fill out the questionnaire at the time, she can take it with her along with a stamped envelope. The policy is incorporated into the hospitals' new hire orientation materials. Volunteers or "greeters" at the hospitals are also trained and have copies of the packet at their workstations.

Recently a mother brought a newborn baby to an Orange County hospital. The mother was asked to fill out the questionnaire. She was also given a hospital wristband that corresponded to a band for the baby, should she change her mind during the next fourteen days. The mother declined to fill out the questionnaire, nor did she want the wristband. She was not pressured to do so. The Director of Social Services at the hospital immediately contacted Orangewood Children's Home. Hospital security was also contacted to determine if any newborns had been reported missing. The baby was taken to the neo-natal intensive care unit. The baby could not be placed in the well newborn unit because of his previous exposure to bacteria outside the hospital. The baby was given a physical examination, blood was drawn, and the baby was placed in the care of foster parents approximately eight hours later. A report, required by law, was sent to the Child Abuse Registry to log the case into the Statewide Data Collection System. The baby will be available for adoption in six months. The county has a program called "FOSDOPT", where parents interested in adopting first become foster parents. These foster parents may become the eventual adoptive parents.

METHOD OF STUDY

The Grand Jury conducted interviews with emergency room supervisory personnel at five hospitals in Orange County. The hospitals were chosen to represent all areas of the county. Ethnic diversity was also taken into consideration.

The Grand Jury interviewed the administration of the OCSSA. OCSSA has worked with the hospitals and developed a public awareness brochure in conjunction with the Orange

County Health Care Agency and the Orange County Children's Services Coordination Committee.

Assemblyman Ken Maddox, of Garden Grove was also contacted. Assemblyman Maddox supported Senate Bill 1368 and having state funds authorized for public awareness of the law. Another proposed bill, Assembly Bill 2817, also supported by Mr. Maddox, if passed, will incorporate discussion of the Safe Arms Law into the school curriculum.

FINDINGS

In accordance with California Penal Code §933 and §933.05, each finding must be responded to by the government entity to which it is addressed. These responses are submitted to the Presiding Judge of the Superior Court. The 2001–2002 Orange County Grand Jury arrived at five findings:

1. Statistics on abandoned babies have not been adequately kept by OCSSA.
2. Lack of awareness of the Safe Arms for Newborns Law by the mother could be a contributing factor in child abandonment and homicide.
3. The current brochure "Don't Throw Your Baby Away" is a positive step in the education of the public.
4. The brochure states "up to three days old" which might discourage the mother from bringing an older infant to a hospital.
5. OCSSA had allocated \$200,000 for child abuse media awareness.

A response to findings 1 through 5 is required from the Board of Supervisors and requested from the Orange County Social Services Agency.

RECOMMENDATIONS

In accordance with *California Penal Code* §933 and §933.05, each recommendation must be responded to by the government entity to which it is addressed. These responses are submitted to the Presiding Judge of the Superior Court. Based on the findings, the 2001–2002 Orange County Grand Jury recommends that:

1. Statistics must be kept by the OCSSA on living and deceased abandoned babies.
(Finding 1)
2. Public awareness should be increased.
 - One avenue could be through public service radio advertisements on stations listened to by adolescents (Arrow, KIIS, and KROQ).
 - Other possibilities could include signs on buses and bus kiosks and other places frequented by teens. (Finding 2)
3. The brochures should be continued and placed in drug stores, school offices, and other appropriate places. (Finding 3)
4. The brochure should indicate the willingness of hospitals to accept or redirect babies to affiliate agencies beyond the 72 hours indicated in the law. (Finding 4)
5. It is important that OCSSA continue with their previously planned media awareness campaign. (Finding 5)

A response to recommendations 1 through 5 is required from the Board of Supervisors and requested from Orange County Social Services Agency.

COMMENDATIONS

Of the five hospitals that were visited, Saint Joseph Hospital, University of California Irvine Medical Center and Western Medical Center had outstanding procedures implementing the Safe Arms for Newborns Law. The supervisors and staff appeared to be well educated, extremely helpful and were happy to spend time with the Grand Jury explaining the law and their procedures in following the law.