


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Steve Campbell, Fire Chief
DATE: April 1, 2008
SUBJECT: Safely Surrendered Baby law

APPROVAL FOR FORWARDING:


 James C. McCann, City Manager

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 2 **REQUEST:** Consideration of a Resolution to adopt the "Safely Surrendered Baby
 3 Program".
 4

5 **RECOMMENDATION:** Adopt Resolution.
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7 **BACKGROUND/DISCUSSION:** The Safely Surrendered Baby Law (also known as
 8 the Safe Haven Law or Newborn Abandonment Law) was signed into law by
 9 Governor Davis in September 2000 and on January 1, 2001, SB 1368 went into
 10 effect. The purpose of the law is to protect babies from being hurt or killed because
 11 they were abandoned. The law allows a parent or legal guardian to confidentially
 12 surrender an infant, three days old or younger, to any hospital emergency
 13 department or other designated Safe Surrender sites. As long as the baby has not
 14 been abused or neglected, the person may surrender the baby without fear of arrest
 15 or prosecution for the child abandonment.
 16

17 Amending the Law – SB139:
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19 On August 1, 2003, the State legislative enacted SB 139 to strengthen the existing
 20 Safely Surrendered Baby Law. This legislation included giving the authority to
 21 designate public facilities as Safe Surrender sites to the County Board of
 22 Supervisors. In addition, fire stations were determined to be appropriate Safe
 23 Surrender locations.
 24

25 Designating Safe Surrender Sites:
 26

27 In joint effort with Napa County Health and Human Service the Napa County Board
28 of Supervisors has designated all fire stations within Napa County as safe sites.
29

30 Training:

31
32 Napa County Child Services and the Fire Departments of all agencies of Napa
33 County are working closely together to train our firefighters on how to deal with a
34 surrendered baby situation. All fire stations have been provided with Safe Surrender
35 information packets to be used during a surrender event. All fire stations will have a
36 decal that identifies them as Safe Surrender sites.
37

38 On Tuesday March 25, 2008 training was provided to the Calistoga Fire Department
39 staff for the Safely Surrendered Baby Law.
40

41 The Public Education section of the program is being introduced to the Calistoga
42 Family Center, Clinic Ole, and the local high school through Life Skills class which is
43 a general sex and life education course, our local television public information
44 channel 28 and the City web site.
45

46 **FISCAL IMPACT:** The implementation of the program will have no significant fiscal
47 impact to the City.
48

49 **ATTACHMENTS:**

- 50 1. Draft Resolution
51 2. Calistoga Fire Department Safe Surrender Program Standard Operating
52 Guidelines

RESOLUTION NO. 2008-___

A RESOLUTION OF THE CITY OF CALISTOGA CITY COUNCIL TO ESTABLISH A SAFELY SURRENDERED BABY PROGRAM AND APPROVE THE DESIGNATION OF CALISTOGA FIRE STATION NO. 1, LOCATED AT 1113 WASHINGTON STREET AS AN APPROPRIATE SAFE SURRENDER LOCATION

1 **WHEREAS**, in January 01, 2001, SB 1368 known as the "Safely
2 Surrendered Baby Law" was signed into law in an effort to protect babies from
3 being hurt or killed due to abandonment, and
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5 **WHEREAS**, the law allows a parent or legal guardian to confidentially
6 surrender an infant, three days old or younger to any hospital emergency
7 department or other designated safe surrender site without fear of arrest or
8 prosecution for the child abandonment; as long as the baby has not been abused
9 or neglected; and
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11 **WHEREAS**, on August 1, 2003 legislation was enacted under SB 139 in
12 the State of California to include giving the authority to designate public facilities
13 including Fire Stations within the communities to be appropriate safe surrender
14 sites; and
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16 **WHEREAS**, in an effort with Napa County Health and Human Services the
17 Napa County Board of Supervisors has designated all fire stations within Napa
18 County as safe sites, and
19

20 **WHEREAS**, the City Council, pursuant to SB 1368 and SB 139 has made
21 the following findings for consideration of designating Fire Station No. 1 as an
22 appropriate safe surrender site:
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- 24 1. That the Napa County Child Services, Napa City Fire Department,
25 American Canyon Fire Department, Napa County Fire Department/ Cal
26 Fire, St. Helena Fire Department and Calistoga Fire Department are
27 working closely together to train our firefighters on how to deal with a
28 surrendered baby situation.
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- 30 2. On March 25, 2008 training was provided to the Calistoga Fire
31 Department staff in preparation for a potential baby surrender event and
32 safe surrender information packets were provided for use during such a
33 surrender event.
34
- 35 3. In the event that the City determines the site as suitable as a safe
36 surrender location the site shall physically be marked with the appropriate
37 decal/insignia to identify Fire Station No. 1 as a safe surrender location.
38

39 **NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of
40 Calistoga to establish a "Safely Surrendered Baby Law" and approve the
41 designation of the Calistoga Fire Station No. 1 as an appropriate Safely
42 Surrendered location.

43
44 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of
45 Calistoga at a regular meeting held this **1st day of April 2008**, by the following
46 vote:

47
48 **AYES:**

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50 **NOES:**

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52 **ABSENT:**

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54 **ABSTAIN:**

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JACK GINGLES, Mayor

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ATTEST:

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RAQUEL CANTILLON, Deputy City Clerk

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Calistoga Fire Department

Standard Operating Guideline (S.O.G.)

Safe Surrender Program

Introduction

The California Safely Surrendered Baby Law, as amended, allows a person to surrender a minor child (72 hours old or younger) to any firefighter on duty at our station. Under certain circumstances, they may do so discreetly without fear of being prosecuted for child abandonment.

Reference

Napa County Health & Human Services

California Penal Code 271.5 Infant Safe Haven

California Health & Safety Code Section 1255.7

California Health & Institutional Code Section 14005.24 Abandonment of Newborns

Procedure

Department members will take the following steps when a parent or other person voluntarily surrenders an infant (72 hours old or younger).

- 1. Welcome the parent or other surrendering person. Make a good faith effort to not judge or make comments about why the parent or other person is surrendering the infant. Treat the parent or person with respect and dignity. This is an emotional and difficult time for the person. The parent or surrendering person is not required to give any identity information to personnel taking custody.**
- 2. Ascertain that the infant is under 72 hours of age. Accept the infant, even if it appears older than 72 hours.**
- 3. Accept the infant and immediately assess the physical condition of the infant and provide appropriate medical care. Once the infant has been voluntarily surrendered, permission to treat and transport is not required from the surrendering parent or other person.**
- 4. Notify Emergency Communications Center to dispatch an ambulance to your location Code 2 or 3 depending on the medical condition of the infant.**

- 5. Locate and open the Newborn Safe Surrender Kit. Hand the surrendering person the inner business reply mail envelope containing the Newborn Family Medical History questionnaire, a fact sheet and copy of coded, confidential bracelet. Place the smaller coded, confidential bracelet on the infant's wrist and ankle. Record the bracelet number on an Emergency Run Report (ERR).**
- 6. Paramedics shall accompany the infant to the receiving hospital and transfer custody to designated hospital employee.**
- 7. Notify Napa County Child Protective services (253-4261) as soon as possible but in no case later than 48 hours from the time of taking custody.**