

HB 3076 A STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 4/17, 4/24

WHAT THE MEASURE DOES:

Extends safe surrender period for anonymously leaving infant at authorized facility to 60 days from infant's date of birth. Directs Department of Human Services to design to inform the public of authorized facilities and safe surrender and requires authorized facilities to post and maintain signs.

FISCAL: Minimal fiscal impact

REVENUE: No revenue impact

HOUSE VOTE: Ayes, 57; Excused, 2

ISSUES DISCUSSED:

- Provisions of safe surrender laws in Oregon
- Surrender periods in other states
- Determining surrender periods
- Infant safety devices

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon law (ORS 418.017) authorizes a parent to lawfully and anonymously leave their infant child at an authorized facility, such as birthing clinics, doctor offices, fire departments, hospitals, police stations, and sheriff offices, with the intention of permanently surrendering parental custody. This practice is known as "safe surrender," which Oregon enacted in 2001 with Senate Bill 199, "A Safe Place for Newborns" Law. This allows a birth parent (mother or father) to leave a newborn infant at an authorized facility. As long as the baby is 30 days old or younger, is handed to someone working there and shows no signs of abuse, there are no legal consequences for making this choice. From the point at which the child is transferred, the Department of Human Services becomes responsible for the child's well-being due to the child being considered abandoned.

Many State legislatures have enacted legislation to address infant abandonment and endangerment in response to reports of newborn infants abandoned in unsafe locations. To date, all 50 States, the District of Columbia, Guam, and Puerto Rico have enacted safe haven legislation. In ten States (Washington, California, Alabama, Colorado, Mississippi, Alabama, Wisconsin, Michigan, Ohio, Utah, Hawaii) and Puerto Rico, only infants 72 hours old or younger may be relinquished to a designated safe haven. Currently, 17 States and Guam accept infants up to 30 days old (Arizona, Arkansas, Connecticut, Georgia, Idaho, Illinois, Indiana, Kentucky, Maine, Montana, Nebraska, Nevada, New Jersey, New York, Oregon, Rhode Island, Vermont, and West Virginia). Other limits include 7 days (Florida, Massachusetts, Minnesota, New Hampshire, North Carolina, and Oklahoma), 10 days (Maryland), 14 days (Delaware, Tennessee, Virginia, Wyoming, Iowa, and the District of Columbia), 21 days (Alaska), 28 days (Pennsylvania), 45 days (Missouri, Kansas), 60 days (Louisiana, South Carolina, South Dakota, and Texas), 90 days (New Mexico), and 1 year (North Dakota).

House Bill 3076 A extends the period of safe surrender from 30 days to 60 days and requires facilities to display signage that explains safe surrender provisions.