

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Official Code*

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To provide, on a temporary basis, that a parent may surrender a newborn infant, where there is no actual or suspected abuse or neglect, to an authorized receiving facility without being charged with abuse, neglect, or abandonment of the newborn infant, to require hospitals to accept a surrendered newborn infant, to provide for further placement with the Child and Family Services Agency, to provide for the relinquishment and restoration of parental rights, to provide immunity to a facility and personnel receiving a surrendered newborn infant, and to require the Mayor to promulgate rules to implement this act and to submit the proposed rules to the Council for approval.

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

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Authorized Receiving Facility" means a hospital, or other place authorized by the Mayor, by rule, to accept a newborn for surrender pursuant to this act.
- (2) "CFSA" means the Child and Family Services Agency.
- (3) "Newborn" means an infant that a licensed physician or other person authorized to accept the surrender reasonably believes is 7 days old or less.
- (4) "Surrender" means to bring a newborn to an Authorized Receiving Facility during its hours of operation, and to leave the newborn with personnel of the Authorized Receiving Facility.

Sec. 3. Surrendering.

(a) Except when there is actual or suspected child abuse or neglect, 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 by any person at the time of surrender or prosecuted for surrendering the newborn.

(b) Surrendering a newborn 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 of a newborn.

(c) The Authorized Receiving Facility personnel receiving the surrendered newborn shall make a reasonable effort to obtain family and medical history from the surrendering parent, on an anonymous basis, without seeking personal information, such as the identity or address, and to provide to the surrendering parent information on adoption and counseling services.

(d) The Authorized Receiving Facility personnel receiving the surrendered newborn shall file a written statement with the CFSA, on or before the time CFSA assumes physical custody of the newborn, that includes the date, time, and circumstances of the surrender.

Sec. 4. Signage.

An Authorized Receiving Facility 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) After the surrendering of a newborn, an Authorized Receiving Facility that is not a hospital shall transport the newborn to the nearest hospital as soon as transportation can be arranged.

(b)(1) The act of surrendering shall constitute implied consent for the hospital to which the newborn is surrendered, or to which the newborn is transported, and the hospital's medical personnel and physicians, to treat and provide care for the newborn and arrange for further placement with CFSA.

(2) Hospital personnel shall immediately contact CFSA to report the surrender of the newborn and arrange for transport of the newborn to CFSA, which shall take place within 23 hours.

Sec. 6. Parental rights.

(a) Notwithstanding section 6(b) of An Act To regulate the placing of children in family homes, and for other purposes, approved April 22, 1944 (58 Stat. 193; D.C. Official Code § 4-1406(b)) ("placement act"), there shall be no 72-hour period prior to relinquishment under this act. A relinquishment of parental rights shall take place upon surrender. Upon CFSA's receipt of the statement required by section 3(d), CFSA shall take immediate care, custody, and control of the surrendered newborn.

(b) A relinquishment of parental rights under this act may be revoked and parental rights restored in accordance with section 6(c) and (d) of the placement act.

(c) Within 20 days after the expiration of the 10-day revocation period provided for in section 6(c) of the placement act, CFSA shall file a form acknowledging the surrender, along with a copy of the statement required by section 3(d), with the Family Court of the Superior Court of the District of Columbia.

Sec. 7. Immunity from liability.

(a) An Authorized Receiving Facility and the personnel of an Authorized Receiving Facility shall be immune from civil or criminal liability for the good faith performance of responsibilities under this act, including liability for the failure to file a report that might otherwise be incurred or imposed on a person required to report suspected incidents of child abuse or neglect under section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 5, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02).

(b) In any civil or criminal proceeding brought under this act concerning a surrendered newborn, good faith shall be presumed unless rebutted.

Sec. 8. Rules.

The Mayor shall issue rules to implement the provisions of this act. The proposed rules shall be 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, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.

Sec. 9. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 10. Effective date.

(a) 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

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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia