



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 5, 2005

ITEM NUMBER:

SUBJECT: SAFE SURRENDER SITE PROGRAM

DATE: MARCH 16, 2005

FROM: FIRE DEPARTMENT/ADMINISTRATION DIVISION

**PRESENTATION
BY:**

FOR FURTHER INFORMATION CONTACT: BARBARA P. MARCOSA, MANAGEMENT ANALYST
(714) 754-5091

RECOMMENDATION:

Adopt the Resolution requesting Orange County Board of Supervisors to include all fire stations within the City of Costa Mesa jurisdiction as designated safe surrender sites for newborns.

BACKGROUND:

Since 1999, over 40 states have passed legislation designating safe surrender conditions for parents to relinquish infants they are unable to care for. The California Safely Surrendered Baby Law (also known as the Safe Haven Law or Newborn Abandonment Law, H&S Code 1255.7) was signed into law by Governor Davis in September 2000 and went into effect on January 1, 2001. The purpose of the law is to protect babies from being hurt or killed when they are abandoned in unsafe areas, such as trash bins or dumpsters. Current State law allows a parent or legal guardian to confidentially surrender an infant, three days old or younger, to any hospital emergency room or other site designated by the County Board of Supervisors. As long as the baby has not been abused or neglected, the person may surrender the baby to the designated site without fear of arrest or prosecution.

ANALYSIS:

Each County Board of Supervisors designates the safe surrender sites within their jurisdiction. To date, the Orange County Board of Supervisors has designated Orangewood Children's Home and all hospital emergency rooms. Los Angeles County, however, has designated all county and municipal fire stations as safe surrender sites. Radio and print announcements originating in the Los Angeles media market tends to misinform listeners in Orange County. Orange County Fire Officials are now concerned that, in response to the Los Angeles media announcements, infants may be abandoned at Orange County Fire Stations. Orange County Fire Officials feel an immediate need for the Board of Supervisors to designate all municipal and county fire stations as safe surrender sites and to implement procedures for accepting infants at all area fire stations.

The Orange County Fire Authority Board of Directors (representing 22 Cities) approved a resolution requesting that the Orange County Board of Supervisors designate OCFA Fire Stations as Safe Surrender sites for newborns.

Our goal is to match the look and feel of Los Angeles County Fire Stations, so the county line is transparent with respect to the safety of newborns.

ALTERNATIVES CONSIDERED:

No other alternatives were considered.

FISCAL REVIEW:

The costs associated with implementing this program include, pursuant to the regulations, producing and posting signs identifying each fire station as a safe surrender site and providing identification wrist/ankle bands for the mother and child. The estimated total cost associated with the program, for outfitting all fire stations within Orange County, will be approximately \$5,000. The Orange County Children and Families Commission has agreed to sponsor up to \$5,000 for that purpose.

Should any additional costs be incurred and prior to allocating any City/OCFA monies to the expenditures above, a grant application will be submitted to the Proposition 10 Commission by OCFA who will be coordinating the implementation of the program.

LEGAL REVIEW:

The City Attorney has approved the Resolution as to form and legality. Health & Safety Code section 1255.7 (h) confers civil, criminal, and administrative immunity upon the safe surrender site and the personnel of the safe surrender sites for accepting and caring for any surrendered child in the good faith belief that that action is required or authorized by law. Thus, the City would have no liability if a child is accepted in good faith under the law but turned out to be older than 72 hours or not the child of the person surrendering it. The City would not be immune from liability for personal injury or wrongful death, including injury resulting from medical malpractice, but all typical defenses and immunities available under the law would apply. Since fire department personnel would render aid to any child who was surrendered or abandoned at any fire station site (or other location in the City), the potential for liability of the City appears no greater by designation of City fire stations as safe surrender sites than is the case under present circumstances. The City would not appear to have any increased liability in a situation involving a child being abandoned at an unoccupied fire station, because a "safe surrender" under the statutory scheme would require surrender of the child to personnel on duty at the site. With appropriate signage placed at the stations, there does not appear to be any significant risk of potential liability to the City by designation of the site even if the site cannot be staffed on a constant basis.

CONCLUSION:

Staff recommends that, City Council adopt the submitted resolution requesting that the Orange County Board of Supervisors designate all fire stations within the City of Costa Mesa jurisdiction, as designated safe surrender sites for newborns.

BARBARA P. MARCOSA
Management Analyst

JAMES M. ELLIS
Fire Chief

MARC R. PUCKETT
Director of Finance

KIMBERLY HALL BARLOW
City Attorney

DISTRIBUTION: City Manager
 City Attorney
 Deputy City Clerk
 Director of Finance
 Staff
 Fire Chief, Orange County Fire Authority
 File

ATTACHMENT: 1 [Resolution](#)
 2 [Press Release](#)