



CALIFORNIA STATE AUDITOR

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FACT SHEET

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The California State Auditor released the following report today:

Safely Surrendered Baby Law

Stronger Guidance From the State and Better Information for the Public Could Enhance Its Impact

BACKGROUND

California's Safely Surrendered Baby Law (safe-surrender law) allows parents or other persons with lawful custody to surrender an infant 72 hours old or younger to safe-surrender sites without facing prosecution for child abandonment. Statistics from the Department of Social Services (Social Services) indicate a general increase in the number of babies surrendered under this law each year since its inception. State agencies have limited responsibilities associated with the safe-surrender law. State law required Social Services to report data annually from 2003 to 2005; the Department of Health Care Services to instruct counties on the process to be used on behalf of surrendered babies to determine their eligibility for Medi-Cal benefits; and since 2003, school districts to include information about the safe-surrender law if they choose to provide comprehensive sexual health education.

KEY FINDINGS

We reported numerous concerns about the State's implementation of the safe-surrender law including:

- Since 2006 state agencies have had virtually no legal obligations under the safe-surrender law—Social Services' only involvement is compiling information that counties must submit when their designated sites accept surrendered babies.
- No state agency currently publicizes the safe-surrender law nor has consistent funding been provided for raising the public's awareness of the law. Social Services conducted a media campaign from October 2002 to December 2003, but has not developed any further goals for conducting additional activities.
- Safe-surrender sites are violating state law by disclosing confidential information on parents who surrendered babies. Of the 218 babies surrendered since 2001, county files contained confidential information in 24 cases, including 16 of the 176 cases occurring after the Legislature amended the law to protect personal identifying information on persons who surrender babies.
- Counties have incorrectly classified babies as safely surrendered or abandoned. Children improperly classified as safely surrendered may not be allowed access to information on their parents even though they may have the legal right to the information.
- The majority of surrendered babies—72 percent—may not have access to key medical information later in life because safe-surrender sites have difficulties in obtaining vital information on their families' medical histories.
- All 15 counties surveyed reported that they have taken steps to implement the safe-surrender law, but their efforts vary widely.

KEY RECOMMENDATIONS

We made recommendations to the Legislature and Social Services, including:

- The Legislature consider amending the law to specify the agency that should administer the safe-surrender law and provide direction as to its responsibilities. Further, the Legislature consider providing or identifying funding to support efforts to promote awareness of the law.
- Social Services should clarify directions provided to counties to ensure that individuals who surrender babies receive proper protection under the safe-surrender law. Moreover, Social Services should work with counties to leverage existing models and tools to enhance the safe-surrender law currently in use in California.

