

# LOS ANGELES GENERAL MEDICAL CENTER POLICY

Subject: <b>NEWBORN SAFE SURRENDER</b>	Original Issue Date: 12/01/05	Policy # <b>115</b>
	Supersedes: 12/10/13	Effective Date: 6/26/23
Policy Owner(s): Chief Nursing Officer Executive Sponsor(s): Chief Nursing Officer		
Department(s) and Committee(s): Department of Emergency Medicine Department of Pediatrics, Newborn Service Nursing Services Clinical Social Work Office of Risk Management Health Information Management	Reviewed & Approved by: Attending Staff Association Executive Committee Senior Executive Officer	Approved by:  Chief Nursing Officer
		Chief Executive Officer

## **BACKGROUND**

In an attempt to encourage parents who may abandon their newborns to do so in the safest manner possible, the California Legislature passed a law effective January 1, 2001, eliminating criminal liability for child abandonment for persons voluntarily surrendering a newborn up to 72 hours old. The newborn may be surrendered to any employee on duty at a California public or private hospital emergency department or another location designated by the Board of Supervisors.

## **PURPOSE**

- To provide guidance for compliance with Health and Safety Code Section 1255.7, California Penal Code 271.5 (2009), and Los Angeles County Board of Supervisors directive.
- To expedite the process of medical evaluation and hospital admission of the newborn.
- To obtain information of value to the newborn's health.
- To provide a mechanism to facilitate a request to reclaim/return the newborn.

## **Legal Issues**

- No person or entity that accepts an abandoned newborn will be subject to civil, criminal or administrative liability for accepting and caring for the infant in the good faith belief that they are taking action as required or authorized by the law, including, but not limited to, instances where the child is older than 72 hours or the person surrendering the child did not have lawful physical custody of the newborn.
- Consent for treatment by the surrendering party is not required to provide medical evaluation and treatment of the newborn infant.

## **POLICY**

Under protections established by Health and Safety Code Section 1255.7 and Penal Code 271.5, the Los Angeles General Medical Center will accept physical custody and provide medical treatment to any voluntarily surrendered newborn who is 72 hours of age or less and surrendered by a parent or other persons with legal custody. If there is lack of certainty as to whether the infant is within the 72-hour age limit, custody will be accepted and medical evaluation and necessary

		Page 2	Of 5
Subject: <b>NEWBORN SAFE SURRENDER</b>	Effective Date: <b>6/26/23</b>	Policy # <b>115</b>	
	Chief Executive Officer's Initials:		

treatment provided. The designated safe surrender site is the Emergency Department . The Department of Children and Family Services will be notified as soon as possible after acceptance of the infant. The State-approved logo notifying the public that Los Angeles General Medical Center is a safe surrender site will be posted outside the entrance to the Emergency Department

The Los Angeles General Medical Center workforce, including physicians, staff, contract workers, students and volunteers, must receive orientation to this policy as well as area-specific training and instruction.

A contingency plan will be in place to accommodate a situation in which the surrendering party arrives at a site on Los Angeles General Medical Center campus other than the Emergency Department and refuses to proceed to the Emergency Department. Safe Surrender Packets consisting of the following elements will be maintained in the Emergency Department, Neonatal ICU, and Inpatient 3H-OB Triage.

- Three (3) matching, confidential, numbered “newborn surrendered” identification bands.
- Newborn Family Medical History Questionnaire (English and Spanish) on which the identification band number has been written. (no other information is to be recorded on the questionnaire.)
- Self-addressed, stamped envelope.
- Description of the Safe Surrender process.

## **PROCEDURE**

### **Infants Surrendered in the Emergency Department**

- Provide medical evaluation and necessary treatment immediately upon receipt of a surrendered infant.
- Notify the Neonatal Intensive Care Unit at (323) 409-3322 or 409-3290.
- Place a confidential, numbered identification band on the infant’s ankle and arm.
- Give a duplicate band with the same confidential identification number to the surrendering party.
- Make a good-faith effort to provide the surrendering party a Newborn Family Medical Information Questionnaire, stamped, self-addressed envelope, and a description of the Safe Surrender Policy. (the questionnaire may be declined, completed at the time the infant is surrendered, or completed and mailed back to the Medical Center in the self-addressed, stamped envelope provided with the questionnaire.)
- Surrendered infant shall be registered by Patient Financial Services as “Jane or Joe Doe”.
- Complete Safe Surrender After-Incident Report (Safety Intelligence- SI).

		Page 3	Of 5
Subject: <b>NEWBORN SAFE SURRENDER</b>	Effective Date: 6/26/23	Policy # 115	
	Chief Executive Officer's Initials:		

- Notify the Clinical Social Worker (CSW) who will contact the Department of Children and Family Services (DCFS) at (800) 540-4000, providing any information pertinent to the newborn.
- Follow standard risk management procedures.
- Notify the Chief Executive Officer (Administrator on Duty [AOD] after normal business hours).

**Infants Surrendered at Any Other Location on the Los Angeles General Medical Center Campus**

- Notify the Licensed Clinical Social Worker (CSW)
- Notify the Newborn Transport Team by calling (323) 409-3322 or 409-3260.
- If a back-up response team is required, activate the Code Assist Team by calling 111.
- Provide emergency assistance as required.
- Inform the surrendering party that the Medical Center Newborn Transport Team is on the way to transport the infant to the Neonatal Intensive Care.
- Encourage the surrendering party to await the arrival of the newborn transport team, which will provide them with the Safe Surrender packet.
- Upon arrival, the Newborn Transport Team will place a confidential, numbered identification band on the infant's ankle and arm.
- A duplicate band with the same confidential identification number will be given to the surrendering party
- Make a good-faith effort to provide the surrendering party a Newborn Family Medical Information Questionnaire, stamped, self-addressed envelope, and a description of the Safe Surrender Policy. (The questionnaire may be declined, completed at the time the infant is surrendered, or completed and mailed back to Los Angeles General Medical Center in the self-addressed, stamped envelope provided with the questionnaire.)
- Transport the infant to the Neonatal Intensive Care Unit.
- Surrendered infant shall be registered by Patient Financial Services as "Jane or Joe Doe".
- Complete a Safe Surrender After-Incident Report (SI)
- CSW will notify the Department of Children and Family Services (DCFS) at (800) 540-4000, providing any medical information pertinent to the newborn's health.

		Page 4	Of 5
Subject: <b>NEWBORN SAFE SURRENDER</b>	Effective Date: 6/26/23	Policy # 115	
	Chief Executive Officer's Initials:		

- Follow standard risk management procedures.
- Notify the Chief Executive Officer (Administrator on Duty [AOD] after normal business hours).

### **Request for Return of Surrendered Newborn**

If the parent or other person who surrendered the newborn requests that the infant be returned, CSW should immediately contact DCFS and Risk Management for guidance. If DCFS directs release of the infant, a discharge order by the physician is required.

### **Procedure Documentation**

- Acceptance of a surrendered newborn infant must be documented in the newborn's medical record in accordance with Health Information Management policies. The infant's identification number located on the identification band will be documented in the medical record. Documentation must include the outcome of attempts to obtain completion of the family medical history questionnaire. The individual accepting custody of the newborn will document the description of the Surrendering individual(s). However, identifying information must be redacted from records provided to DCFS.
- The individual placing the call to DCFS will document in the newborn's medical record the date and time of the call, the name and title of the individual to whom he/she spoke, the name of the surrendering party (if provided) and the relationship (if any) of the surrendering party to the surrendered newborn.

### **Confidentiality**

All medical records for safe surrender babies must be sent to Health Information Management. Any identifying information that pertains a parent or other person who surrenders a newborns pursuant to the safe surrender law or that is obtained as a result of the Family Medical History Questionnaire or by any other means must not be disclosed by the workforce member of a safe surrender site accepting custody of a surrendered newborn.

### **Child Abuse Reporting**

If there is a reasonable suspicion that the infant has been the victim of child abuse or neglect, child abuse and neglect reporting procedures shall be followed. However, the voluntarily surrendering of a newborn in accordance with the safe surrender law is not, in itself, a sufficient basis for reporting child abuse or neglect.

### **REFERENCES**

Health and Safety Code 1255.7  
Welfare and Institutions Code Section 319

		Page 5	Of 5
Subject: <b>NEWBORN SAFE SURRENDER</b>	Effective Date: 6/26/23	Policy # <b>115</b>	
	Chief Executive Officer's Initials:		

Penal Code 271.5  
Los Angeles County Board of Supervisors Directive  
Los Angeles General Medical Center Policy # 802, Suspected Child, Elder/Dependent Adult Abuse, and Domestic Violence Identification and Reporting

**ATTACHMENT**

Newborn Family Medical History Questionnaire – English  
Newborn Family Medical History Questionnaire – Spanish

**REVISION DATES**

December 01, 2005; October 15, 2008; December 10, 2013; June 26, 2023