

Department of Legislative Services
 Maryland General Assembly
 2001 Session

FISCAL NOTE

House Bill 312 (Delegate Rudolph)
 Judiciary

Safe Havens - Infant Abandonment

This bill provides that under certain circumstances a natural parent will not be prosecuted for the abandonment of an infant, and grants immunity to certain individuals from any civil liability or criminal penalty that may result from any good faith acts or omissions that occur while caring for the infant. This bill also requires the Department of Human Resources (DHR) to establish a public information program regarding the provisions of this bill.

Fiscal Summary

State Effect: General fund expenditures could increase by an estimated \$500,000 in FY 2002 for a public information program. Future year estimates reflect reduced public awareness program expenditures and inflation. Revenues would not be affected.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	500,000	176,800	178,500	180,300	182,100
Net Effect	(\$500,000)	(\$176,800)	(\$178,500)	(\$180,300)	(\$182,100)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Compliance could be handled within existing resources.

Small Business Effect: None.

Analysis

Bill Summary: This bill provides that a natural parent who abandons an infant to emergency services personnel at a fire station or an emergency services station or a hospital staff member at a hospital will not be prosecuted for abandoning the infant. A firefighter or hospital staff member is allowed to take physical custody of an abandoned infant so long as it is not more than 72 hours old and the natural parent did not express intent to return for the infant. The emergency services personnel or hospital staff member is required to care for the child while it is in their custody, and notify the police and the local department of social services of the abandonment within 24 hours. The emergency services personnel or hospital staff member is immune from any civil liability or criminal penalty that may result from any good faith acts or omissions that occur while caring for the child.

The local department of social services is required to take the child into temporary custody upon notification, and as soon as possible, place the child with a potential adoptive parent and proceed with a petition to terminate the parental rights of the natural parents. Local departments are required to report to DHR on the number of children who have been abandoned in such a manner, and DHR is required to submit an annual compilation of these reports to the General Assembly. DHR is required to develop regulations and establish a public information program to educate the public about the provisions of this bill.

Current Law: Maryland has multiple laws related to desertion of a minor child. First, a parent may not desert his or her minor child. An individual who does so is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding three years or both. Second, an individual who has care, custody, or control of a minor child may not desert the child with the intent that the child become a public charge or without providing for the child's support for at least three years by a responsible individual or a licensed child care facility. A person who violates this law is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding one year. Third, an adult who willfully causes a child to be in need of supervision or assistance may be convicted and subject to a fine of not more than \$2,500 or imprisonment for not more than three years or both. Additionally, child abandonment may, depending on the circumstances of the case, be considered child abuse. Child abuse includes "[t]he sustaining of physical injury by a child as a result of cruel or inhumane treatment or as a result of a malicious act ... under circumstance that indicate that the child's health or welfare is harmed or threatened thereby."

Background: According to the U.S. Department of Health and Human Services, there were media reports of 105 infants abandoned in public places in 1998, including 33 found

dead. In addition, about 9,000 infants were abandoned in hospitals that year after their mothers left without them. More recent reports from a nonprofit organization indicate that in the past 2 years at least 161 babies have been abandoned nationwide, 103 of them found dead.

In an effort to prevent newborn deaths, 32 states, including Maryland and Virginia, have recently introduced and/or passed legislation that allows mothers to safely relinquish custody of their unwanted newborns to staff at hospitals or other specified locations. States that have enacted safe haven laws include Alabama, Florida, Louisiana, New Jersey, South Carolina, Texas, and West Virginia.

State Expenditures: General fund expenditures could increase by an estimated \$500,000 in fiscal 2002. This estimate reflects the costs of creating a statewide public information program including the following:

- pamphlets/brochures for statewide distribution - 100,000 @ \$60,000 per year;
- posters for high schools - 50,000 @ \$60,000 per year;
- billboard advertisements - 24 billboards for 3 months each @ \$100,000;
- radio time - 3 months @ \$75,000;
- cable television buys - \$150,000; and
- bus/transit ads - \$55,000.

Future years reflect the cost of printing 100,000 pamphlets annually, providing replacement posters to high schools, purchasing bus/transit ads and miscellaneous advertisements, and 1% annual increases in inflation.

The remainder of the bill's requirements could be absorbed within existing budgeted resources. This bill may lead to a marginal increase the number of abandoned infants in Maryland, thus increasing the number of Termination of Parental Rights Petitions that are filed, creating the need for baby care products to be kept at police and fire stations, and placing other miscellaneous demands on the current system. Any such increases, however, are expected to be minimal, and offset by savings incurred as a result of not having to search for, prosecute, and incarcerate those who would have otherwise illegally abandoned an infant, and by costs associated with the increased degree of medical treatment often required by illegally abandoned infants.

Additional Comments: New Jersey allocated \$500,000 to fund their public education effort when it enacted a similar bill in 2000. The New Jersey public information program also included a 24-hour toll free hotline.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): *Southern States' Safe Child Abandonment Laws and Proposed Legislation*, Regional Resource, Council of State Governments South, November 2000, *Safe-haven Legislation Sought to Avert Tragedy*, Washington Times, January 15, 2001, Department of Human Resources (Social Services Administration), Department of Health and Mental Hygiene (Boards and Commissions, Community Public Health Administration, Maryland Health Care Commission, Project Development and Finance Administration, Office of Health Care Quality, Board of Physician Quality Assurance), Judiciary (Administrative Office of the Courts), Montgomery County, Talbot County, Allegany County, Wicomico County, Department of Legislative Services

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