

Thursday, August 28, 2003

Honorable Mayor and Members of
The Hermosa Beach City Council

Regular meeting of
September 9, 2003

**RECOMMENDATION TO ADOPT RESOLUTION AUTHORIZING
THE CITY OF HERMOSA BEACH TO PARTICIPATE IN THE SAFE
SURRENDER PROGRAM FOR CHILDREN**

RECOMMENDATION

Staff recommends that Council adopt the attached Resolution requesting the Los Angeles County Board of Supervisors designate the Hermosa Beach Fire Station as a Safe Haven Location for newborn children.

SUMMARY

The Board of Supervisors has designated all Los Angeles County Fire Stations as "Safe Havens" where certain persons with newborn children can voluntarily surrender custody of those children without violating the law. We are requesting that City Council request the Supervisors designate the Hermosa Beach Fire Station as such Safe Haven to further the worthwhile goals of the program and to help assure consistency between fire departments in their treatment of such cases.

BACKGROUND

The Newborn Abandonment Law, in effect since January 1, 2001, authorizes the County Board of Supervisors to designate locations where newborns (less than 72 hours) may be surrendered by a parent or other person having lawful custody of that child without criminal prosecution. These "Safe Havens" are a part of a major countywide effort to end child abandonment. According to the Department of Health Services, there were 14 abandoned infants who were discovered in Los Angeles County in 2001, leaving the actual number of such infants unknown.

Los Angeles County Fire Stations were recently designated as Safe Haven locations. We believe that by participating in this program, Hermosa Beach can help ensure the countywide success of the program by removing jurisdictional concerns relating to whether we are participants.

Infants who are left with fire personnel will be assessed by fire personnel and transported to the appropriate receiving hospital where custody will be transferred to a designated hospital employee. Personnel will attempt to provide the surrendering party a medical questionnaire and information regarding the program. Other than the costs associated with such a transfer, there will be a very minor cost associated with training our personnel on procedures.

The adoption of this program may lead to a slight increase in the risk of liability to the City. There are two areas of potential increased liability: 1) Health and Safety Code § 1255.7(b) mandates that the City, in accepting children under the program, is required to "provide a medical screening examination and any necessary medical care to the minor child." While the legislation recognizes that this is a state mandated program and that a State Mandate Claims Fund must be established in an amount not to exceed \$1,000,000 to cover the statewide costs, it cannot be determined at this point whether the amount placed into the fund will be sufficient to cover all claims. While the statute is silent as to whether this liability terminates upon giving the child to the Los Angeles County Children Protective Services, it is doubtful that liability would extend beyond the time that the City transferred the child to Protective Services. 2) Subsection (g) of the statute states that an entity that provides this service is not immune from personal injury or wrongful death including medical malpractice.

The City Attorney has reviewed these provisions of the law and has determined the risk for increased potential liability is small because the legislation requires that the entity which accepts the child must turn the child over to Protective Services within 48 hours. In practice, the risk of liability is greatly reduced because the City will immediately give the child to an appropriate receiving hospital where custody will be transferred to a designated hospital employee.

With your approval, we will commence the County approval process and begin development of procedures and training. Information about our participation in the program will be made public upon approval by the County of our request.

FISCAL IMPACT

The fiscal impact of the proposal is minor. There will be minimal training costs and supply costs for required forms. In the event that a child is surrendered, we will provide a medical assessment and transportation to an appropriate receiving hospital.

Respectfully submitted,

RUSSELL TINGLEY,
FIRE CHIEF

Concur:

STEPHEN BURRELL,
CITY MANAGER

Fiscal impact:

VIKI COPELAND,
FINANCE DIRECTOR

Procedures for County of Los Angeles Municipal Fire Departments to Become Designated Safe Surrender Sites Under the Safely Surrendered Baby Law

Step 1: Receive Los Angeles County Board of Supervisors' Designation:

1. Contact the County of Los Angeles to express intent of your City's Fire Department to be designated as a Safe Surrender site by the Board of Supervisors, pursuant to California Penal Code Section 271.5. Direct all correspondence and inquiries to:

Deena Margolis, Chief Program Specialist
Los Angeles County Chief Administrative Office
222 S. Hill Street, 5th Floor
Los Angeles, CA 90012
(213) 974-4604 - phone
(213) 229-2738 – fax
dmargolis@cao.co.la.ca.us

2. Secure your City's authorization (e.g. motion, resolution, letter from City Manager, or other document providing formal authorization) to request designation by the Board.
 - Submit formal authorization, along with a cover letter (see attached sample) to the Chief Administrative Office at the contact listed above.
 - Immediately upon Board designation, your fire stations will become legally designated Safe Surrender sites. Provide the Chief Administrative Office with a contact name in order to be notified of Board action and for any press inquiries.

Step 2: Order Newborn Safe Surrender Kits & Signage

- **Order Newborn Safe Surrender Kits and signage directly from the vendor, Ink Impressions, using the attached order form.** Please allow 2 weeks production and delivery time. **(Vendor Contact: Hal Juhl, 800-995-0521)**
- **Specify Quantity of Newborn Safe Surrender Kits:** It is recommended that the order include a minimum of 3 kits per station, and 5 extra kits for headquarters, depending on the total number of stations.

Each kit will include: Procedures for Accepting a Newborn, coded ankle identification bracelet for newborns, kit for person surrendering newborn in postage paid envelope to be returned to

the Department of Children and Family Services (DCFS), consisting of: a) newborn medical questionnaire (English/Spanish), coded wrist identification bracelet for person surrendering newborn, and fact sheet for person surrendering infant (English/Spanish)

- **Customize the Los Angeles County Fire Department “Procedures for Accepting a Newborn.”** If you would like, you may customize this document that is based on the provisions of the Law, to reflect any policies or procedures specific to your Fire department. Procedures 1 – 6 on the document should remain similar to those developed by the Los Angeles County Fire Department, as they are based on the provisions in the Law.

*When you place your order, please notify the vendor directly if you will be revising any documents. * To receive a copy of any of the documents in the kit via e-mail, please e-mail Deena Margolis at dmargolis@cao.co.la.ca.us.*

- **Order Safe Surrender Site Signs.**

The Board of Supervisors requests that all designated sites post Safe Surrender signage so that the public can easily identify all designated Safe Surrender sites throughout the County. Los Angeles County, in consultation with the State, has developed the following signage options that include that say “Safe Surrender Site” and include the Safe Surrender logo:

a. Paper Label -- adhesive-backed label with removable backing. Reflective, printed in white, blue, and black. These are recommended for use as secondary signage on glass doors and windows. (Sizes: 6 ¾” x 7 5/8”, 10 3/8” x 11 5/8”)

b. Aluminum Sign -- .040 gauge aluminum. Reflective, printed in white, blue, and black. The largest aluminum sign is recommended as the primary signage. (Sizes: 18” x 20”, 10 5/8” x 12 ¾”)

Step 3: Designate and Train Employees

- Prior to Board designation of your Fire Department as a Safe Surrender site, three actions must occur:
 1. The Fire Chief must designate appropriate Fire Department employees (or classes of employees) required to take physical custody of a surrendered newborn, pursuant to Health and Safety Code Section 1255.7.
 2. The Fire Chief must have the Newborn Safe Surrender kits developed by the County, or substantially similar ones developed by the City, ordered and in place at all fire stations.

3. The Fire Department must train all designated personnel on the procedures for accepting a newborn and utilization of the Newborn Safe Surrender Kit.

Step 4: Provide the County with a List of Designated Fire Stations

- Submit a list of all fire stations, with addresses and zip codes, to be included in the database of designated sites used by the Safely Surrendered Baby hotline (877-BABY SAFE), and web page, www.babysafela.org. Please provide this list via e-mail to dmargoli@cao.co.la.ca.us at least 2 days prior to Board designation.

RESOLUTION NO.

**RESOLUTION OF THE COUNCIL OF THE CITY OF HERMOSA BEACH
AUTHORIZING THE CITY OF HERMOSA BEACH TO PARTICIPATE
IN THE SAFE HAVEN PROGRAM FOR CHILDREN**

WHEREAS, the State Legislature has enacted Health and Safety Code § 1255.7 which allows any person having lawful custody of a minor child 72 hours old or younger to surrender physical custody of the child to an employee at a location designated by the board of supervisors; and

WHEREAS, the City of Hermosa Beach Fire Department is desirous of having its fire station so designated; and

WHEREAS, such designation is for the benefit of children and the community because it will provide a safe haven to newborns who are 72 hours old or younger;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA THAT:

SECTION 1. The fire station of the Hermosa Beach Fire Department may be designated by Los Angeles County as a location which may accept newborns who are 72 hours old or younger from a person who has lawful custody of the child.

SECTION 2. The City Manager or his designee is authorized to request that the Board of Supervisors for Los Angeles County designate the fire station of the City of Hermosa Beach as a location

which may accept newborns who are 72 hours old or younger from a person who has lawful custody of the child.

SECTION 3. The City Manager or his designee is authorized to execute any documents which are necessary to effectuate this designation and which are consistent with this Resolution, all of which are subject to approval by the City Attorney.

Adopted this _____ day of _____, 2002.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I, Elaine Doerfling, City Clerk of the City of Hermosa Beach, certify that the foregoing Resolution was adopted by the Council of the City of Hermosa Beach, California, at a regular meeting held on the _____ day of _____, 2003, and that same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk

September 10, 2003
David E. Janssen, Chief Administrative Officer
c/o Deena Margolis, Service Integration Branch
Chief Administrative Office
Los Angeles County
222 S. Hill Street, 5th Floor
Los Angeles, CA 90012

Dear Mr. Janssen:

The City of Hermosa Beach requests that the Los Angeles County Board of Supervisors designate the Hermosa Beach Fire Department fire station as a designated Safe Surrender site pursuant to California Penal Code Section 271.5.

Attached is our City's resolution authorizing this request. Designating our City's fire station as a Safe Surrender site will improve access for parents and legal guardians to places where they may safely surrender their infants in the County of Los Angeles under the Safely Surrendered Baby Law, and will ensure consistency among fire stations in the County in their handling of surrendered babies.

Our Fire Department will designate the employees authorized to take physical custody of infants surrendered under the Law, as stipulated by Penal Code Section 271.5. We will also provide the necessary training and support to fire personnel prior to Board designation to ensure that the procedures outlined in the Newborn Abandonment Law are followed in the event of a newborn surrender. In addition, our Fire Department will acquire an appropriate number of Newborn Safe Surrender Kits to be placed at each fire station. Included in the kit will be our Fire Department's procedures, based on the provisions of the Law and procedures substantially similar to those developed by the Los Angeles County Fire Department. We will also procure the County-designed Safe Surrender site signs to be posted at each designated site to facilitate site identification and location.

Please forward a copy of the County's approved resolution designating our fire station as a Safe Surrender site to: **[Insert contact name, address, fax, phone number, e-mail.]**

We look forward to working with Los Angeles County and our neighboring cities on this important effort to provide more places where unwanted newborns may be safely surrendered.

Sincerely,
[Signature of Authorized City Personnel]