



Maryland
Hospital Association

HB 167 – Juvenile Causes – Safe Haven Newborns
Position: *Support with Amendments*

Bill Summary

HB 167 would set forth procedures for local departments of social services to follow regarding safe haven newborns. The bill would also expand the definition of a “child in need of assistance” (CINA) to include a child who has been relinquished as a safe haven newborn. Additionally, HB 167 would require a hospital or other designated facility to make a reasonable attempt to obtain information regarding family and medical history, the identity of the mother and the father, and any Native American heritage, and to provide the information to the local department of social services.

MHA Position

Current law provides immunity from civil liability or criminal prosecution to a person who leaves an unharmed newborn with a responsible adult within 10 days after birth, as determined within a reasonable degree of medical certainty, and does not express their intent to return for the newborn. The law was created after countless incidents across the nation of mothers leaving unwanted newborns in unsafe locations. Since enactment of the law, several safe-haven newborns have been accepted by hospitals and turned over to local departments of social services.

Though MHA supports the intent of the bill to create policies that are uniform across jurisdictions, we have concerns with §5-641(D)(1), which states the following:

(D)(1) The hospital or other designated facility shall:

- (I) Make a reasonable attempt to obtain information regarding family and medical history, the identity of the mother and the father, and any Native American heritage; and*
- (II) Provide that information to the local department of social services.*

We recommend that this language be struck from the bill entirely. Requiring a hospital or other designated facility to attempt to obtain such information may discourage mothers or others from leaving the unharmed newborn with the facility. The law is intended to provide the means for individuals to leave an unharmed child anonymously; a mother or other adult may be disinclined from doing so if this information, while helpful for providing care to the child, is sought by the hospital or other facility.

For these reasons, we respectfully urge a *favorable with amendments* report.