

Date of Hearing: April 23, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES
Alex Lee, Chair
AB 1628 (Michelle Rodriguez) – As Amended March 19, 2026

SUBJECT: Child protection: safe surrender

SUMMARY: Increases the age that applies for a baby to be safely surrendered by a parent or individual who has lawful custody of the child, from 72 hours to 30 days. Specifically, **this bill:**

- 1) States this act shall be known, and may be cited, as The Keeping Infants from Danger (KID) Act.
- 2) Updates the requirement that personnel on duty at a safe-surrender site accept physical custody of a minor 30 days of age or younger if a parent or other individual having lawful custody of the child voluntarily surrenders physical custody of the child to personnel who are on duty at the safe-surrender site.
- 3) Extends the requirement for a safe-surrender site, or personnel of the safe-surrender site, that accepts custody of a surrendered child shall not be subject to civil, criminal, or administrative liability for accepting the child and caring for the child in the good faith belief that action is required or authorized by these provisions, including, but not limited to, instances where the child is older than 30 days of age instead of 72 hours old, or the parent or individual surrendering the child did not have lawful physical custody of the child.
- 4) Revises requirement that in order to encourage assistance to persons who voluntarily surrender physical custody of a child, no person who, without compensation and in good faith, provides assistance for the purpose of effecting the safe surrender of a minor 30 days of age or younger, instead of 72 hours old, shall be civilly liable for injury to or death of the minor child as a result of the person's acts or omissions.
- 5) Updates the information required for all pupils in grades 7 to 12, inclusive, when receiving comprehensive sexual health education and HIV prevention education, that includes information on the law on surrendering physical custody of a minor child to reflect that it is 30 days of age or younger.
- 6) Updates the definition of a "safe-surrender site" to mean a location designated by the board of supervisors of a county or by a local fire agency, upon the approval of the appropriate local governing body of the agency, to be responsible for accepting physical custody of a minor child who is 30 days of age or younger from a parent or individual who has lawful custody of the child and who surrenders the child, and a location within a public or private hospital that is designated by that hospital to be responsible for accepting physical custody of a minor child who 30 days of age or younger from a parent or individual who has lawful custody of the child and who surrenders the child pursuant to existing law.
- 7) Updates the definition of a "parent" to mean a birth parent of a minor child who is 30 days of age or younger.
- 8) Revises definition of "lawful custody" to now mean physical custody of a minor 30 days of age or younger, instead of 72 hours old, accepted by a person from a parent of the minor,

who the person believes in good faith is the parent of the minor, with the specific intent and promise of effecting the safe surrender of the minor.

- 9) Revises prohibition on a parent or other individual having lawful custody of a minor child from being prosecuted for specified violations related to child neglect and abandonment if that person voluntarily surrenders physical custody of the child to personnel on duty at a safe-surrender site within 30 days instead of 72 hours.
- 10) Updates the requirement for a hospital and a safe-surrender site designated by the county board of supervisors or by a local fire agency, upon the approval of the appropriate local governing body of the agency, to post a sign displaying a statewide logo that has been adopted by the California Department of Social Services (CDSS) that notifies the public of the location where a minor child 30 days of age or younger may be safely surrendered.

EXISTING LAW:

- 1) Defines parameters for California's Safely Surrendered Baby Law. Identifies a "safe-surrender site" as a location designated by a county board of supervisors or a designated public or private hospital. Specifies "parent" as a birth parent of a minor child who is 72 hours old or younger. Classifies "personnel" as any officer, employee, or person with staff privileges at a designated site. Requires these sites to display a statewide logo to notify the public where an infant may be safely surrendered. Enables parents or individuals with lawful custody to voluntarily surrender physical custody of an infant without fear of prosecution for abandonment. Establishes that "lawful custody" involves a person accepting physical custody from a parent in good faith with the specific intent of effecting a safe surrender. (Health and Safety Code [HSC] §1255.7)
- 2) Provides legal immunity to parents or individuals with lawful custody, protecting them from prosecution for child abandonment when following the law's procedures. (Penal Code § 271.5)

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS: This analysis only discusses policy issues germane to the Assembly Committee on Human Services.

Background: *California's Safely Surrendered Baby Law* was enacted in response to a pattern of infant deaths resulting from unsafe abandonment. In response to the increasing number of newborn infant deaths due to abandonment in unsafe locations, the law was first created in January 2001. Its enactment followed a broader national conversation before 1999 where roughly 33 newborns per year were abandoned in Texas, approximately 10 in Washington, and about 33 in Illinois, with similar numbers in other states. Roughly one in three of those abandoned newborns did not survive.

California enacted the Safe Arms for Newborns Law in 2001, and subsequently the Safely Surrendered Baby Law in 2006, which aims to protect abandoned babies from being abused or killed by providing a safe-surrender site to parents or lawful custodians who are unable to provide care, for any reason, for their newborns that are not older than three days. Counties and local fire agencies designate safe-surrender sites which are typically hospital emergency rooms and fire stations with oversight from the county board of supervisors. Under the Safely

Surrendered Baby law, a parent or person with lawful custody can safely surrender a baby confidentially, and without fear of prosecution, within 72 hours of birth, with no questions asked.

This bill, the KID Act, would extend that protection window from 72 hours to 30 days of age.

Other States. California is not alone in having a safe surrender law, but it sits near the most restrictive end of the national spectrum when it comes to the eligible age of a surrendered infant. Texas was the first state to enact a “Baby Moses Law” in 1999, in reaction to 13 incidents of child abandonment that year, three of which involved infants discovered dead. By 2008, all 50 states had enacted some form of safe-haven law. The variation among states is substantial. In 21 states, the age limit to surrender an infant is approximately 30 days, and in nine states, the limit is approximately 60 days.

The remaining states vary, with some only allowing surrender within the first 72 hours of life, and one state, North Dakota, allowing relinquishment of infants up to one year of age. A 2021 summary by the federal Child Welfare Information Gateway identified that Alabama, California, Colorado, Hawaii, Michigan, Washington, and Wisconsin limit relinquishment to infants no more than 72 hours old.¹ However, as of March 15, 2026, the age limit for relinquishment in Wisconsin increased from 72 hours to 30 days under the 2025 Wisconsin Act 94.

When Nebraska enacted its safe-haven law in July 2008, it was interpreted to cover any child under 18 years of age, resulting in the desertion of children older than infants and some as old as teenagers with at least 35 children dropped off in hospitals over a four-month span, including five from out of state. The law was changed in November 2008 to limit eligibility to infants 30 days old or younger. The National Safe Haven Alliance recommends a minimum age limit of 30 days, with a recommended range of 30 to 60 days. Several policy organizations, including the Lozier Institute, have urged states with sub-30-day limits to bring their laws into alignment, prominently citing extension to at least 30 days as a first-look improvement recommendation.²

This bill would bring California into alignment with the plurality of states and with the Alliance’s minimum recommendation by extending the length of time a baby can be safely surrendered from 72 hours to 30 days.

How the Age of a Safely Surrendered Baby is Determined. In practice, California’s Safely Surrendered Baby law is designed to be as frictionless as possible for the surrendering parent. A parent or person with lawful custody brings the infant to a designated site, most commonly a hospital emergency room or staffed fire station, and hands the baby directly to on-duty personnel. Safe surrender personnel must ensure a medical screening examination and any necessary medical care are provided to the baby, and the consent of a parent or other relative is not required. Within 48 hours, personnel notify child protective services (CPS), and within 24 hours after CPS assumes temporary custody, a petition is filed to bring the baby under the protection of the court. Personnel make a good-faith effort to provide the surrendering parent with a coded ankle bracelet matching one placed on the baby, which the parent can later use to reclaim the child before the dependency petition is finalized. No identification is required from

¹ <https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/infant-safe-haven-laws.pdf?VersionId=.hD12VjDycO7cpLYzA5SqGUqoFsFWyz6>

² <https://lozierinstitute.org/safe-haven-laws-an-invitation-to-life/>

the surrendering parent, and the law is explicitly designed not to penalize the act of surrender itself. Safe-surrender site personnel accepting custody of a surrendered child are not subject to civil, criminal, or administrative liability for accepting a child in good faith, including instances where the child is found to be older than permitted or the surrendering person did not actually have lawful custody, as long as they acted in good faith.

The current 72-hour limit could be described as an approximate science considering personnel at a fire station or emergency room are not neonatal specialists. When a baby is brought in without documentation, staff rely on medical assessments to estimate age. This assessment of the baby is conducted as soon as possible to estimate their age and health status, but is ultimately an estimate, not a legal determination of compliance. Physical indicators such as umbilical cord status, skin condition, and birthweight can suggest approximate age but are inexact. In practice, the good-faith immunity provision functions as a recognition that precise age verification is often not possible.

A 30-day window is more observable and verifiable than 72 hours because a one-month-old infant is visually and medically distinguishable from a newborn in ways that a 48- or 60-hour-old infant is not. On the other hand, a 30-day window could meaningfully change the nature of the surrender itself. A parent who surrenders a 72-hour-old infant has had almost no bonding or parenting relationship while a parent surrendering a 25- or 28-day-old child may have had weeks of caretaking responsibility, and the child has had weeks of exposure to caregivers. Some researchers note that the severity of relinquishment trauma increases the older a child is upon surrender, and separating a child from its mother at a later stage of development could cause harm. At the same time, the counterargument is that the risk of unsafe abandonment does not disappear on day four of a newborn's life, and parents in crisis may be acting under postpartum psychiatric conditions, extreme poverty, or social isolation that does not resolve within 72 hours which *this bill* would attempt to address.

This bill retains the existing good-faith immunity structure, explicitly noting that safe-surrender sites are not liable for accepting a child believed in good faith to be 30 days of age or younger, even if the child is later found to be older, which is an acknowledgment of the inherent imprecision of age estimation when a baby is surrendered.

The bill also makes conforming changes to the requirement that comprehensive sexual health education in grades 7 through 12 include information about the law permitting surrender of a child 30 days of age or younger. This component serves as a public awareness function, since research consistently identifies low public awareness as one of the primary barriers to safe surrender utilization.

Data on Effectiveness. CDSS, through its Office of Child Abuse Prevention, administers the law at the state level and is responsible for maintaining data, producing legislative reports, and overseeing public outreach. California has produced more systematic data on its Safely Surrendered Baby law than most states. From January 1, 2001, to December 31, 2017, 931 newborns were surrendered in California, and 88 newborns were surrendered during the 2017 calendar year alone. More recent data from CDSS indicates that since 2001, 1,424 infants have been safely surrendered, and yearly abandonment rates dropped from 25 in 2002 to 12 in recent years. Available data indicate a generally decreasing trend of abandonments since enactment of

the Safely Surrendered Baby law, from 25 cases in 2002 to five or fewer cases per year since 2010, representing a decrease of at least 80%.³

At the national level, analysis from a 2020 Centers for Disease Control (CDC) study published in the *Morbidity and Mortality Weekly Report* showed that during 2008 to 2017, the overall infant homicide rate was 7.2 per 100,000 person-years, and on the first day of life was 74.0 per 100,000 person-years, representing a 66.7% decrease from 1989 to 1998. However, the homicide rate on the first day of life was still 5.4 times higher than that for any other time in life. The CDC study found no obvious association between infant homicide rates and safe-haven age limits suggesting that the specific age threshold does not, by itself, drive outcomes.⁴ That finding is reinforced by another data point from the same study: the majority (92.4%) of homicides occurred among infants who were too old for safe-haven relinquishment at the time of their deaths. Legal scholars have identified the lack of education and resources to promote awareness of safe haven laws as an important issue in their effectiveness, with research indicating that women are often unaware of the laws or how to use a safe haven.

Author’s Statement: According to the Author, “The postpartum period is one of the most vulnerable times in a person’s life both physically and emotionally. In the days after childbirth, many mothers are recovering from trauma, experiencing severe hormonal changes, and, in some cases, facing postpartum depression, anxiety, or isolation. Expecting a life-altering decision within just 72 hours does not reflect this modern reality.

“[This bill] extends the safe surrender window to 30 days, giving mothers the time they need to stabilize, seek support, and make a safe decision for their child. This bill is about recognizing the realities of postpartum depression and ensuring that no mother in crisis feels rushed into a moment of fear that could lead to tragedy. It is a compassionate, life-saving policy update that protects both mothers and their children.”

Equity Implications: The provisions of *this bill* position California to join the majority of states in extending protection through the first 30 days of life, while the existing immunity framework and the education code amendments address the awareness and implementation gaps the research identifies as most consequential. Safe surrender laws appear to have contributed to meaningful reductions in unsafe abandonment and infant homicide over time, and California’s abandonment trend line is among the more encouraging nationally. Data suggests that public awareness, access to services, and addressing the underlying circumstances of crisis are also important components to this policy. Previous attempts to increase the allowable timeframe have been vetoed due to concerns that a longer period encourages parents to keep infants in potentially volatile or neglectful environments. However, a desire to surrender a child is typically driven by a lack of resources or a crisis of circumstance rather than an inherent danger to the infant; extending the timeframe simply provides a vital safety valve for parents whose desperation peaks after the initial 72-hour window of birth.

Double referral: This bill was previously heard by the Assembly Committee on Public Safety on April 7, 2026, and was approved on an 8-0 vote.

³ <https://www.cdss.ca.gov/inforesources/safely-surrendered-baby>

⁴ <https://www.cdc.gov/mmwr/volumes/69/wr/mm6939a1.htm#:~:text=Data%20for%20this%20analysis%20come,co des%20X85%E2%80%93Y09,%20Y87.>

Arguments in Support: According to the Legislative Women’s Caucus, “The intent of the Safely Surrendered Baby (SSB) Law is to save lives of newborn infants at risk of abandonment by encouraging parents or persons with lawful custody to safely surrender the infant within 72 hours of birth, with no questions asked. . . Since its enactment in 2001, the California Legislature has amended the Safely Surrendered Baby Law multiple times to reflect modern medical, emotional, and practical realities surrounding childbirth and postpartum recovery. The current 72-hour timeline no longer reflects those realities. Medical understanding of postpartum depression and related conditions has evolved significantly, with many parents experiencing serious emotional and psychological challenges well beyond the first few days after birth. This bill extends the original lifesaving purpose of the law while ensuring it continues to serve California families as medical knowledge and social realities evolve.”

Arguments in Opposition: None on file.

RELATED AND PRIOR LEGISLATION:

AB 2262 (Torrico) of 2008, would have expanded the "Safe-Surrender" law to allow the birth parent or individual who has lawful custody of the child seven-days old or younger to be surrendered to a safe-surrender site as designated. *AB 2262 was vetoed by Governor Schwarzenegger citing safety concerns.*

AB 1873 (Torrico) of 2006, would have extended, from 72 hours or younger to up to thirty days old, the age at which a parent or other person with lawful custody of a child may surrender that child at a "safe-surrender site," and would have expanded the definition of a "safe surrender site" to include a local fire agency. *AB 1873 was vetoed by Governor Schwarzenegger citing safety concerns.*

SB 1368 (Brulte), Chapter 824, Statutes of 2000, provided that no parent or lawful custodian of a child 72 hours old or younger may be prosecuted for the crime of child abandonment if they voluntarily surrender physical custody of the child to an employee at a hospital emergency room.

REGISTERED SUPPORT / OPPOSITION:

Support

American Academy of Pediatrics, California
California Baptist for Biblical Values
California Catholic Conference
California Family Resource Association
California Legislative Women's Caucus
California Professional Firefighters
Child Abuse Prevention Center and its Affiliates Safe Kids California, Prevent Child Abuse
California and the California Family Resource Association
Los Angeles Dependency Lawyers, INC
Protection of the Educational Rights of Kids
The California Baptist Capitol Ministry
One private citizen

Opposition

None on file.

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