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8. Act of 1974, Gov. Code §87100, which was approved on March 21, 1989 by the Mendocino County Board of Supervisors.
9. Under current County ordinance, failure to file Form 700 is a misdemeanor.
10. The Form 700 filing requirement was not disclosed to potential jurors during the Grand Jury application process for the 2004/05 Grand Jury. The Form 700 filing requirement was disclosed to 2004/05 Grand Jurors on the afternoon of the swearing-in ceremony when jurors were impaneled.
11. The Grand Juror application form has been amended by Court staff to include Form 700 filing requirement for all Grand Jurors.
12. Correspondence from the office of the Mendocino County Clerk-Recorder stated that the "Government Code § 91013 imposes a \$10 per day fine up to a maximum of \$100 for the late filing of a Statement of Economic Interest. Persons who receive adequate notice of their filing requirement prior to the filing deadline and nevertheless file late, but who file within 30 days after receiving a reminder to file notification are eligible to have their fine reduced or waived if they have no prior history of filing late". The Clerk-Recorder's office may turn claims over to a collection agency. The collection agency may file a legal action to enforce payment of the fine and obtain a judgment to collect the fines.
13. The FPPC has the authority to levy additional fines upon a failure to file Form 700.
14. There is no public mechanism other than Form 700 to determine possible conflicts of interest on the part of Grand Jurors.

### ***Recommendations***

1. The Grand Jury recommends that no changes be made to the Form 700 filing requirements for Grand Jurors. (Findings 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13).
2. The Grand Jury recommends that each Grand Jury Foreperson ensure timely filings of Form 700 by all Grand Jurors. (Findings 5, 6, 7, 8, 9, 10, 11, 12, 13).

### ***Response Required***

Mendocino County Board of Supervisors  
Mendocino County District Attorney  
Mendocino County Counsel

### ***Response Requested***

Mendocino County Clerk-Recorder

## **Safe-surrender Sites for Abandoned Newborns** (December 29, 2004)

### **Summary**

***“Every safely surrendered infant is a success.”***

-- Garrison Frost, LA County's First Five Commission

Sparking the label “No Shame, No Blame,” the State of California acted in 2001 to amend the Health and Safety Code and the Penal Code to ensure that parents or individuals who have lawful custody of a child could deliver an unwanted newborn infant safely and without penalty to welcoming and prepared institutions. The objective of the Grand Jury investigation was to examine Mendocino County's response to this legislation.

The Grand Jury found that some effort had been made to protect these innocent lives. For the most part, however, nothing has been done by the Board of Supervisors (BOS) to ensure that **safe-surrender sites** have been established and publicized in Mendocino County.

It is the hope of this Grand Jury that this report will help to make all hospitals safe surrender sites. In addition, it is recommended that 911 emergency phone calls be dispatched appropriately to address safe surrender emergencies. The State of California provides free educational materials in English and Spanish to all counties. The Grand Jury urges the BOS to ensure that these materials are placed in locations in which they will be readily available to those in need, and to take all necessary steps to comply with this legislation.

### **Background**

Pursuant to California Health and Safety Code §1255.7 (A), "A location designated by the BOS of a county to be responsible for accepting physical custody of a minor child who is seventy-two hours old or younger from a parent or individual who has lawful custody of the child and who surrenders the child pursuant to §271.5 of the Penal Code."

In 2001, the State of California passed Health and Safety Code §1255.7 for the express purpose of trying to save the life of a newborn baby by allowing a parent or individual who has lawful custody of the child to deliver the child to a **safe-surrender site**. Other counties have designated public and private hospitals and fire stations as **safe-surrender sites**.

On July 6, 2004, the Associated Press reported, "Since California emergency rooms began accepting unwanted newborns with no questions asked, in three years fifty-six babies have been safely surrendered. But ninety-eight other newborns have been found alive and abandoned – often in dangerous conditions – and authorities say many young women still have not heard about this bill." There is no legal responsibility for anyone who surrenders an infant to a safe-surrender site. (Penal Code §271.5) If a newborn is abandoned anywhere other than at a **safe-surrender site**, then the parent or individual who has lawful

custody of the child who unlawfully abandons the infant is subject to criminal prosecution.

### ***Methodology***

During the months of August and September 2004, the Grand Jury queried the Board of Supervisors to determine what sites had been designated as **safe-surrender sites** within Mendocino County. The Grand Jury made visits to various county offices for statistical information and to hospitals within the county to determine if they were aware of Health and Safety Code §1255.7. The Grand Jury also visited fire stations, food banks, and various public and private service agencies.

### ***Findings***

1. As of September 2004, the BOS has taken no action to designate "safe-surrender" sites in Mendocino County.

**Response (Sheriff):** The Sheriff has no reason to doubt this finding; however we have not conducted an independent examination of the Board of Supervisors' meeting records. The Department therefore can neither agree nor disagree with this finding.

**Response (Public Health):** The Department disagrees in part with this finding because the law automatically designates hospitals as surrender sites. The posters and literature that Public Health received from the State Health and Human Services Agency when the law went into effect state "Parents are permitted to bring a baby within 3 days of birth to any hospital emergency room or other designated safe haven in California." In Mendocino County, hospital emergency rooms are thus identified as the county's safe-surrender sites.

**Response (Social Services):** The Department disagrees in part with this finding because the law automatically designates hospitals as surrender sites. Mendocino County has three automatically designated surrender sites: Howard Memorial Hospital, Mendocino Coast District Hospital and Ukiah Valley Medical Center. The law requires any additional surrender sites, such as fire stations, to be designated by the board of supervisors. The Mendocino County Board of Supervisors has taken no action to designate any additional surrender sites.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Public Health and Social Services Departments, in that law does automatically designate hospitals as surrender sites. No further board action has been taken on designating additional surrender sites without the need for further information in regards to the legitimacy of this action.

2. There have been no reports of abandoned or surrendered newborns within Mendocino County.

**Response (Sheriff):** The Department agrees with this finding as it relates to records maintained by the Mendocino County Sheriff's Office. The Department neither agrees nor disagrees with the finding as to reports maintained by other agencies.

**Response (Public Health):** The Department agrees with this finding. Public Health has received no reports of abandoned or surrendered newborn infants.

**Response (Social Services):** The Department agrees with this finding.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Sheriff's Department, Public Health and Social Services Departments.

3. The Adventist Health System distributed information regarding the law via email on or about September 2001, to all 21 California Member Hospitals when this Bill was passed in to law, including Howard Memorial Hospital and Ukiah Valley Medical Center.

**Response (Sheriff):** Without benefit of the documents reviewed by the Grand Jury, the Department can neither agree nor disagree.

**Response (Public Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS can neither agree nor disagree without further information.

4. While the Mendocino Coast District Hospital in Fort Bragg was aware of the code, no formal action had been taken to supply services dictated by the Abandonment of Newborns Bill. At the time of the grand jury's investigation, there had never been a newborn surrendered to the hospital; the executive that the Grand Jury interviewed felt this was not something to be overly concerned about. The executive was able to locate Health and Safety Code §1255.7 in the hospital's manual and said they would be able to take the proper steps if the need arose.

**Response (Sheriff):** Without further information, the Department can neither agree nor disagree with this finding.

**Response (Public Health):** This information was provided by another

agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS can neither agree nor disagree without further information.

5. Ukiah Valley Medical Center has neither shown a readiness nor taken the initiative to supply services dictated by the Abandonment of Newborns Bill.

**Response (Sheriff):** Without further information, the Department can neither agree nor disagree with this finding.

**Response (Public Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS can neither agree nor disagree without further information.

6. Howard Memorial Hospital in Willits is in complete compliance with the Abandonment of Newborns Bill. The Emergency Department has posters and brochures as well as the safe-surrender site state emblem, which are visible and available to the public. The emergency room has prepared newborn abandonment packets that are readily accessible if needed. This hospital is the only hospital in the county that has performed in-house training for all personnel.

**Response (Sheriff):** Without further information, the Department can neither agree nor disagree with this finding.

**Response (Public Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS can neither agree nor disagree without further information.

7. Under current procedures, an emergency call to 911 to report an abandoned newborn is referred to law enforcement, resulting in a response by a uniformed officer.

**Response (Sheriff):** The Department agrees with this finding as to the procedures of the Sheriff's Office, however there may be some confusion regarding use of the term, "abandoned." The surrender of a newborn in accordance with the safe-surrender laws is not a crime. The abandonment of a newborn is a felony, and an immediate response by law enforcement is essential to protect the child and begin a criminal investigation.

**Response (Public Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS can neither agree nor disagree without further information.

8. The educational literature regarding safe surrender, while provided free of charge by the state, does not list local safe-surrender sites.

**Response (Sheriff):** The Department agrees with this finding.

**Response (Public Health):** The Department agrees with this finding. The posters and literature that Public Health received from the State Health and Human Services Agency when the law went into effect state "Parents are permitted to bring a baby within 3 days of birth to any hospital emergency room or other designated safe haven in California." In Mendocino County, hospital emergency rooms are thus identified as the county's safe-surrender sites, although the specific hospital names and addresses are not identified.

**Response (Social Services):** The Department agrees with this finding.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Sheriff's Department, Public Health and Social Services Departments.

9. This educational literature was found only at Howard Memorial Hospital and the Fort Bragg Police Department.

**Response (Sheriff):** Without further information, the Department can neither agree nor disagree with this finding, except to say that, at the present time, the Sheriff's Office does not have a supply of safe-surrender educational literature. The point the Grand Jury makes in this finding is well-taken. A supply of this literature will be ordered for Sheriff's Office facilities.

**Response (Public Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree. Mendocino County Department of Public Health received posters and literature from the State Health and Human Services Agency

when the law went into effect. Posters in English and Spanish have been and continue to be prominently displayed in the Ukiah Public Health Clinics waiting area at 1120 S. Dora Street where clinic services for Family Planning, pregnancy testing, sexually transmitted infections, and immunizations are provided. The posters have also been displayed in the Ukiah WIC clinic waiting area. Public Health Nursing staff from Family Planning; Maternal, Child and Adolescent Health; Field Nursing; and WIC programs were provided with information about the Safely Surrender Baby Law in 2001 or 2002 at staff meetings when the posters and literature were received from the state. Information on the Safely Surrender Baby Law is provided to public health clients by staff as appropriate.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS can neither agree nor disagree without further information.

10. The Grand Jury found that no fire station in Mendocino County is manned 24 hours a day seven days a week.

**Response (Sheriff):** The Department disagrees with this finding. The City of Ukiah Fire Department and Ukiah Valley Fire Department are both manned 24-hours a day, 7-days a week. Other fire stations within the county are manned 24/7 during fire season.

**Response (Public Health):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Social Services):** This information was provided by another agency. Without additional information the Department can neither agree nor disagree.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Sheriff's Department.

11. The Abandonment of Newborns Bill is due to expire Jan 1, 2006.

**Response (Sheriff):** The Department agrees with this finding.

**Response (Public Health):** The Department agrees with this finding.

**Response (Social Services):** The Department agrees with this finding. The law will be repealed on January 1, 2006, unless subsequent legislation extends or repeals that date.

**Response (Board of Supervisors):** The BOS agrees with this finding.

## **Recommendations**

1. The Grand Jury recommends that the BOS designate all hospitals within Mendocino County to be "safe-surrender sites". (Finding 1).

**Response (Sheriff):** This recommendation is directed to the Board of Supervisors.

**Response (Public Health):** The recommendation will not be implemented because it is not warranted or is not reasonable. The Safely Surrender Baby Law already identifies all hospital emergency rooms as safe-surrender sites therefore, the recommendation will not be acted upon by this department.

**Response (Social Services):** This recommendation has not been implemented because the law automatically designates hospitals as surrender sites and Board designation is unnecessary. All hospitals within Mendocino County are already "safe-surrender sites". If requested by the Board, the Mendocino County Department of Social Services will prepare a resolution affirming County support for this law and its automatic designation of local hospitals as safe-surrender sites, by May 2005.

**Response (Board of Supervisors):** The BOS agrees with the responses represented by the Public Health and Social Services Departments. This recommendation may be implemented in the future upon further analysis, but because the law does automatically designate hospitals as surrender sites the BOS feels this recommendation is unwarranted.

2. The Grand Jury recommends that the BOS require that protocols for the 911 emergency service include an appropriate response to calls regarding the possible abandonment of a newborn. (Finding 7)

**Response (Sheriff):** The Board of Supervisors lacks the authority to implement this recommendation. The Board cannot set dispatch policies for the Sheriff's Office, because the Sheriff is an elected, constitutional officer. The other public safety dispatch centers in the county are operated either by the cities or by state agencies.

**Response (Public Health):** The recommendation will not be implemented because it is not warranted or is not reasonable. This recommendation does not fall within the authority of the Public Health Department and therefore, this recommendation will not be acted on or implemented by this department.

**Response (Social Services):** This recommendation as worded is not being implemented by the Mendocino County Department of Social Services because it is beyond the Department's scope. The Department will coordinate its 24-hour Children's Services emergency response

services with law enforcement protocols, in response to 911 emergency calls regarding possible abandonment of a newborn.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Sheriff's Department. This recommendation will not be implemented by the BOS because this recommendation is outside the jurisdiction of the BOS.

3. The Grand Jury recommends that all safe-surrender sites and local hospitals provide at least one in-service training session per year to inform personnel of this code. (Findings 3, 5, 6)

**Response (Sheriff):** This recommendation is directed to safe-surrender sites and local hospitals.

**Response (Public Health):** The specific recommendation will not be implemented because it is not warranted as it is directed at the safe surrender sites and local hospitals. However, Public Health staff will also be provided with annual in-service training about the Safely Surrendered Baby Law and safe-surrender sites within Mendocino County within the 2005 calendar year.

**Response (Social Services):** This recommendation is not being implemented by the Mendocino County Department of Social Services because it is directed to local hospitals. The Department is willing to assist the hospitals, if requested by them, in implementing annual in-service training on the safe surrender program. The Department includes information on the safe surrender law as part of staff training for Children's Services emergency response services.

**Response (Board of Supervisors):** The BOS agrees in part, with the recommendation relative to Departments within Mendocino County. The BOS supports the assistance by Mendocino County Departments, upon request, of local hospitals and safe-surrender sites regarding the implementation of annual in-service training.

4. The Grand Jury recommends that the BOS require that emergency 911 calls regarding abandonment of a newborn be routed to proper medical personnel rather than uniformed officers. (Finding 7)

**Response (Sheriff):** As with Recommendation #2, the Board of Supervisors lacks the authority to implement this recommendation. This recommendation requires further analysis prior to any changes in Sheriff's Office dispatch protocols. In particular, this recommendation requires a clarification of how the Grand Jury interprets the term, "abandonment."

As noted my response to Finding #7, abandonment of a newborn is a felony. Law enforcement must respond to these incidents. Given the possibility of medical complications and the fact that patrol cars are not equipped to

transport newborns, common sense dictates that an ambulance should also be summoned. However it appears that the Grand Jury may have used the term, “abandonment,” to describe calls involving the surrender of a newborn. Following the release of this report, a Grand Jury member stated that the basis for this recommendation was the Grand Jury’s concern that a woman seeking to surrender her child might flee at the sight of a patrol car but not at the sight of an approaching ambulance. This may be true, but even in this scenario, dispatching an ambulance by itself as a mobile safe-surrender site is not necessarily the most appropriate response.

A dispatcher’s first consideration when receiving a call from someone who wants to abandon or surrender a newborn must be the safety of the newborn. The caller may only need directions to a safe-surrender site. However if the caller gives any indication that their safety or the safety of the newborn is in peril, then law enforcement should be dispatched. An ambulance should also be dispatched, but they will generally not enter until law enforcement has secured the scene.

The safe surrender dispatch guidelines currently under development will address circumstances in which it is appropriate to dispatch a peace officer, an ambulance or both.

**Response (Public Health):** This department will not be acting on this specific recommendation, as it is not applicable to this department. The Public Health Department does not have medical personnel on call 24 hours a day for this purpose. We believe that Child Protective Services staff are the appropriate responders in conjunction with the uniformed officers.

**Response (Social Services):** This recommendation is not being implemented by the Mendocino County Department of Social Services because it is beyond the Department’s scope. The Department will coordinate its 24-hour Children’s Services emergency response services with the safe surrender dispatch guidelines being developed by the Sheriff’s Office.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Sheriff’s Department. The recommendation will not be implemented because it is outside the jurisdiction of the BOS.

5. The Grand Jury recommends that a concerted effort be made to post educational materials at locations where they will do the most good, e.g., homeless shelters, medical clinics, food banks, post offices, service agencies, libraries, middle schools, and high schools. (Finding 9).

**Response (Sheriff):** This recommendation has not yet been implemented

at the Sheriff's Office, but will be implemented in the near future. As noted in my response to Finding #9, a supply of safe-surrender educational literature will be ordered for Sheriff's Office facilities. The materials should be on display no later than March 1, 2005.

**Response (Public Health):** The recommendation has been implemented in this department. Mendocino County Department of Public Health will continue to display the English and Spanish Safely Surrender Baby posters in the Public Health Clinics and/or WIC waiting areas at 1120 S. Dora Street in Ukiah where services for Family Planning, pregnancy testing, sexually transmitted infections, immunizations and/or WIC are provided. Public Health will also determine whether space is available to post these materials at the Willits and/or Fort Bragg Public Health offices. Public Health staff will provide information on the Safely Surrender Baby Law to clients as appropriate, and to other agencies via existing committees and collaboratives.

**Response (Social Services):** This recommendation will be implemented as follows: The Mendocino County Department of Social Services will develop a plan for distribution and posting of materials by April 30, 2005 and will complete the distribution and posting, in coordination with the sites and agencies listed, by June 30, 2005.

**Response (Board of Supervisors):** The BOS agrees with this recommendation.

6. The Grand Jury recommends that all educational materials list the locations of the "safe-surrender sites" within the county. (Finding 8)

**Response (Sheriff):** This recommendation requires further analysis. The State Department of Social Services website has downloadable brochures describing the safe-surrender law (<http://www.babysafe.ca.gov>). The text of the brochures clearly identifies hospital emergency rooms as safe-surrender sites. These sites are already well-known in the community. The brochure also states, "If there are additional places, they will be listed on this brochure." Until such time as the Board of Supervisors designates additional sites, then there is nothing else to list.

**Response (Public Health):** The recommendation has not yet been implemented, but will be implemented in the future. Although the posters on the Safely Surrender Baby Law that Public Health displays identify "hospital emergency rooms" as the county's safe-surrender sites, the specific names and addresses of the three hospitals in the county will be added to the posters by March 31, 2005. If other safe-surrender sites are added by the BOS, those will also be added to the posters within 60 days of the designation.

**Response (Social Services):** This recommendation will be implemented as follows: The Mendocino County Department of Social Services will develop or alter educational materials to list the locations by May 31, 2005.

**Response (Board of Supervisors):** The BOS agrees with the response represented by the Sheriff's Department in as much as additional sites have not been designated. If additional sites are designated in the future by the BOS, this recommendation will be implemented and those additional designated sites will be listed.

7. The Grand Jury strongly encourages the general public to contact their state representatives to request that the Abandonment of Newborns Bill be extended beyond January 1, 2006 (Finding 10).

**Response (Sheriff):** This recommendation has not been implemented by the Sheriff's Office, but will be implemented in the future. The Sheriff would like to thank the Grand Jury for informing the public about this important law and alerting all of us about its impending repeal. Senator Robert Dutton has introduced SB 116, which would eliminate the repeal date and extend the safe-surrender statutes indefinitely. Senator Wes Chesbro is a co-author of the bill. The Sheriff will be contacting Senator Chesbro and Assembly member Patty Berg within the next few days to express support of this legislation.

**Response (Public Health):** The recommendation will not be implemented because it is not warranted, as this recommendation will be acted on by the Department of Social Services and is therefore, not in need of additional action on the part of this department.

**Response (Social Services):** This recommendation will be implemented as follows: The Mendocino County Department of Social Services will forward this issue to all advisory bodies and groups concerned with child safety and will prepare an agenda summary to recommend that the Board of Supervisors convey support for the extension to State legislators, by April 30, 2005.

**Response (Board of Supervisors):** The BOS agrees with this recommendation and supports the extension to State Legislators for the Abandonment of Newborns Bill.

### ***Comments***

The Grand Jury is pleased that Mendocino County has had no reported abandoned newborns. The Grand Jury considers Health and Safety Code §1255.7 to be vitally important and believes the actions recommended to the BOS and others may save lives.

The Grand Jury compliments Howard Memorial Hospital on their compliance with and implementation of the Abandoned-Newborn Bill. During an unannounced