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SFA

BILL ANALYSIS

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Senate Bills 1052, 1053, and 1187 (as enrolled)
House Bill 5543 (as enrolled)

Sponsor: Senator Shirley Johnson (Senate Bill 1052)
Senator Joanne G. Emmons (Senate Bill 1053)
Senator Bev Hammerstrom (Senate Bill 1187)
Representative Patricia Birkholz (House Bill 5543)

Senate Committee: Judiciary
House Committee: Family and Civil Law

PUBLIC ACTS 232-234 of 2000
PUBLIC ACT 235 of 2000

Date Completed: 9-19-00

RATIONALE

Stories of newborn babies abandoned in such places as dumpsters, parking lots, ditches, or public restrooms are reported from time to time in newspapers across the country. Often, these incidents involve young women or girls who do not know they are pregnant, are in a state of self-denial about their pregnancy, or simply are afraid to tell anyone that they are pregnant. Their psychological state may lead them to act irrationally in deciding what to do for themselves and for their babies.

A recent example of these incidents occurred in Lansing. Shortly after dawn on May 30, 2000, a maintenance worker at a car wash found a two-day old baby who had been wrapped in towels, placed in a cardboard box, and abandoned in one of the car wash bays. The baby's mother was later identified as an 18-year-old honor student and scholastic athlete who was approaching her high school graduation. The young woman delivered the baby, alone, at her family's home, and secretly cared for the child for two days. Three weeks after leaving the baby at the car wash, the woman was charged with child abandonment, a felony punishable by up to 10 years' imprisonment, but was allowed to plead guilty to the misdemeanor of fourth-degree child abuse.

This infant abandonment phenomenon, which evidently is increasing, has triggered the recent trend of "safe haven" baby abandonment laws that are being considered and approved by state legislatures across the nation. Texas passed the nation's first abandoned baby law in 1999 and 25 states reportedly have considered or are considering similar legislation in 2000. Some people felt that, in order to protect the health and safety of unwanted infants, and to provide their mothers with a safe option for surrendering the babies, Michigan should enact a safe haven law for parents legally to give up their newborns.

CONTENT

Senate Bill 1052 added the "Safe Delivery of Newborns Law" (Chapter XII) to the Probate Code and amended the juvenile code (Chapter XIA of the Probate Code) to govern parental surrender of a "newborn" to an "emergency service provider". ("Newborn" means a child whom a physician reasonably believes to be not more than 72 hours old. "Emergency service provider" means a uniformed or otherwise identified employee or contractor of a fire department, hospital, or police station when such an individual is inside the premises and on duty. "Surrender" means to leave a newborn with an emergency service provider without expressing an intent to return for the newborn). The bill does not apply to a proceeding that arose before the bill's effective date.

Senate Bill 1053 amended the Michigan Penal Code to specify that, except for a situation involving actual or suspected child abuse or neglect, it is an affirmative defense to a child abandonment charge that the child is not more than 72 hours old and is surrendered to an emergency service provider. The bill does not apply to a violation committed before the bill's effective date.

Senate Bill 1187 amended the Child Protection Law (CPL) to specify that, unless Senate Bill 1052 requires a physician to report to the Family Independence Agency (FIA) regarding a child surrendered to an emergency service provider, the surrender of a newborn in compliance with Senate Bill 1052 is not reasonable cause to suspect child abuse or neglect and, therefore, is not subject to the CPL's reporting requirements.

House Bill 5543 amended the Probate Code to require that the Department of Community Health (DCH), in conjunction with the FIA, establish a safe delivery program. The program must include at least a toll-free, 24-hour telephone line and a pamphlet providing information to the public about the safe delivery program.

The bills will take effect on January 1, 2001. House Bill 5543 would be repealed three years after its effective date. Senate Bill 1052 was tie-barred to Senate Bills 1053 and 1187 and to House Bill 5543. Senate Bills 1053 and 1187 were tie-barred to Senate Bill 1052. House Bill 5543 was tie-barred to Senate Bills 1052 and 1053.

A more detailed explanation of Senate Bills 1052 and 1053 and House Bill 5543 follows.

Senate Bill 1052

General Provisions

The family division of circuit court (family court) will have jurisdiction over a newborn who is surrendered to an emergency service provider under the bill. The family court may appoint a lawyer-guardian ad litem to represent a newborn in proceedings under the bill.

Unless an examining physician reasonably suspects that a baby surrendered to an emergency service provider has been abused or neglected, other than having been surrendered, or is more than 72 hours old, the child abuse or neglect reporting requirement under the CPL does not apply regarding a child surrendered to an emergency service provider.

Unless the Safe Delivery of Newborns Law specifically provides otherwise, neither a provision in another chapter of the Probate Code nor the Child Custody Act applies to a proceeding under the new Law.

A hospital and a child placing agency, and their agents and employees, are immune in a civil action for damages for an act or omission in accepting or transferring a newborn under the bill, except for an act or omission constituting gross negligence or willful or wanton misconduct. To the extent not protected by the immunity conferred under the governmental immunity law, an employee or contractor of a fire department or police station has the same immunity as the bill provides to a hospital or child placing agency agent or employee. (The bill defines "gross negligence" as conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.)

Surrender of a Newborn & Emergency Service Provider Responsibilities

If a parent surrenders a child who might be a newborn to an emergency service provider, the provider must comply with the bill's requirements under the assumption that the child is a newborn. The emergency service provider, without a court order, immediately must accept the newborn, taking him or her into temporary protective custody. The emergency service provider is required to make a reasonable effort to do all of the following:

- Take action necessary to protect the newborn's physical health and safety.
- Inform the parent that, by surrendering the newborn, the parent is releasing the newborn to a child placing agency to be placed for adoption.
- Inform the parent that he or she has 28 days to petition the family court to regain custody of the newborn.

The emergency service provider also is required to make a reasonable effort to give the surrendering parent written material approved or produced by the FIA that includes at least all of the following statements:

- By surrendering the newborn, the parent is releasing the newborn to a child placing agency to be placed for adoption
- The parent has 28 days after surrendering the newborn to petition the court to regain custody.
- After the 28-day period elapses, there will be a hearing to terminate parental rights.
- There will be public notice of the hearing, and the notice will not contain the parent's name.
- The parent will not receive personal notice of the hearing.
- Information the parent provides to an emergency service provider will not be made public.
- A parent may contact the safe delivery line established under the Probate Code (pursuant to House Bill 5543) for more information.

After providing this information, the emergency service provider must make a reasonable attempt to do all of the following:

- Encourage the parent to provide any relevant family or medical information.
- Give the parent the pamphlet about the safe delivery program (that is required under House Bill 5543), and inform the parent that he or she may receive counseling or medical attention.
- Inform the parent that information that he or she provides will not be made public.
- Ask the parent to identify himself or herself.
- Inform the parent that, in order to place the newborn for adoption, the State is required to make a reasonable attempt to identify the other parent, and then ask the parent to identify that other parent.
- Inform the parent that the child placing agency

that takes temporary custody of the newborn can provide confidential services to the parent.

- Inform the parent that he or she may sign a release of the newborn to be used at the parental rights termination hearing.

Medical Examination and Temporary Custody

An emergency service provider that is not a hospital and that takes a newborn into temporary protective custody must transfer the newborn to a hospital. The hospital is required to accept a newborn transferred to it in compliance with the bill, taking the newborn into temporary protective custody.

A hospital that takes a newborn into temporary protective custody must have the newborn examined by a physician. If the examining physician either determines that there is reason to suspect the newborn has experienced child abuse or neglect, other than being surrendered to an emergency service provider, or comes to a reasonable belief that the child is not a newborn, the physician immediately must report to the FIA as required under the Child Protection Law. If the physician is not required to report to the FIA, the hospital must notify a child placing agency that the hospital has taken a newborn into temporary protective custody.

Child Placing Agency Responsibilities

Upon receiving notice from a hospital that it has taken in a newborn under the bill, a child placing agency must do all of the following:

- Immediately assume the care, control, and temporary protective custody of the newborn.
- If a parent is known and willing, immediately meet with the parent.
- Make a temporary placement of the newborn with a prospective adoptive parent who has an approved preplacement assessment (as provided for in the Michigan Adoption Code) and resides within Michigan.
- Immediately request assistance from law enforcement officials to investigate and determine, through the Missing Children Information Clearinghouse, the National Center for Missing and Exploited Children, and any other national and State resources, whether the newborn is a missing child.
- Within 48 hours after transferring physical custody to a prospective adoptive parent, petition the family court in the county in which that person resides for authority to place and provide care for the newborn. The petition must include the date of the transfer of physical custody; the name and address of the emergency service provider to whom the newborn was surrendered; and any written or verbal information that was provided by and to the parent who surrendered the newborn.

(The emergency service provider that originally accepted the newborn must give this information to the child placing agency.)

- Within 28 days, make reasonable efforts to identify and locate the parent who did not surrender the newborn. If that parent's identity and address are unknown, the child placing agency must provide notice by publication in a newspaper of general circulation in the county where the newborn was surrendered.

Custody Action

Filing. If a biological parent wants custody of a newborn who has been surrendered to an emergency service provider, the parent must file with the family court an action for custody within 28 days after the newborn was surrendered. The custody action is to be filed in one of the following counties:

- The county in which the newborn is located, if the parent has located the newborn.
- The county in which the emergency service provider is located, if the parent has not located the newborn but knows the location of the emergency service provider to whom the newborn was surrendered.
- The county in which the parent is located, if the parent has not located the newborn and does not know the location of the emergency service provider to whom the newborn was surrendered.

Before holding a custody hearing, the family court is required to determine whether the individual filing the custody action is the newborn's biological parent.

Paternity & Maternity Determinations. In a custody action filed under the bill, the family court must order that each party claiming paternity or maternity and the child submit to blood or tissue typing determinations, which may include determinations of red cell antigens, red cell isoenzymes, human leukocyte antigens, serum proteins, or DNA identification profiling, to determine whether each party is likely to be, or is not, a biological parent of the child. If the court orders a blood or tissue typing or DNA identification profiling to be conducted and a party refuses to submit to the typing or profiling, the court may do either of the following, in addition to any other remedy available:

- Dismiss the custody action in regard to the party who refuses.
- Allow the disclosure of the fact of the refusal, if a hearing is held, unless good cause for not disclosing that fact is shown.

A blood or tissue typing or DNA identification profiling must be conducted by a person accredited for paternity or maternity determinations by a nationally recognized scientific organization, including the American Association of Blood Banks.

The family court is required to fix the compensation of an expert at a reasonable amount. Except for an individual whom the court determines is indigent, the court must direct each party claiming paternity or maternity to pay the compensation for his or her own testing plus a portion of the compensation for testing the child. Before blood or tissue typing or DNA identification profiling is conducted, the court may order that part or all of the compensation be paid in advance. The bill provides that documentation of the genetic testing expenses is admissible as evidence of the amount, and constitutes prima facie evidence of the amount of those expenses without third party foundation testimony.

The result of blood or tissue typing or a DNA identification profile and a summary report must be served on the party who is the test subject. The summary report must be filed with the court. Objection to the DNA profile or summary report will be waived unless made in writing, setting forth the specific basis for the objection, within 14 calendar days after service on the party. The court may not schedule a hearing on the issue of paternity or maternity until after the 14-day period expires. If an objection is not filed, the court must admit into evidence the result and the summary report without requiring foundation testimony or other proof of authenticity or accuracy. If an objection is filed within the 14-day period and on the motion of a party, the court must hold a hearing to determine the admissibility of the DNA profile or summary report. The objecting party has the burden of proving by clear and convincing evidence by a qualified person that foundation testimony or other proof of authenticity or accuracy is necessary for admission of the DNA profile or summary report.

If the probability of paternity or maternity determined by a qualified person is 99% or higher, and the DNA profile and summary report are admissible, paternity or maternity will be presumed. If the results of the analysis of genetic testing material from two or more persons indicate a probability of paternity or maternity greater than 99%, the contracting laboratory must conduct additional genetic testing until all but one of the putative fathers or putative mothers is eliminated, unless the dispute involves two or more putative fathers or putative mothers who have identical DNA.

Upon establishment of the presumption of paternity or maternity, the party who has the benefit of the presumption may move for summary disposition on the issue of his paternity or her maternity.

Confidentiality & Destruction of Material. Except as otherwise authorized, a person may not disclose information obtained from genetic testing that is authorized under the bill. If a party who is tested, as part of an action under the bill, is found to be the child's biological parent, the contracting laboratory must retain the genetic testing material of the parent and the child for no longer than the period of years prescribed by the national standards under which the laboratory is accredited. If a party is found not to be the child's biological parent, the contracting laboratory must destroy the party's genetic testing material after it is used in the action, in compliance with the Public Health Code and in the presence of a witness. The witness may be an individual who is a party to the destruction of the material. After the material is destroyed, the laboratory must make and keep a written record of the destruction and have the witness sign the record. The laboratory is required to expunge its records regarding the genetic testing in accordance with the national standards under which it is accredited. The laboratory must retain the genetic testing material of the child for no longer than the period of years prescribed by the national standards. After destroying an individual's genetic testing material, a contracting laboratory must notify the adult individual or the parent or legal guardian of a minor, by certified mail that the material was destroyed.

A contracting laboratory or another entity involved with the genetic testing is required to protect the confidentiality of genetic testing material, except as required for a paternity or maternity determination under the bill. The family court and its officers may not use or disclose genetic testing material for a purpose other than the paternity or maternity determination. The bill prohibits the sale, transfer, or offering of genetic testing material obtained under the bill, except as authorized.

A contracting laboratory annually must undergo an independent audit verifying its compliance with the

bill. The audit may not disclose the names of, or otherwise identify the test subjects required to submit to blood or tissue typing or DNA identification profiling. The laboratory is required to forward the audit to the Department of Consumer and Industry Services.

A violation of these provisions is a misdemeanor punishable by a fine of up to \$5,000. A second or subsequent violation is a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$10,000, or both.

Best Interest Determination. In a custody action under the bill, the family court must determine custody of the newborn based on the newborn's best interest. The court is required to consider, evaluate, and make findings on each factor of the newborn's best interest with the goal of achieving permanence for the newborn at the earliest possible date. A newborn's best interest are all of the following factors regarding a parent claiming parenthood of the newborn:

- The love, affection, and other emotional ties existing between the newborn and the parent.
- The parent's capacity to give the newborn love, affection, and guidance.
- The parent's capacity and disposition to provide the newborn with food, clothing, medical care, or other remedial care recognized and permitted under Michigan law in place of medical care, and other material needs.
- The permanence, as a family unit, of the existing or proposed custodial home.
- The parent's moral fitness.
- The parent's mental and physical health.
- Whether the parent has a history of domestic violence.
- If the parent is not the one who surrendered the newborn, the opportunity the parent had to provide appropriate care and custody of the newborn before the newborn's birth or surrender.
- Any other factor considered by the court to be relevant to the determination of the newborn's best interest.

Based on the family court's finding of the newborn's best interest, the court may issue an order that either 1) grants legal or physical custody, or both, to the parent, and either retains or relinquishes court jurisdiction, or 2) terminates the parent's parental rights and gives a child placing agency custody and care of the newborn.

Failure to File a Custody Action

A parent who surrenders a newborn under the bill and does not file a custody action within 28 days is presumed to have knowingly released his or her parental rights to the newborn. If a custody action is

not filed, the child placing agency must petition the family court for termination of parental rights under the juvenile code. If the agency has complied with the bill's requirement to make reasonable efforts to identify and locate the parent who did not surrender the newborn to an emergency service provider, the published notice required under the bill will serve as the notice to the newborn's parents required under the juvenile code (concerning a parental rights termination hearing).

The bill specifies in the juvenile code that a court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, that the child has been deserted because the parent voluntarily surrendered the child to an emergency service provider under the bill and did not petition the family court within 28 days to regain custody.

Senate Bill 1053

Under the Penal Code, it is a felony punishable by up to 10 years' imprisonment, for a father or mother of a child under six years old, or any other person, to expose the child in any street, field, house, or other place with the intent to injure or wholly abandon the child. The bill specifies that, except for a situation involving actual or suspected child abuse or neglect, it is an affirmative defense to a child abandonment prosecution that the child was not more than 72 hours old and was surrendered to an emergency service provider under Senate Bill 1052.

The bill also specifies that a criminal investigation may not be initiated solely on the basis of a newborn's being surrendered to an emergency service provider under Senate Bill 1052.

House Bill 5543

The bill added provisions to Chapter XII of the Probate Code, established by Senate Bill 1052, to require the DCH and the FIA to establish a safe delivery program, which must include a toll-free, 24-hour telephone line and a pamphlet about the program.

The information provided with the toll-free, 24-hour telephone line must include at least all of the following:

- Information on prenatal care and the delivery of a newborn.
- Names of health agencies that can assist in obtaining services and supports that provide for the pregnancy-related health of the mother and the health of the baby.
- Information on adoption options and the name and telephone number of a child placing agency that can assist a parent or expecting parent in obtaining adoption services.

- Information that, in order to provide safely for the health of the mother and her newborn, the best place for the delivery of a child is in a hospital, hospital-based birthing center, or birthing center accredited by the Commission for the Accreditation of Birth Centers.
- An explanation that, to the extent of the law, prenatal care and delivery services are routinely confidential within the health care system, if requested by the mother.
- Information that a hospital will take into protective custody a newborn who is surrendered to an emergency service provider under Chapter XII and, if needed, provide emergency medical assistance to the mother, the newborn, or both.
- Information regarding legal and procedural requirements related to the voluntary surrender of a child pursuant to Chapter XII.
- Information regarding the legal consequences for endangering a child, including protective service investigations and potential criminal penalties.
- Information that surrendering a newborn for adoption pursuant to Chapter XII is an affirmative defense to charges of abandonment, as provided in the Penal Code (pursuant to Senate Bill 1053).
- Information about resources for counseling and assistance with crisis management.

The DCH and the FIA jointly are required to publish and distribute the pamphlet, which must display prominently the toll-free telephone number.

MCL 712.1-712.17 & 712A.19b (S.B. 1052)
 750.135 (S.B. 1053)
 722.628 (S.B. 1187)
 MCL 712.20 (H.B. 5543)

BACKGROUND

While reliable data were not available because official records of baby abandonments are not collected, a review of newspaper reports by a Texas legislator revealed that 13 infants were abandoned in the first 10 months of 1999 in the Houston area. Five of those abandonments reportedly occurred in a two-week period, and three of those five babies died before they were found. These baby abandonments led to the enactment of the nation's first safe haven for abandoned babies law, in Texas in 1999.

The Texas law provides that an emergency medical services (EMS) provider may take possession of a child who is 30 days old or younger, if the child is voluntarily delivered to the provider by the child's parent and the parent does not express an intent to return for the child. The Texas law also specifies that a court may terminate a parent-child relationship if the parent voluntarily surrenders a child to an EMS provider.

An EMS provider to whom a baby is surrendered

must "perform any act necessary to protect the physical health or safety of the child". Before the close of the first business day after taking possession of a child, an EMS provider must notify the Texas state department responsible for child protective services. The Texas law also states that it is an affirmative defense to a criminal prosecution that the parent delivered the child to an EMS provider as allowed under that law.

By early 2000, it was apparent that the 1999 Texas abandoned babies law would serve as a model for 25 states that have considered or are considering similar legislation. According to the National Conference of State Legislatures (NCSL), as of June 21, 2000, at least six of those states--Alabama, Colorado, Florida, Louisiana, Minnesota, and West Virginia--in addition to Michigan, had passed baby abandonment legislation.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Although not a frequent phenomenon, abandonment of babies is a problem that appears to be increasing and cries out for a solution. Michigan and other states do not keep official statistics on abandonment of newborns but, according to the NCSL, 65 babies were abandoned in public places in 1991 and about 22,000 were left in hospitals; in 1998, those figures had risen to 105 public abandonments and 31,000 babies left in hospitals. To protect innocent children and ease the fears of unprepared mothers, a legislative solution is needed.

By providing for a safe and legally protected alternative to abandoning a baby in a place like the Lansing car wash, a dumpster, or the door of a church, the bills will serve to protect both unwanted infants and distraught new mothers. When a baby is intentionally left in a public place, it is generally a confused young mother who abandons the child. These women may be so emotionally unstable in their predicament as to be delusional, irrational, or simply in a state of denial. The bills will give these women a place in the community to which they can turn for help.

Allowing infants to be surrendered to an emergency service provider under the system established by Senate Bill 1052 will help unwanted newborns to thrive, and the provision in Senate Bill 1053 for an affirmative defense against criminal charges of child abandonment may encourage women who do not want their babies to act responsibly in giving them up. In addition, Senate Bill 1187 will further protect a parent who surrenders a baby under the bills by

blocking a child abuse or neglect investigation based solely on the delivery of a newborn to an emergency service provider. Finally, in an improvement over the abandoned baby law passed in Texas last year, House Bill 5543 provides for a public awareness program, in the form of a toll-free telephone number and informative brochure, to educate people about the ability to surrender a newborn safely to an emergency service provider and other information that should be beneficial to the parent and the baby.

Response: While its goal is laudable, the legislation may have some shortcomings. Although an emergency service provider is encouraged to seek identifying information from a surrendering parent, and a child placing agency must try to determine the identity of the other parent, there is no requirement that identification be obtained. This may make it difficult to ensure that the surrendering individual is actually a parent, secure relinquishment of parental rights, obtain needed medical history information, and facilitate the adoption process.

Supporting Argument

Michigan's and other states' actions in providing a safe, legal option for the surrender of unwanted babies to emergency service providers may encourage policy-makers across the nation to examine more thoroughly the underlying issues surrounding why some parents might abandon their babies. In turn, this might result in enhanced community services for women at risk of finding themselves in a situation in which they would consider abandoning an unwanted infant.

Opposing Argument

The bills might be viewed as sanctioning the abandonment of children and, as such, might encourage parental irresponsibility. Besides providing a safe haven for people who otherwise would abandon an unwanted baby, the legislation could encourage people who otherwise would not abandon a baby to do so under the parameters of Senate Bill 1052.

Response: People already can choose to give up babies for adoption and are not likely to surrender their children just because a State law allows it. The bill is aimed at those unprepared and uninformed parents who, thinking they have nowhere else to turn, might otherwise abandon their child in a public place, such as the Lansing high school student who left her baby at a car wash.

Opposing Argument

The bills' application to situations in which the baby is not more than 72 hours old may be too restrictive. Other states' laws and proposals vary widely. The Texas law applies in the case of babies who are up to 30 days old and, according to the NCSL, some states have considered legislation that would apply to children as old as 24 months.

Response: The bills' emphasis is on the well-

being of the babies involved. Since the babies in question typically will not have been born in a hospital or other medical setting, it is imperative that they receive medical attention quickly, rather than languishing with a parent uncertain about what to do with the child. The new law should encourage parents considering this option to act sooner rather than later, for the benefit of the child. In addition, with the establishment of a public awareness program under House Bill 5543, it is hoped that pregnant mothers will be aware of the safe haven option before delivery and even seek out prenatal care and delivery assistance. With that program in place, a standard of 72 hours after birth should give a parent plenty of time to decide to deliver a newborn to an emergency service provider.

Opposing Argument

Senate Bill 1053 does not offer enough legal protection to a parent who chooses to use the Safe Delivery of Newborns Law. An affirmative defense is not a bar to prosecution; it may prove to be a successful defense in a criminal prosecution and protect the parent from being incarcerated, but a person charged with child abandonment still might have to go through the process of being prosecuted. The bill should grant full immunity to a parent who surrenders a newborn under the new Law.

Opposing Argument

The bills may not be effective in addressing the problem of baby abandonment. As of July 6, 2000, more than 10 months after it took effect, the Texas abandoned babies law still had not been used. Babies have been abandoned in Texas during that time, but not under the parameters of that state's safe haven law.

Response: Unlike the Texas law, the Michigan legislation includes provisions requiring a public awareness effort. Under House Bill 5543, the FIA and the DCH will have to create a safe delivery program that will include publishing a pamphlet and establishing a toll-free telephone line. In Texas, a private nonprofit effort at public education targeting high-risk women reportedly is about to be launched. After that campaign, comparisons to Texas's experience may be more appropriate.

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 1052

The bill will have an indeterminate fiscal impact on the Family Independence Agency. Currently, legal personnel and court time are budgeted for abandonment child protective cases. It is not certain if the bill will require additional hearings or other case

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administration, such as more funds for DNA testing, resulting in increased FIA costs. The bill also will have a minimal fiscal impact on State and local law enforcement agencies. There are no data available to indicate how many people may be convicted of failing to provide a specimen for genetic match or failing to follow the guidelines for obtaining and retaining the specimens, for which a misdemeanor conviction may be entered.

Senate Bill 1053

The bill would have an indeterminate fiscal impact on State and local government. In 1998, there were no convictions for child exposure. In 1997, however, two people were convicted of child exposure with intent to injure or abandon. One offender was given probation and the other was sentenced to jail. A local unit of government would have incurred the expense of incarceration and the State would have provided supervision for probation with an average annualized per diem of \$4.38 in FY 1998-99. There are no data to indicate if allowing surrender of a child not older than 72 hours would have affected the outcome of these cases.

Senate Bill 1187

It appears that the bill will have no significant fiscal impact on the FIA because the FIA has administration procedures in place that will accommodate the provisions of the bill.

The bill will have no fiscal impact on the Department of State Police.

House Bill 5543

The bill might have an indeterminate fiscal impact on the Family Independence Agency regarding administration costs for information distribution. As it appears that this effort will be shared with the DCH, that Department also may share in these indeterminate costs.

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