



Safely Surrendered Baby Law:

Stronger Guidance From the State and Better Information
for the Public Could Enhance Its Impact

April 2008 Report 2007-124



CALIFORNIA STATE AUDITOR

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April 29, 2008

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The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the State's implementation of the Safely Surrendered Baby Law (safe-surrender law).

This report concludes that, although the intent of the safe-surrender law is admirable, it does not impose sufficient requirements on any state agency to publicize its availability, thus potentially reducing the law's effectiveness. Moreover, the State's failure to provide consistent funding for promoting the law may further reduce its effectiveness. However, the Department of Social Services (Social Services) did conduct a media campaign from October 2002 to December 2003 to increase public awareness of the safe-surrender law. We also found that many counties have developed interesting approaches to increase public awareness of the law. Although Social Services' initial efforts exceeded its statutory obligations, it has not developed any further goals for conducting additional activities to publicize the safe-surrender law because it believes it has fulfilled its minimal obligations. The department also stated that the ongoing awareness efforts at the local level, combined with the lack of an "alarming increase" in the number of abandoned babies mitigate the need for additional efforts. However, our audit revealed that Social Services is using understated statistics on abandoned babies when it concludes that further efforts to heighten public awareness are unnecessary.

Furthermore, after the Legislature amended the safe-surrender law to provide greater protection to individuals who surrender a child, Social Services supplied counties with guidance on managing confidential data on these individuals that is contrary to the law's intent. Potentially because of this guidance as well as improper actions by local staff, we found safe-surrender sites disclosed sensitive data on individuals who surrendered babies—a violation of state law—in more than 9 percent of cases since the amendment took effect. The availability of such information may cause counties to take actions contrary to the law's intent, such as contacting the person who surrendered the baby, which could discourage parents from safely surrendering their babies. Finally, according to Social Services, counties have incorrectly classified at least 77 babies as surrendered, or about 26 percent of all babies classified by counties as surrendered. Thus, these children may not have access later in life to information on their birth parents that they may have a legal right to view.

Respectfully submitted,



ELAINE M. HOWLE
State Auditor

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Summary

Results in Brief

California's Safely Surrendered Baby Law (safe-surrender law) provides a lifesaving alternative to distressed individuals who are unwilling or unable to care for a newborn. The Legislature, responding to a growing number of reports about the deaths of abandoned babies in California, enacted the safe-surrender law, which became effective in January 2001. The law allows a parent or other person having lawful custody of a baby 72 hours old or younger to surrender the baby confidentially and legally to staff at a hospital or other designated safe-surrender site.

Although the intent of the safe-surrender law is admirable, the law does not impose on any state agency sufficient requirements to publicize its availability, thus potentially reducing the law's effectiveness. Specifically, along with establishing the process for surrendering a baby, the safe-surrender law originally required the Department of Social Services (Social Services) to report to the Legislature annually, from 2003 to 2005, specific data concerning surrendered and abandoned babies, to demonstrate the law's impact. However, the reporting requirement did not extend past 2005. The safe-surrender law also requires counties to notify Social Services about each surrendered baby. Additionally, the law mandates that the Department of Health Care Services, formerly the Department of Health Services, inform counties that surrendered babies are eligible for the California Medical Assistance Program (Medi-Cal). It does not, however, require any state agency to make the public aware of the law or to actively monitor its success on an ongoing basis.

Further, since the safe-surrender law's inception, the State has not provided consistent funding to create and administer a program to increase the public's awareness of the law. During the past seven years, the Legislature has sent to two different governors bills that would establish a public awareness program, among other things. However, former Governor Davis vetoed the first bill because it would have required additional funding beyond that approved in the budget for that year. Governor Schwarzenegger vetoed the second bill because it would have extended the time allowed for the safe surrender of infants from 72 hours to seven days, and in his veto message stated that this extension could have the unintended effect of keeping babies in unsafe situations for longer periods.

In response to direction from Governor Davis at the time of his veto to increase public awareness of the safe-surrender law using existing funding sources, Social Services conducted a media

Audit Highlights . . .

Our review of the State's implementation of the Safely Surrendered Baby Law (safe-surrender law) revealed the following:

- » *The safe-surrender law does not impose on any state agency sufficient requirements to publicize its availability, thus potentially reducing the law's effectiveness.*
- » *The State's failure to provide consistent funding for promoting the law may further reduce its effectiveness.*
- » *The Department of Social Services' (Social Services) initial efforts to publicize the safe-surrender law exceeded its statutory obligations; however, it has not developed any further goals for conducting additional activities.*
- » *After the Legislature amended the safe-surrender law to provide greater protection to individuals who surrender a child, Social Services supplied counties with erroneous guidance on managing confidential data on these individuals.*
- » *Safe-surrender sites included identifying information on individuals who surrendered babies—a violation of state law—in more than 9 percent of the cases since the amendment took effect.*
- » *At least 77 children may not have access later in life to information on their birth parents that they may have a legal right to view because, according to Social Services, counties have incorrectly classified them as surrendered.*

continued on next page . . .

» *Likely as the natural result of the safe-surrender process and the act of abandoning a child, which do not lend themselves to robust data collection, we learned very little about the mothers of surrendered and abandoned babies from our review of the caseworker narratives.*

» *Several counties have developed interesting approaches to increasing public awareness about the safe-surrender law.*

campaign from October 2002 to December 2003 supported by limited funding from the State Children's Trust Fund (trust fund) and the California Children and Families Commission, also known as First 5 California. Specifically, since 2002 Social Services has used approximately \$800,000 from the trust fund and obtained \$1 million from First 5 California to raise awareness of the safe-surrender law, mainly to broadcast public service announcements on radio and television that target women ages 14 to 38 in the five largest media markets in California. These efforts exceeded Social Services' statutory obligations. The department has not attempted to secure additional funding since 2002 because it believes that further outreach is unnecessary and that the law does not require such efforts.

Moreover, since these initial efforts, Social Services has not developed any further goals for conducting additional activities to publicize the safe-surrender law. According to the chief of its Office of Child Abuse Prevention, Social Services has fulfilled its statutory obligations, and the ongoing awareness efforts at the local level, combined with the lack of an "alarming increase" in the number of abandoned babies, mitigate Social Services' need for additional efforts. However, our audit revealed that although Social Services has indeed fulfilled its minimal statutory obligations, awareness efforts at the local level vary from county to county, and Social Services is using understated statistics on abandoned babies when it concludes that further efforts to heighten public awareness are unnecessary.

More troubling, after the Legislature amended the safe-surrender law effective January 2004 to provide greater protection to individuals who surrender a child, Social Services supplied counties with erroneous guidance about how to manage confidential data on these individuals in the Child Welfare Services Case Management System (CWS/CMS), which is the statewide database that county child welfare workers (caseworkers) use to track and share information on child abuse cases. Potentially because of this guidance as well as improper action by local staff, we found identifying information—such as names, phone numbers, or addresses—on the persons who surrendered babies in more than 9 percent of the case files created since the amendment took effect. These instances indicate numerous violations by safe-surrender sites of the law's protection of such information from disclosure. Further, the availability of such information may cause the county to take actions contrary to the law's intent, such as contacting the person who surrendered a baby to verify his or her decision, which could discourage parents from safely surrendering their babies.

Moreover, the CWS/CMS has an alarming amount of inaccurate data on surrendered and abandoned babies. According to Social Services, the counties' child protective services or other

agencies providing child welfare services (county agencies) have incorrectly classified in the CWS/CMS at least 77 babies as surrendered when they were not, or about 26 percent of all babies classified as surrendered. Since 2001 county agencies have also incorrectly classified several surrendered babies as abandoned. As a result of these misclassifications, surrendered and abandoned babies may have too much or too little access later in life to confidential information on their parents. For instance, an abandoned baby who has been inaccurately classified as surrendered may not have access to data in the CWS/CMS that list his or her parents' names or other identifying information, despite potentially having that right. Conversely, the parents of surrendered babies who are incorrectly classified as abandoned may not be properly safeguarded, undermining a basic premise of the safe-surrender law. Although Social Services is aware of the problems associated with the inaccurate classification of abandoned and surrendered babies, it has not ensured that counties use a uniform definition of *safe surrender*. Furthermore, Social Services' staff indicated that the department has not compelled counties to correct the inaccurate data because it lacks the necessary legal authority.

The State has also been able to collect only limited data on surrendered and abandoned babies. We learned very little about the mothers of surrendered and abandoned babies from our review of the caseworker narratives for every surrendered baby and for a sample of babies classified in the CWS/CMS as abandoned. The limited data are likely the natural result of the safe-surrender process and the act of child abandonment, which do not lend themselves to robust data collection. Nevertheless, the limited data that are available suggest no pattern or profile regarding individuals who are at risk of abandoning their children.

Finally, although county efforts to publicize the safe-surrender law vary, several counties have developed interesting approaches to increasing public awareness about the safe-surrender law. For example, in addition to conducting its own extensive media campaign, Los Angeles County developed middle and high school curriculum to inform students about the law, and the county requires each of its government contractors to give its employees a fact sheet about the law. Other counties have translated Social Services' posters and pamphlets into other languages, including Chinese and Vietnamese, and one county developed an award-winning educational film. Social Services and other counties have an opportunity to leverage these innovative models, approaches, and products when conducting future outreach.

Recommendations

If it would like Social Services or other agencies to promote awareness of the safe-surrender law, the Legislature should consider amending the law to do the following:

- Specify the agency that should administer a safe-surrender program, with responsibilities that include ongoing outreach and monitoring efforts.
- Require continued annual reporting to the Legislature on the law's impact.
- Consider providing or identifying funding that will support efforts to promote awareness of the law.

To ensure that individuals who surrender babies receive proper protection under the safe-surrender law, Social Services should take the following steps:

- Clarify the definition of *safe surrender* and then disseminate and monitor its use among county and state agencies. If Social Services believes statutory change is needed to do so, it should seek the requisite authority from the Legislature.
- Clarify the circumstances under which safe-surrender sites and counties must protect the identifying information on the individual who surrenders an infant.
- Require counties to correct records in the CWS/CMS that Social Services' staff believe are erroneous because counties have misclassified babies as either surrendered or abandoned. Because Social Services does not believe it presently has the authority to do so, Social Services should seek legislation to obtain this authority.

To continue raising the public's awareness of the safe-surrender law in the most cost-effective manner, Social Services should work with the counties to leverage existing models and tools currently in use in California, such as translated materials and existing middle and high school curricula.

To support future efforts related to the safe-surrender law, including continuing outreach and improving the quality of the State's statistics, Social Services should consider using a portion of existing funds, such as those available in its trust fund, and should consider renewing its partnership with First 5 California, which Social Services can legally use for such efforts.

Agency Comments

Social Services embraces our findings and recommendations and indicates it will address them in its corrective action plan and ensure that they are resolved as appropriate. However, Social Services also believes some additional clarification of the statements presented in the audit report would be beneficial.

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Introduction

Background

In response to an increasing number of reported deaths of abandoned babies in California, and to provide a lifesaving alternative to distressed individuals who are unwilling or unable to care for a newborn, the Legislature passed and the former governor approved California's Safely Surrendered Baby Law (safe-surrender law), also known as the *safe haven law*, in September 2000. The safe-surrender law, which became effective in January 2001, initially allowed parents and other persons with lawful custody to surrender an infant 72 hours old or younger to designated employees at a hospital's emergency room or at other sites (known as *safe-surrender sites*) designated by a county's board of supervisors.¹ The law further specifies that no person will be prosecuted for child abandonment if he or she voluntarily surrenders physical custody of the child in this way. In addition, the safe-surrender law gives each surrendered baby eligibility for the California Medical Assistance Program (Medi-Cal) beginning the day of his or her surrender. As originally enacted, the law was to expire on January 1, 2006. However, legislation that took effect in January 2006 extended the safe-surrender law indefinitely.

The Legislature amended the law effective January 2004 to make the safe-surrender process less restrictive and to provide more protection to people who surrender babies. Specifically, the Legislature authorized all hospitals to be designated safe-surrender sites, removing the provision that limited safe surrender to those hospitals with emergency rooms. In addition, the amendment requires each safe-surrender site to post prominently a sign using a statewide logo shown in Figure 1, which the Department of Social Services (Social Services) adopted from Los Angeles County. This amendment also allows a parent or other person with lawful custody to surrender a baby to any person working at a safe-surrender site, rather than only to designated employees. Figure 2 on the following page shows the State's current procedures for safely surrendering a baby.

Figure 1
Logo Used at California's Safe-Surrender Sites



Source: Department of Social Services' publication.

¹ Until January 1, 2004, each safe-surrender site had to designate specific employees who would take physical custody of a surrendered baby.

Figure 2
The Process for Surrendering a Newborn, as Established by the Safely Surrendered Baby Law



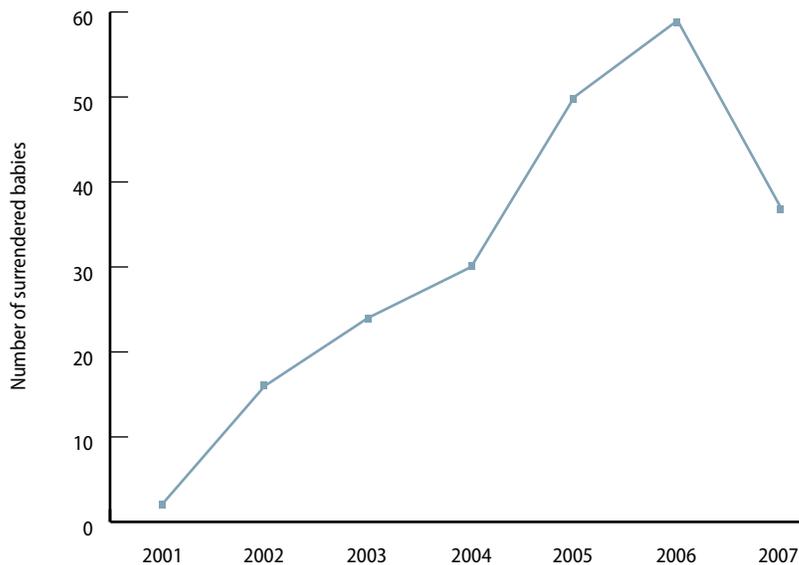
Sources: California Health and Safety Code, Department of Health Care Services' All County Welfare Directors Letter 01-58, and the Department of Social Services' reports to the Legislature.

Moreover, the amendment specifies that certain information pertaining to the individual who surrenders a baby is confidential and exempt from public disclosure. Specifically, staff at a safe-surrender site must redact personal identifying information on the person who surrenders a baby from any medical information that the site provides to the county's child protective services or to the agency providing child welfare services.

The Number of Babies Surrendered Each Year Has Risen

Statistics provided by Social Services indicate that the number of babies surrendered in California has generally increased each year since the inception of the safe-surrender law. Figure 3 shows that according to our review of the documentation for all babies surrendered since 2001, individuals surrendered 59 newborns in 2006, as compared to 30 in 2004 and just two in 2001, the year that the law became effective.

Figure 3
Number of Babies Surrendered Under the Safely Surrendered Baby Law
2001 Through 2007



Source: Bureau of State Audits' review of caseworker narratives for all 218 babies surrendered since 2001.

Although we cannot identify a single cause for the overall increase in the number of safely surrendered babies, the following factors have likely contributed to this trend:

- With media coverage of surrendered-baby cases and the passage of time since the law was enacted, the public has probably become more aware of individuals' legal option to surrender newborns without fear of prosecution. Additionally, the health and social support systems that serve the public have likely become more aware of the law and its provisions.
- As Chapter 1 explains, Social Services conducted a two-phase media campaign from October 2002 to December 2003, and the department has provided posters and brochures to local agencies for their use.
- Some counties have ongoing public awareness efforts.
- The Legislature amended the safe-surrender law to ease certain restrictions on the safe-surrender process and thus make the process more available to distressed parents and other individuals having custody of newborns.

Social Services also reported that, from 2001 to 2007, 175 babies were abandoned. However, we found that Social Services' Child Welfare Services Case Management System (CWS/CMS)—the statewide database that county child social workers use to track and share information on child abuse cases—shows at least 404 abandoned babies for those seven years. The large difference appears to be due to the fact that, as discussed in Chapter 1, despite a provision in the safe-surrender law requiring Social Services to report on abandoned babies one year old or younger, Social Services reported only on abandoned babies seven days old or younger. Conversely, the data we identified in the CWS/CMS represent babies one year old or younger.

State Agencies Have Limited Responsibilities Associated With the Safe-Surrender Law

The safe-surrender law and subsequent legislation created limited responsibilities for several state agencies. The original law required Social Services to report annually, from 2003 to 2005, to the Legislature specific data concerning surrendered and abandoned babies that would demonstrate the law's impact. However, when the Legislature extended the law's operations indefinitely, it did not extend Social Services' reporting requirement. The safe-surrender law also requires counties to notify Social Services about each surrendered baby.

In calendar years 2003 and 2005, Social Services used data and documents that county agencies entered in the CWS/CMS to provide the Legislature with information about surrendered babies. The types of information provided appear in the text box. According to the chief of its Office of Child Abuse Prevention, Social Services did not submit a report for 2004 because it had a staffing shortage and internal concerns about the confidentiality of information that the report would provide.

Since January 2001, Social Services has also sent to all counties several information notices and letters about the safe-surrender law. It has informed county agencies about the enactment of the safe-surrender law, updates to the CWS/CMS to better capture requested data, and changes in state policy on the criteria for safe surrender. Social Services also reaffirmed that, while it will continue to encourage parents to surrender infants that the parents are unable or unwilling to care for, it continues to prefer that such parents voluntarily relinquish children for adoption because this option offers parents the opportunity to participate in selecting the adoptive home, among other things. For a mother to voluntarily relinquish a child for adoption, she and the presumed father must receive counseling and sign either a document relinquishing the baby to the adoption agency or a consent form for the adoption.

Finally, although not required by statute to do so, Social Services actively publicized the safe-surrender law from October 2002 to December 2003 at the direction of Governor Davis. To increase public awareness, especially among women in the 14 to 38 age group, Social Services conducted a two-phase media campaign in five cities, sharing information in both English and Spanish. We discuss Social Services' public awareness campaign more extensively in Chapter 1.

The safe-surrender law also imposed on the Department of Health Care Services (Health Care Services), formerly the Department of Health Services, a requirement related to Medi-Cal. Specifically, the law required Health Care Services to instruct counties on the process to be used to ensure that surrendered babies are determined eligible for Medi-Cal benefits. Health Care Services fulfilled this statutory obligation by issuing an October 2001 letter to various county officials describing a new code that it had created for designating surrendered babies as Medi-Cal eligible in the

Elements in the Department of Social Services' Reports to the Legislature About Safely Surrendered Babies

The Department of Social Services (Social Services) included the following data in its reports on the safe-surrender law:

- The number of children found abandoned, dead or alive, who were seven days old and younger.*
- The number of surrendered babies and their approximate ages.
- The number of medical questionnaires completed for surrendered babies.
- The number of times parents attempted to reclaim a safely surrendered child.
- Whether the person reclaiming the child was the individual who surrendered the child.
- The number of surrendered children who showed signs of neglect or abuse.
- The number of parents or guardians later located.

Source: Department of Social Services' (Social Services) reports to the Legislature.

* Chapter 824, Statutes of 2000, required Social Services to report on all abandoned children one year old and younger, as discussed in Chapter 1.

Medi-Cal Eligibility Data System. The October 2001 letter further clarified the period that a baby would remain eligible for Medi-Cal. Lastly, although Health Care Services was not required to provide a medical information questionnaire, its letter to counties included a camera-ready copy of a sample questionnaire for safe-surrender sites to use in obtaining data on a mother and infant.

Separate legislation, effective January 2003, amended the Education Code to require school districts that provide comprehensive sexual health education to include certain topics, one of which is the safe-surrender law. The Department of Education has supplied educators with resources, including guidelines, so that they can understand the instructional requirements for providing comprehensive sexual health and HIV/AIDS prevention education. These resources include materials about the safe-surrender law.

Counties Implement the Safe-Surrender Law

In addition to the various state agencies involved in administering aspects of the safe-surrender law, county agencies implement and oversee the procedures mandated by the law. Further, some counties have chosen to take an active role in publicizing the safe-surrender law. For instance, Los Angeles County's board of supervisors created a policy that directs all county departments to include in their contracts a provision requiring the contractor and any subcontractors to distribute information on the safe-surrender law to their employees. We describe other innovative county efforts in Chapter 3.

Counties must also take the lead in shepherding surrendered babies through the legal process concerning the babies' custody. Upon assuming temporary custody of a surrendered baby from the safe-surrender site, the county agency must file with the juvenile court a dependency petition to take the baby into protective custody by making him or her a dependent of the court. The juvenile court then evaluates the case during a series of hearings to terminate the birth parents' rights and obligations, make the surrendered baby a dependent of the court, and determine his or her permanent placement.

Although All States Have Safe-Surrender Laws, These Laws Have Some Key Differences

The enactment of laws like California's safe-surrender law is a relatively recent trend that has spread throughout the United States, but the specifics of each state's law vary. In March 1999

Texas became the first state to pass a safe-surrender law. Since then California and every other state have passed similar laws.

The states' laws differ in several key respects. The text box compares certain aspects of the safe-surrender laws in the country's five most populous states, including California. According to a 2004 report from the U. S. Department of Health and Human Services, states allow a parent or other person having lawful custody to surrender a child at hospitals and other public safety institutions. In some states only a mother may surrender a child to a safe-surrender site; conversely, in New York any parent, guardian, or person with legal custody can surrender a baby to any responsible adult. The 2004 report also indicated that 16 states allow for the surrender of infants who are 72 hours old or younger. Many other states accept infants up to one month old, while North Dakota's safe-surrender sites will accept a child as old as one year.

During the last few years, the Legislature in California passed two bills in an effort to amend the safe-surrender law and extend the period during which a parent or other individual could legally surrender an infant. However, the governor vetoed both bills because he had concerns about child safety. In 2006 the governor vetoed legislation to extend the surrender period to 30 days because, as he stated in his veto message, he believed that the extension would put newborns at greater risk by keeping them in an unsafe environment for longer than if the surrendering individual had a 72-hour deadline. Using the same rationale, the governor vetoed legislation in 2007 that would have extended the surrender period to seven days.

Scope and Methodology

The Joint Legislative Audit Committee (audit committee) requested that the Bureau of State Audits (bureau) review Social Services' administration of the safe-surrender law. Specifically, the audit committee asked us to identify the various funding sources for the safe-surrender program, to determine the total funding received since 2001 to implement the requirements of the safe-surrender law, and to calculate total annual expenditures. The audit committee also requested that we review the expenditures for the safe-surrender law and determine how much has been used for

The Safe-Surrender Laws for the Five Most Populous States

California

Baby age limit—3 days.

Safe-surrender sites—Any hospital or other location designated by county boards of supervisors.

Texas

Baby age limit—60 days.

Safe-surrender sites—Any hospital, emergency medical services provider, or child-placement agency.

New York

Baby age limit—5 days.

Safe-surrender sites—Any appropriate adult, or any suitable location, given prompt notification to an appropriate person of the child's location.

Florida

Baby age limit—3 days.

Safe-surrender sites—Any hospital, fire station, or emergency medical services location.

Illinois

Baby age limit—7 days.

Safe-surrender sites—Any hospital, emergency medical facility, fire station, or police department.

Sources: California Health and Safety Code, Texas Family Code, New York Penal Code, Florida Public Health Code, and Illinois Public Aid Code.

public awareness, printing and distributing materials (including the languages in which the materials were printed), and personnel. Further, the bureau was asked to evaluate whether the costs were appropriate, identify any limitations on how the funds are used, and determine how any unspent funds are handled at the end of each fiscal year.

In addition, the audit committee requested that the bureau determine how Social Services sets its annual goals and decides where to focus its efforts and then to review Social Services' process for tracking progress toward meeting those goals. The audit committee further asked us to examine Social Services' process for determining which outreach and public awareness strategies are the most effective and to determine whether the department evaluates each strategy to assess how successful the strategy was at informing the public about the safe-surrender law. Additionally, the audit committee asked that we identify Social Services' plans for future and enhanced outreach efforts and determine whether it has outlined goals and outcomes for future public awareness efforts and has a process in place to measure the success of those efforts. Moreover, we were asked to gather and provide specific information regarding safely surrendered and abandoned babies. Lastly, the audit committee asked that the bureau assess whether the public outreach efforts appear to be appropriately targeted in light of the results of the collected data, and whether Social Services uses this type of information when setting priorities and targeting outreach efforts.

To identify the various funding sources for the safe-surrender law since 2001, determine how much funding has been secured to date, and calculate total expenditures by year, we interviewed staff at Social Services. We reviewed its 2003 and 2005 reports to the Legislature on the safe-surrender law, as well as accounting records, invoices, and other supporting documentation.

To identify limitations on the use of available funds and determine whether expenditures for the safe-surrender law were reasonable and how much has been used for public awareness, printing and distribution of materials, and personnel, we reviewed the relevant criteria governing the use of the State Children's Trust Fund (trust fund) and funds received from the California Children and Families Commission (First 5 California), as well as Social Services' contracts for the media campaign. Further, we obtained an invoice or purchase order for each expenditure greater than \$10,000 and reviewed it for reasonableness, using as criteria the scope of work from Social Services' contracts and the statutory purposes for money in the trust fund and money obtained from First 5 California. To determine how any unspent funds were handled at fiscal year end, we interviewed staff at Social Services.

To determine how Social Services sets goals annually and tracks its progress toward meeting those goals, we interviewed staff at Social Services.

To review its process for assessing which outreach and public awareness strategies are the most effective, we interviewed staff at Social Services and examined its contract files. We determined that Social Services selected a contractor to conduct its public awareness campaign.

To identify Social Services' plans for future and enhanced outreach and determine whether it has a process in place to measure the success of its efforts, we interviewed staff at Social Services. We learned that Social Services does not plan to conduct outreach in the foreseeable future. However, staff stated that Social Services reviews statistics on the number of abandoned and surrendered babies each quarter to determine whether it needs to exert additional efforts to promote awareness of the law.

To gather information on safely surrendered and abandoned babies, as well as their mothers, we reviewed data and caseworker narratives in the CWS/CMS. Specifically, we examined the caseworker narratives for all 218 safely surrendered babies. We also reviewed the caseworker narratives for a sample of 40 babies identified as abandoned in the database.

We received electronic data from Social Services as well as the Department of Public Health (Public Health). The U. S. Government Accountability Office, whose standards we follow, requires us to assess the reliability of computer-processed data. To assess whether the information was sufficiently reliable for the purposes of our audit, we conducted tests to determine the completeness and accuracy of the information we were provided.

We did not perform a data reliability assessment for Social Services' CWS/CMS data for the purposes of this audit because the analysis and information presented in the report is based on information from the hard-copy source documents. The electronic data from Social Services were used only for the purpose of providing assurance as to the completeness of the hard-copy documents. We determined that no data reliability assessment was necessary for the Social Services' data because we did not use these data to support our audit findings or conclusions.

We determined that data provided by Public Health were not sufficiently reliable for the purposes of this audit, because we found missing and duplicative information while conducting our testing. For example, we discovered that certain records related to our analysis of deceased abandoned babies contained blank fields

for the birth date of the child. Without knowing the birth date, we could not determine whether a child in the database met our age criterion of one year old or younger. There is a risk that these limitations could materially affect our analysis by misrepresenting the number of deceased abandoned babies who were one year old or younger, and using the data would likely lead to an incorrect or unintentional message. Nevertheless, as there was no other source for obtaining this information, we used it in our report to determine that Social Services had underreported the number of deceased abandoned babies.

Surveyed Counties

- Alameda
- Butte
- Fresno
- Imperial
- Los Angeles
- Orange
- Placer
- Riverside
- Sacramento
- San Bernardino
- San Diego
- San Francisco
- San Joaquin
- Santa Clara
- Shasta

Source: Bureau of State Audits' survey.

We also surveyed a sample of 15 counties, listed in the text box, to determine what they have done to implement and promote awareness of the safe-surrender law. According to data from Social Services, the 15 counties we surveyed included the seven counties with the greatest total number of surrendered babies and the four counties with the highest number of abandoned babies. The surveyed counties account for more than 81 percent of babies surrendered, 78 percent of living abandoned babies, and more than 92 percent of deceased abandoned babies.

Finally, to determine whether Health Care Services and the Department of Education have done anything to implement the safe-surrender law, we interviewed staff at both agencies and reviewed documents related to their efforts.

Chapter 1

THE DEPARTMENT OF SOCIAL SERVICES IS NOT ACTIVELY PROMOTING AWARENESS OF THE SAFELY SURRENDERED BABY LAW

Chapter Summary

Although the legislative intent behind California's Safely Surrendered Baby Law (safe-surrender law) is admirable, the law does not assign to any single state agency the responsibility for overseeing fulfillment of the law's provisions and requirements, and the State has not funded the law's implementation consistently. No state agency currently publicizes the safe-surrender law, in part because the law itself does not impose any substantive requirements on any state agency to ensure its effectiveness. Specifically, the safe-surrender law places limited ongoing requirements on only one state agency: The Department of Social Services (Social Services) is to receive notification, which counties must supply, about each surrendered baby. Since the safe-surrender law's enactment, governors vetoed both bills that would have mandated efforts to raise public awareness about the law and its provisions. Moreover, the State has not allocated consistent funding for outreach efforts. Nonetheless, in late 2001, at the request of then-Governor Davis, Social Services used approximately \$800,000 from its State Children's Trust Fund (trust fund) and obtained \$1 million from the California Children and Families Commission (First 5 California) to conduct a two-phase public awareness campaign. This initial effort by Social Services exceeded the agency's minimal obligations under the safe-surrender law. Despite the fact that it obtained funding for public awareness efforts in the past with relative ease, Social Services does not plan to secure additional funding for this purpose, partly because its management believes that no further outreach is required and that it lacks the staff to search and apply for grants.

Unfortunately, Social Services' current philosophy for implementing the safe-surrender law appears to center on reacting to negative trends related to infant abandonment rather than acting proactively to encourage distressed parents to surrender their babies in a safe manner rather than abandoning them. According to the chief of its Office of Child Abuse Prevention, Social Services does not plan to set goals for or to resume publicizing the safe-surrender law because the department has already fulfilled its statutory obligations. The chief also indicated that ongoing public awareness projects at the local level, combined with the lack of an "alarming increase" in the number of abandoned babies, mitigate the need for additional efforts. Although Social Services' administrators

Since 2006 state agencies have had virtually no legal obligations under the safe-surrender law.

correctly noted that the department more than fulfilled its statutory requirements, their assumptions concerning publicity efforts at the local level and department staff's ability to recognize an increase in the number of abandoned babies are questionable.

The Safe-Surrender Law Lacks an Administering Agency and Consistent Funding for Its implementation

The safe-surrender law is not as effective as it might be because it does not give state agencies rigorous, ongoing responsibilities for publicizing the law's benefits, and the State has not funded the administration or promotion of a safe-surrender program. Before 2006, the law simply required Social Services, the state agency primarily responsible for implementing the law, to report annually to the Legislature on the law's impact. Since 2006 state agencies have had virtually no legal obligations under the safe-surrender law. Social Services' only involvement is compiling information that counties must submit when their designated sites accept surrendered babies, and since 2002 it has not attempted to obtain funds to further implement and publicize the safe-surrender law. The Legislature did pass two bills that, among other things, would have required Social Services to conduct a media campaign to increase public awareness of the safe-surrender law, but Governor Davis and Governor Schwarzenegger vetoed those bills.

Since the law's enactment in 2001 state law has not required any state agency to publicize the safe-surrender law or provided funding for raising the public's awareness of the law. Because the legislation would have involved state funds beyond those already approved in that fiscal year's budget, Governor Davis vetoed legislation in 2001 that would have provided \$1 million in General Fund money for Social Services to conduct a public marketing campaign. The governor's veto message nevertheless instructed Social Services to develop a cost-effective outreach plan for the safe-surrender law and to secure funding from available sources. Legislation introduced in 2007 would have required Social Services, to the extent resources were available, to conduct a statewide awareness campaign publicizing the existence of the safe-surrender law and establishing a toll-free telephone number for the purpose of providing education and assistance to the public regarding the program. The bill also would have allowed for the safe surrender of babies up to seven days old, rather than 72 hours, as stated in the current law. Governor Schwarzenegger vetoed this 2007 legislation because he was concerned that lengthening the time allowed for the safe surrender of infants would place infants at greater risk because they might remain in unsafe environments for longer periods than if the State maintained its current deadline.

In response to the governor's 2001 directive, Social Services allocated from its trust fund and obtained from First 5 California funding to conduct a media campaign to raise the public's awareness of the safe-surrender law. The media campaign took place from October 2002 to December 2003. We discuss this media campaign in more detail in the next section. State law allows Social Services to use its trust fund—consisting of money that the State receives from county surcharges on birth certificates and from grants, gifts, or bequests from private sources—for various purposes, including large-scale dissemination of information that will promote public awareness about the nature and incidence of child abuse. During fiscal years 2001–02 through 2006–07, Social Services spent from the trust fund approximately \$806,000 to increase awareness of the safe-surrender law. Social Services has also used the trust fund for the statutorily mandated “Never Shake a Baby” campaign. Unlike the safe-surrender law, the state law aimed at preventing shaken baby syndrome created a statewide public awareness education campaign explaining the medical effects of shaken baby syndrome upon infants and children and emphasizing preventive measures.

In addition to using money from the trust fund, Social Services also secured \$1 million in funding from First 5 California to support the mass-media portion of the campaign to publicize the safe-surrender law. First 5 California distributes a portion of the State's tax revenues collected on tobacco products for programs dedicated to improving the lives of California's young children and their families.

Social Services has not sought funding through the budgetary process to promote and monitor the safe-surrender law's effectiveness. Further, the chief of Social Services' Office of Child Abuse Prevention recently stated that Social Services does not plan to secure additional funds to continue publicizing this law because it lacks the staff to search and apply for grants. The chief nevertheless acknowledged that in the past, obtaining funds from the trust fund required little effort on the part of Social Services. Additionally, given that First 5 California recently reported a year-end fund balance of almost \$281 million, Social Services may be able to obtain funding from this source again. Finally, given that Social Services requests funding through the state budgetary process each year for numerous programs and activities, requesting funding for one additional program would probably not require a significant amount of additional time or resources.

Social Services personnel correctly stated that the department need not secure funding because the Legislature does not currently require it do anything related to the safe-surrender law. In the end, the safe-surrender law's lack of any meaningful, ongoing

Social Services does not plan to secure additional funds to continue publicizing the safe-surrender law because it lacks the staff to search and apply for grants.

The safe-surrender law's lack of any meaningful, ongoing requirements for any state agency and the State's failure to provide consistent funding likely limit the potential effectiveness of the law in reducing the number of abandoned babies.

requirements for any state agency and the State's failure to provide consistent funding likely limit the potential effectiveness of the safe-surrender law in reducing the number of abandoned babies.

Social Services' Initial Efforts to Implement the Safe-Surrender Law Exceeded the Law's Requirements

Although Social Services did not fulfill all of its reporting requirements under the safe-surrender law, its efforts to educate the public about the law exceeded the law's requirements. As we discussed in the Introduction, the original version of the safe-surrender law required Social Services to report to the Legislature annually, from 2003 to 2005, specific data concerning abandoned and safely surrendered babies. Social Services provided the required reports to the Legislature in 2003 and again in 2005 but did not submit a report in 2004 because, according to the chief of its Office of Child Abuse Prevention, there was a shortage of staffing and there were internal concerns about the confidentiality of the information that the report would provide.

However, Social Services also worked on publicity projects that the safe-surrender law did not require. From October 2002 to December 2003, Social Services and a contractor performed outreach at the state and local levels by using nearly \$2 million to conduct a public awareness campaign that included mass-media advertising in California's five largest media markets. According to Social Services' 2003 report to the Legislature, these efforts were conducted at the direction of Governor Davis, who, in vetoing a bill in October 2001 that would have provided \$1 million for a media campaign targeted toward those individuals most likely to abandon their newborn infants, instructed Social Services to develop an outreach plan. Governor Davis also directed Social Services to pursue collaborative efforts with other state departments to identify existing, unused funds in current outreach campaigns or from other sources of funding.

Social Services Created a Working Group That Identified Funding for an Outreach Plan

In response to the former governor's directive, Social Services formed a statewide interagency working group (working group) in 2002 that identified funding sources for an outreach campaign and implemented a public awareness strategy. The working group consisted of representatives from Social Services, the Department of Health Care Services (formerly the Department of Health

Services), the Department of Alcohol and Drug Programs, the Department of Mental Health, the Attorney General's Office, and First 5 California.

Social Services' Campaign to Publicize the Safe-Surrender Law Had Many Facets

In October 2002, Social Services initiated its public awareness campaign, which used various marketing methods to reach targeted communities. Acknowledging that the absence of a statewide publicity program was one reason that infant abandonment continued, Social Services' primary objective was to prevent infant abandonment by increasing awareness among Californians of the safe-surrender law. Social Services determined that New Jersey's "No Shame, No Blame, No Names" campaign was the type of comprehensive, direct, nonjudgmental approach that California needed. In addition, Social Services recognized that New Jersey's campaign had been very effective in reducing the number of abandoned babies in that state. Social Services then patterned its efforts after New Jersey's outreach campaign. Because it would have been costly for the State to develop a campaign independently, Social Services contracted with a New Jersey vendor to adapt for California the materials developed for New Jersey.

Social Services' campaign had two components: supplying information about the safe-surrender law to support systems—such as hospitals and local health and welfare departments—that may have contact with at-risk parents and conducting an advertising campaign designed to provide information directly to those parents. In 2002 Social Services developed radio public service announcements in English and Spanish, held press conferences announcing the kick-off of the State's outreach campaign, and hired a contractor to make media buys in the State's two largest media markets, Los Angeles and San Francisco, using the advertisements adapted from New Jersey. Social Services requested that the contractor target women between the ages of 14 and 38 years old because it was not able to identify a more specific profile for a person at risk of abandoning a child. Between October 2002 and January 2003, the contractor aired the advertisements on both English and Spanish radio stations at a cost to the State of roughly \$233,000. The contractor stated that the initial media buys reached over one million people in that demographic group.

A later phase of the outreach campaign involved more extensive and varied marketing efforts. Between May and December 2003, the contractor purchased advertising—mainly radio but some television—in English and Spanish, as well as advertisements in movie theaters, at a cost of approximately \$751,000. Unlike

Social Services acknowledged that the absence of a statewide publicity program was one reason that infant abandonment continued after the safe-surrender law became effective.

the initial efforts of the outreach campaign, which targeted only two media markets, this phase included advertising in the five largest media markets in California: Los Angeles, San Francisco, San Diego, Sacramento, and Fresno. Table 1 shows how Social Services' contractor spent funds for television and radio advertisements associated with the public awareness campaign.

Table 1
Expenditures by Language and City for Radio and Television Advertising About the Safely Surrendered Baby Law (October 2002 to December 2003)

	LOS ANGELES	SAN FRANCISCO	SAN DIEGO	SACRAMENTO	FRESNO	TOTALS
English	\$406,118	\$136,350	\$73,750	\$104,390	\$26,026	\$746,634
Spanish	118,650	60,850	30,151	9,600	10,200	229,451
Totals	\$524,768	\$197,200	\$103,901	\$113,990	\$36,226	\$976,085

Source: Contract files at the Department of Social Services.

Note: We categorized expenditures by language based on the primary language of the radio or television station broadcasting the advertisement. Additionally, expenditures reflect only the amounts paid to radio or television stations that aired the public service announcements. The figures exclude production, administrative, and other costs associated with the media campaign. Table 2 includes such costs in the figures representing the annual expenditures for the public awareness campaign.

Recognizing its current and anticipated budget restrictions, Social Services also had its contractor develop resources to expand outreach opportunities through greater county involvement. Specifically, Social Services required its contractor to develop and distribute a county support kit intended to encourage and assist counties in their efforts to publicize the safe-surrender law. It included copies of television and radio public service announcements that counties could modify for their own use. The kit also provided specific instructions on how to perform public relations and outreach on the safe-surrender law, including how to conduct press conferences, produce press kits, and purchase various forms of media airtime.

Since fiscal year 2001–02, Social Services has spent approximately \$1.8 million—\$806,000 from its trust fund and \$957,000 from First 5 California—to promote awareness of the safe-surrender law.² However, Social Services spent more than \$1.6 million, or about 94 percent of these funds, before fiscal year 2005–06. As

² Social Services has never dedicated personnel to the safe-surrender law. Therefore, it has not tracked the costs its staff incurred to develop the public awareness campaign, report to the Legislature, update the Child Welfare Services Case Management System, or distribute letters to all counties about the safe-surrender law.

Table 2 shows, Social Services' expenditures have focused primarily on its public awareness campaign and on the personnel costs of its contractor and subcontractors.

Table 2
The Department of Social Services' Expenditures to Implement the Safely Surrendered Baby Law, by Fiscal Year

TYPE OF SPENDING	FISCAL YEAR							TOTALS
	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	
Personnel	–	\$66,000	\$246,200	\$177,100	–	–	–	\$489,300
Public awareness	–	361,900	681,000	400	\$300	\$100	–	1,043,700
Printing and distribution	–	105,600	16,400	1,300	8,000	85,200	–	216,500
Other	\$4,400	9,100	–	–	–	–	–	13,500
Totals	\$4,400	\$542,600	\$943,600	\$178,800	\$8,300	\$85,300	\$0	\$1,763,000

Source: Data in the Department of Social Services' contract files as of January 1, 2008.

Table 2 also shows that Social Services has spent more than \$200,000 to print posters and brochures and distribute them to organizations that interact with at-risk parents. Social Services reported that it has distributed more than 560,000 brochures and 125,000 posters in English and Spanish to more than 15,000 entities, including schools, county child welfare agencies, fire associations, county sheriffs, and offices of the State's Department of Motor Vehicles.

Social Services' Lack of Further Plans to Publicize the Safe-Surrender Law May Limit Its Effectiveness

Because the State has not funded a program that would publicize the safe-surrender law and its benefits, Social Services has not actively publicized the safe-surrender law since concluding the mass-media portion of its awareness campaign in December 2003. Further, Social Services presumes that counties are actively promoting the law and that increases in the number of abandoned babies would provide the warning necessary for it to adjust its practices. However, our audit indicates that Social Services' assumptions about the counties' programs for and its statistics about the safe-surrender law may be incorrect.

As Table 2 shows, Social Services spent the vast majority of the funds it raised to promote the safe-surrender law in fiscal years 2002-03 through 2004-05, the years in which its contractor purchased advertisements and billed the State for creating printed materials and conducting public relations. Since then, Social Services has spent only \$93,600, mainly to update

Social Services' administrators do not believe that an official safe-surrender program exists because the Legislature has not created or funded such a program.

the posters and brochures it makes available to local entities. Social Services' staff stated that although the department will update the posters and brochures if the safe-surrender law changes, it does not plan to actively promote the safe-surrender law. Moreover, Social Services' administrators do not believe that an official safe-surrender program exists because the Legislature has not created or funded such a program.

We believe that Social Services' decision not to set long-term goals for or actively promote the safe-surrender law will probably limit the law's effectiveness. Indeed, some individuals who are unaware of the law may abandon rather than safely surrender babies born to mothers who may not be able to care for the infants. In justifying its position, Social Services' management explained that the department has fulfilled all of its legal requirements. In addition, management indicated that counties have ongoing public awareness efforts and that Social Services' statistics do not indicate an "alarming increase" in the number of abandoned babies. Although we concur that state law does not presently require it to take any further action, Social Services' assumption that counties are continuing to market the safe-surrender law is not well founded, and its statistics on abandoned babies are incomplete. Additionally, Social Services' position suggesting that it will not conduct additional activities related to the safe-surrender law unless the number of abandoned babies increases significantly is not in keeping with the mission of the Office of Child Abuse Prevention.

Basing its position on informal discussions with county child welfare agencies, Social Services' management believes that public awareness efforts are continuing to occur at the local level, but Social Services has not monitored or tracked the counties' efforts. However, as discussed in Chapter 3, our survey of counties indicated that their efforts to market the law vary widely. For instance, while Los Angeles County conducted its own awareness campaign, Shasta County reported plans to promote the public's awareness of the law only by providing information on county Web sites and by distributing Social Services' brochures and posters to relevant, interested entities. Further, for fiscal years 2004–05 through 2006–07, only eight of the 15 surveyed counties reported spending funds to implement the safe-surrender law. On the other hand, some counties have developed useful practices and products that other counties and Social Services could use in the future.

More problematic is the belief of Social Services' management that the department would be able to identify through current practices an "alarming increase" in the number of abandoned babies. Management at Social Services reviews a quarterly report on surrendered and abandoned babies that is an incomplete source for determining the number of abandoned babies. The chief of the Child

Protection and Family Support Branch (branch chief) explained that she and others in management review the quarterly report to monitor patterns in the frequency of safe surrender and child abandonment on a statewide and county-by-county basis to identify any actions needed on the part of Social Services. When asked what would constitute an “alarming increase,” the branch chief explained that any negative trend—or increase—in the number of abandoned babies relative to the present numbers would be alarming and warrant further investigation.

However, in its 2005 report to the Legislature, Social Services acknowledged that its data on deceased abandoned babies are incomplete. Omissions may occur because the data on child fatalities maintained in the Child Welfare Services Case Management System (CWS/CMS) by the county agencies providing child welfare services often do not include information collected by other local agencies, such as county coroners or law enforcement, which are more likely to have this information. For instance, for calendar years 2003 through 2006, Social Services reported a total of five deceased abandoned babies throughout the State, and it reported no deceased abandoned babies for 2005. Our limited review of other data suggests that the actual number of deceased abandoned babies may be much higher. Specifically, the Inter-Agency Council on Child Abuse and Neglect reported that in Los Angeles County alone, 24 deceased abandoned babies were found during the same four-year period. In addition, a database that the Department of Public Health (Public Health) maintains to monitor the deaths of children and the causes of those deaths contains information on six deceased abandoned infants, found across California in 2005, who we determined were one year old or younger. The purpose of Public Health’s database, established under state law, is to gather the best available information on child fatalities due to abuse and neglect and, as a result, reduce the number of preventable child deaths. The database compiles data from numerous sources, including Public Health, Social Services, the Department of Justice, and local child death review teams.

Social Services’ information on abandoned babies is based on a narrowly defined population. The safe-surrender law originally required Social Services to report all children abandoned before they reached the age of one year. However, for the purpose of reporting to the Legislature and creating its quarterly reports, Social Services gathers statistics only on abandoned babies seven days old and younger. As a result, it would not identify an “alarming increase” in the number of babies who were abandoned and were more than seven days old but less than one year old, because it neither tracks nor trends those statistics. Furthermore, Social Services’ statistics cannot help the Legislature determine whether a need exists for the State to allow for the safe surrender of

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babies more than seven days old. In addition, a program consultant with Social Services explained that since 2007, the department has included in its statistics on living abandoned babies only those babies abandoned in unsafe places, such as on the street. This new practice appears to explain in part the significant decrease in the number of abandoned babies found alive that Social Services reported in 2007 (one) versus 2006 (16). Nonetheless, Social Services continues to use data solely from the CMS/CWS on abandoned babies when deciding whether the safe-surrender law warrants additional publicity.

Finally, although the branch chief explained that any increase in the number of abandoned babies would warrant additional research and possible action by Social Services, such an approach merely reacts to negative trends in child abandonment rather than actively attempting to reduce the incidence of infant abandonment. A more preventive approach would seem to be more consistent with the mission of Social Services' Office of Child Abuse Prevention, which is to prevent child abuse and neglect.

Recommendations

If it would like Social Services or other agencies to promote awareness of the safe-surrender law, the Legislature should consider amending the law to do the following:

- Specify the agency that should administer a safe-surrender program, with responsibilities that include ongoing outreach and monitoring efforts.
- Require continued annual reporting to the Legislature on the law's impact.
- Consider providing or identifying funding that will support efforts to promote awareness of the law.

To ensure that it is aware of and can appropriately react to changes in the number of abandoned babies, Social Services should work with the Department of Public Health and county agencies to gain access to the most accurate and complete statistics on abandoned babies.

To support future efforts related to the safe-surrender law, including continuing outreach and improving the quality of the State's statistics, Social Services should consider using a portion of existing funds, such as those available in its trust fund, and should consider renewing its partnership with First 5 California, which Social Services can legally use for such efforts.

Chapter 2

CONFIDENTIAL DATA ON THE PARENTS OF SAFELY SURRENDERED BABIES ARE BEING DISCLOSED IN VIOLATION OF STATE LAW

Chapter Summary

The absence of clear guidance and a precise definition of *safe surrender* from the Department of Social Services (Social Services), and the misapplication of the guidance by counties, result in frequent violations of state law and hamper the statewide application of California's Safely Surrendered Baby Law (safe-surrender law). After the Legislature amended the safe-surrender law effective January 2004 to provide greater protection to individuals who surrender a child, Social Services supplied counties with erroneous instructions about how to manage confidential data on these individuals. Despite and potentially because of this guidance, we found identifying information—such as names, phone numbers, or addresses—on the persons who surrendered babies in more than 9 percent of case files created since the amendment took effect, which indicates numerous violations by safe-surrender sites of the law's exemption of such information from disclosure. Moreover, the availability of such information may cause the county to take actions that are contrary to the law's intent, such as contacting the person who surrendered a baby to verify his or her decision, which could discourage parents from safely surrendering their babies.

Additionally, Social Services believes that since 2001, counties have misclassified many abandoned or adopted babies as surrendered. Similarly, it believes they have categorized several surrendered babies as abandoned. As a result of these misclassifications, confidential data on individuals who surrender children may not have proper protection. For instance, a child may later be able to inappropriately access confidential information about her or his birth parents that should be protected under the safe-surrender law. Further, if a parent who is considering safe surrender believes that her or his personal information will not remain confidential, the parent may instead abandon the infant or keep it in an unsafe environment. The large number of misclassified cases has resulted in part from the lack of a uniformly accepted and consistently used definition of safe surrender. Although Social Services is aware that the lack of a uniform definition has these consequences, it has not ensured the use of one.

Further, although Social Services has not specifically studied the issue of why the records kept by the State on surrendered and abandoned infants provide little information about their parents, it is possibly because the safe-surrender process and the nature of child abandonment inherently limit the amount of data that state and county agencies can collect. Unfortunately, this limitation affects the availability of key medical information about surrendered children that could prove critical later in their lives. Social Services' staff do not intend to try to increase the quantity and quality of medical information obtained because the department's management believes that doing so would be contrary to the intent of the safe-surrender law, which is to encourage the safe surrender of babies without entanglements.

Safe-Surrender Sites Are Violating State Law by Disclosing Confidential Information on Individuals Who Surrendered Babies

Social Services' guidance on the management of confidential data is contrary to the Legislature's intent for the safe-surrender law and, combined with the safe-surrender sites' violation of the prohibition against providing confidential data to county agencies, may adversely affect one of the safe-surrender law's ultimate goals—the adoption of surrendered infants.

Effective January 2004, the Legislature amended the safe-surrender law to protect personal identifying information contained in the medical questionnaire on persons who surrender babies. In August 2004 Social Services issued an information notice to all counties that gave the following instructions on entering data about safely surrendered babies into the Child Welfare Services Case Management System (CWS/CMS):

Enter the name of the parent/custodian. If a parent surrendered [the baby] anonymously, enter in "Mother Unknown" or "Father Unknown." If the parent(s) verbally provided their names, you may enter in their names as they have waived their privilege of confidentiality. However, if a parent reveals their name on the medical background questionnaire, the name should not be entered into [the] CWS/CMS.

According to our legal counsel, Social Services' direction to the counties concerning confidential data on the persons who surrender babies appears to contradict state law.

According to our legal counsel, this direction appears to contradict state law. Specifically, the safe-surrender law states that any personal identifying information that pertains to a parent or individual who surrenders a child is confidential and shall be redacted from any medical information provided to the county agency. In fact, the law unambiguously prohibits the disclosure of identifying information on the person who surrenders a baby by a

safe-surrender site—even to county agencies. Further, we believe that it is unlikely that a parent surrendering a child would know that verbally mentioning her or his name could constitute a waiver of the privilege of confidentiality. Moreover, our legal counsel asserts that the safe-surrender law does not provide that a person verbally providing personal information waives his or her right to confidentiality.

Despite the law's clear prohibition of the disclosure of identifying information by safe-surrender sites, we found that county documents in the CWS/CMS created both before and after Social Services provided this guidance contained personal information on parents of surrendered babies. Staff with the county agency providing child welfare services (county agency) may attach caseworker narratives to a case file in the CWS/CMS. These narratives, which can include investigative summaries and court documents, often describe the surrender of a child based on interviews with staff at the safe-surrender site. Our review of caseworker narratives for all 218 babies surrendered since 2001 identified the names, phone numbers, or addresses of individuals who surrendered children in 24 cases, including 16 (9 percent) of the 176 cases occurring since January 2004 when the Legislature strengthened the protection given such information. In one instance a caseworker narrative even provided a mother's social security number. Each of these cases reflects a violation of the safe-surrender law. Individuals who otherwise would use the safe-surrender law might be discouraged from doing so if they were aware of the frequent violation of one of the safe-surrender law's key features—confidentiality.

Moreover, the mere presence of this information in caseworker narratives may signal to the court that the case does not fit the parameters of the safe-surrender law, causing the county to take actions contrary to the intent of the safe-surrender law. For example, at a hearing subsequent to the filing of the county's petition for custody of a surrendered baby, a juvenile court makes a determination regarding whether the safe-surrender law applies based on available evidence, including the caseworker narrative. According to an official at Los Angeles County's chief executive office, before doing so, the judge may request that the county agency investigate voluntary relinquishment (adoption) with the birth parents or conduct a further investigation and file an amended petition, if appropriate, with the court if identifying information is present on the person who surrendered the baby. Thus, rather than accepting the existing dependency petition under the safe-surrender law, the judge may request the county agency to conduct additional work that could involve contacting the person who surrendered the baby. In our review of caseworker narratives for 218 surrendered babies, we found several cases in which the caseworker contacted the mother after she decided to surrender her baby.

Individuals who otherwise would use the safe-surrender law might be discouraged from doing so if they were aware of the frequent violation of one of the safe-surrender law's key features— confidentiality.

Further, according to a notice regarding the safe-surrender law that Los Angeles County gives hospitals, when hospital staff erroneously provide identifying information on the parent to Los Angeles County's Department of Children and Family Services, the infant's adoption may be significantly delayed. According to an official at Los Angeles County's chief executive office, although this situation does not occur often, it has delayed a few adoption proceedings by up to 12 months because of the additional work the juvenile court requested.

Counties Are Not Correctly Classifying Babies as Either Safely Surrendered or Abandoned

Based on Social Services' own review, many counties are not correctly classifying babies as safely surrendered or abandoned in the CWS/CMS. A misclassification can affect access to confidential data on individuals who have relinquished their children. For example, children improperly classified as safely surrendered may not be allowed access to information on their parents even though they have the legal right to review the information.

Although its staff are aware of the possible consequences of the counties misclassifying babies as safely surrendered, Social Services has made only limited attempts to correct the problem.

Although its staff are aware of the possible consequences of such misclassifications, Social Services has made only limited attempts to correct the problem. In fact, despite numerous instances in which Social Services changed a county's misclassification for reporting purposes, we found only two documented instances in which it attempted to correct the county agency's misunderstanding. According to an official at Social Services, it has not changed the data in the CWS/CMS that department staff believe are misclassified, because Social Services views the data as county property. Moreover, Social Services has not required county agencies to correct such mistakes, because its management believes that the department lacks the authority to do so.

The large number of babies whose cases Social Services believes are misclassified appears to arise, at least in part, because of the misapplication of or confusion over guidelines Social Services issued to the counties. The safe-surrender law provides the criteria to surrender a child: The baby must be 72 hours old or younger, and a parent or other individual having lawful custody must voluntarily surrender the newborn to personnel who are on duty at a safe-surrender site. Although counties are responsible for determining whether babies should or should not be classified as safely surrendered, Social Services has issued periodic notices to the counties that provide guidance on implementing the safe-surrender law. Officials at Social Services indicated that the department also provides technical assistance to county caseworkers who call with questions about whether a case meets the criteria for safe surrender. However, we found that Social Services' own criteria for

determining whether cases qualify as safe surrenders have changed over time, and it has not adequately followed up with the counties to ensure that they correctly apply the current criteria.

After the safe-surrender law went into effect in 2001, Social Services believed that county agencies were incorrectly classifying as surrendered babies born in hospitals to parents who chose to use the provisions of the safe-surrender law. Social Services subsequently changed its position and issued a September 2003 notice to all counties stating that if a mother gives birth in a hospital and chooses to use the safe-surrender law as a means of relinquishing custody, the counties must report the infant in the CWS/CMS as a safe surrender. However, confusion has arisen over the application of Social Services' guidance. Specifically, we found that Los Angeles County's Department of Children and Family Services has a procedural guide on the safe-surrender law, dated August 2006, which excludes from the definition of safe surrender all cases in which hospital staff explain the safe-surrender law to a mother who delivers her baby in the hospital and who is unaware of the safe-surrender option. According to the procedural guide, for a woman to opt in favor of the safe-surrender law once she has given birth inside the hospital, she (and not anyone else) must invoke the law and at a minimum describe the general concept of the law. The text box contrasts the guidance on the issue of hospital births currently provided by state law, Social Services, and Los Angeles County.

Conflicting Guidance on the Safe Surrender of Babies Born in Hospitals

- **State law** provides that a baby may be safely surrendered to personnel at a safe-surrender site if he or she is 72 hours old or younger. It does not address the issue of hospital birth.
- **The Department of Social Services** includes in its definition of safe surrender babies born in hospitals.
- **Los Angeles County** excludes from its definition of safe surrender any cases in which a mother receives information about the law after delivering her baby at the hospital, and then chooses to surrender the baby.

Sources: California Health and Safety Code, Department of Social Services' All County Information Notice I-57-03, Los Angeles County's Department of Children and Family Services' Procedural Guide on Safely Surrendered Babies.

An official from Los Angeles County's chief executive office explained that a mother who gives birth in a hospital cannot apply the safe-surrender law unless she has a basic understanding or general concept of the law to invoke it on her own—without prompting from hospital staff. The official further explained that, in the event that a mother cannot invoke the safe-surrender law and does not wish to keep her baby, the county would pursue voluntary relinquishment (adoption). However, nothing in Social Services' information notice on hospital births expressly prevents a mother from legally applying the safe-surrender law after learning of it from hospital staff. The official also told us that other counties, especially those without formal policies and procedures for handling safely surrendered babies, look to Los Angeles County for guidance. When we asked Los Angeles County to identify the basis for its interpretation, the official stated that the county's safe haven task force created the definition based in part on conversations with staff at Social Services and the information notice issued to all

counties by Social Services in September 2003. Officials with Los Angeles County further explained that the county sought clarification from Social Services due to the fact that they believed the safe-surrender law was ambiguous on hospital births.

Another element prompting Social Services to disagree, for reporting purposes, with the way county agencies classify cases involving surrendered babies centers on the parent's mention of adoption. During our review of cases that it considered to be misclassified as safely surrendered, we noted that Social Services appears not to consider a baby as surrendered if the mother merely mentions that adoption is her ultimate goal for the baby, even if she does not sign the necessary adoption forms. Specifically, since 2001, Social Services has disagreed with the classification of 36 cases that counties deemed to be safe surrenders because the documentation prepared by the counties included some evidence that the parent had mentioned adoption. We agree with Social Services' action in 13 of these instances because the caseworker narratives explicitly state that the mother signed paperwork to voluntarily relinquish her child for adoption. However, for the remaining 23 cases, there was no evidence that a parent completed the paperwork required for adoption. In fact, in some of these 23 cases, there was evidence that the mother may have intended to safely surrender the baby.

Social Services' management explained that a mother's mention of adoption does not determine whether a baby was or was not safely surrendered, but that it triggers an inquiry into the mother's intention given the options presented to her. When we asked if it had explained this policy to the counties, Social Services' management reported that it provides counties with general information and then gives more specific information on a case-by-case basis. However, the frequency with which Social Services disagrees with counties over this issue indicates that confusion still exists.

Ongoing confusion on the part of county agencies is understandable because Social Services has not effectively ensured the use of its criteria for classifying an infant as safely surrendered. For instance, Social Services' management told us that the department had not developed any internal policy and procedure memorandum or any letter to the counties on its comprehensive definition of what constitutes safe surrender because they believe the department has already provided clear direction to the counties on the safe-surrender law and whether a baby falls within the law's parameters. Nevertheless, as of February 2008, Social Services' Web site on the safe-surrender law contained a fact sheet that does not fully reflect the Legislature's amendment authorizing all hospitals—not just those with emergency rooms—to be designated as safe-surrender sites. Our cursory review of county

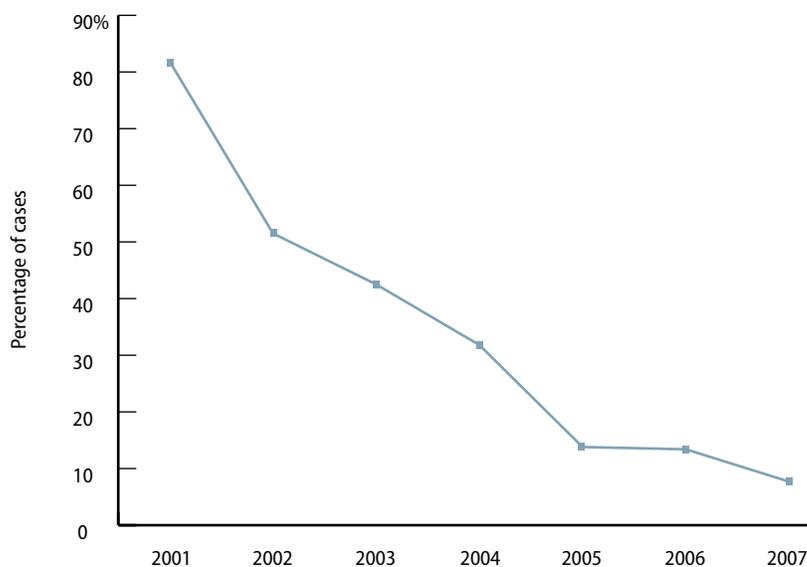
As of February 2008, Social Services' Web site on the safe-surrender law contained a fact sheet that does not fully reflect the Legislature's amendment authorizing all hospitals—not just those with emergency rooms—to be designated as safe-surrender sites.

Web sites found that they too provide outdated information on the safe-surrender law. This widespread confusion, if not addressed, may result in more babies being misclassified.

The Misclassification of Babies Affects the Decision of Whether to Disclose Confidential Information

Legal access to certain information on parents may be compromised because county agencies have inappropriately labeled some babies as surrendered and mistakenly categorized other babies as abandoned. Social Services has identified at least 77 cases in which babies classified as surrendered should have received another classification. These 77 cases represent more than 26 percent of the surrendered babies reported in the CWS/CMS from January 2001 to December 2007. The misclassifications may limit those children's future access to information about their parents. Moreover, the misclassification of cases as safe surrenders may hinder the potential criminal investigation of individuals who abandon babies. Figure 4 shows that although the percentage of surrendered-baby classifications with which Social Services disagreed has declined from 81.8 percent in 2001 to 7.7 percent in 2007, the department believes that county agencies continue to misclassify babies as surrendered.

Figure 4
Children Misclassified as Surrendered in the Child Welfare Services Case Management System
2001 Through 2007



Sources: Department of Social Services' statistics and review of caseworker narratives for babies classified as surrendered in the Child Welfare Services Case Management System.

To make its determinations, Social Services reviews each case, focusing on caseworker narratives, for children whom county agencies identify in the CWS/CMS as safely surrendered. Based on these reviews, Social Services' personnel determine whether a surrendered-baby case does or does not meet departmental criteria and whether or not Social Services should include the case in its statistics on surrendered babies. Although the law no longer requires it to report to the Legislature, Social Services has continued this practice to help it identify and track patterns and to provide statistics when the Legislature requests them.

Protection Given to Identifying Data About Parents

- **Safe surrender:** The child may not access identifying information on the person—often a parent—who surrendered her or him.
- **Abandonment:** The child may access any available identifying information on her or his parents in the case file if adjudged a dependent of a juvenile court.
- **Adoption:** The child's access to identifying information on her or his parents when she or he reaches majority depends on whether the parents provided written consent to the disclosure. Moreover, the adoptive parents may request identifying information on the birth parents on behalf of the adopted child if medical necessity or other extraordinary circumstances justify the disclosure.

Sources: California Family Code, Health and Safety Code, and Welfare and Institutions Code.

As previously noted, caseworker narratives often include identifying information on the parents of surrendered babies, which state law protects in certain situations. In contrast, as shown in the text box, data on the parents of abandoned or adopted children are afforded different levels of protection under state law. Specifically, children whom the CWS/CMS classifies as abandoned or adopted may be granted access to information on their parents, whereas surrendered children are not entitled to such access. Consequently, abandoned or adopted babies whom, according to Social Services, counties incorrectly classified as surrendered may never be able to learn about their birth parents or family histories, even though they may have the legal right to do so. An analyst with Social Services who has reviewed caseworker narratives for many surrendered and abandoned babies stated that the impact on a child who is forever denied knowledge of his or her family and heritage cannot be known or quantified.

Additionally, the counties' incorrect labeling of abandoned babies as safe surrenders may have negative effects. We found five instances in which counties classified babies found alone in and around hospitals as safely surrendered, although those cases appear to be examples of unsafe infant abandonment. The classification of such babies as safely surrendered may mean that counties are not pursuing criminal investigations of the individuals who left those babies in unsafe situations.

Social Services' staff have also found cases of infants labeled as abandoned in the CWS/CMS who they believe met the safe-surrender criteria, meaning that the parents of those children may not be given the protection they are entitled to under the safe-surrender law. Based on their review of caseworker narratives for children whom county agencies have coded as abandoned in the CWS/CMS, Social Services' staff have identified two cases that

county agencies should have classified as safe surrenders instead of abandonments. Further, we reviewed a sample of narratives for 40 babies one year old or younger who were classified as abandoned in the CWS/CMS and identified one additional case that could have been classified as safely surrendered, given the lack of clarity on the definition. If a county agency codes a baby's case file as abandoned when a parent actually surrendered the baby, and if the county then uses the coding in the CWS/CMS to determine which data it must protect, the child may later be able to inappropriately access the information on his or her family that the parents believed was confidential. Ultimately, depending on how a county agency classifies a child in the CWS/CMS, a child may have more or less access to information on his or her birth parents than the law allows.

Social Services' senior staff counsel generally agreed with our concern about protecting information on parents of surrendered or abandoned babies. However, she stated that Social Services would not release data from the CWS/CMS because it believes the data to be county property. Officials from Social Services further added that each county establishes its own policies and procedures for handling a child's request to inspect a case file and for determining whether it must redact any information provided to the child for inspection. They indicated that the effectiveness of these policies and procedures in ensuring that sensitive information is protected depends on the county and court in question. Thus, there is a risk that a county or court may not properly protect information on parents in the event that a county agency erroneously classifies a baby in the CWS/CMS.

Inherent Limitations Hinder the Collection of Information About Surrendered and Abandoned Children and Their Mothers

As shown in the Appendix, our review of caseworker narratives for all surrendered babies and a sample of 40 babies labeled as abandoned in the CWS/CMS from 2001 to 2007 revealed that in general little is known about such infants and their mothers. Thus it is virtually impossible to develop a profile describing mothers who are likely to surrender a baby or who are at risk of abandoning their infants. What little is known suggests that the mothers do not belong to any one ethnic or socioeconomic group, and they do not present any one pattern of drug use or mental illness. The lack of available data limits the State's and counties' ability to focus future efforts to raise awareness about the safe-surrender law on a particular profile or demographic group.

The confidential nature of the safe-surrender process and the potentially desperate mindset of a parent surrendering a child probably result in the absence of information on the mother.

The lack of available data limits the State's and counties' ability to focus future efforts to raise awareness about the safe-surrender law on a particular profile or demographic group.

Specifically, according to the safe-surrender law, a parent or guardian may surrender a newborn anonymously, with no questions asked. The individual surrendering the child may either complete or decline to complete the medical information questionnaire (medical questionnaire) that the safe-surrender site must make a good faith effort to provide her or him, or may take it and submit it anonymously in an envelope provided for that purpose. Given that a mother may have hidden her pregnancy from family and friends, it is understandable that she would not provide much information to the safe-surrender site. Moreover, the mother is not always the person who surrenders the baby. Consequently, information that is considered vital to the well-being of the child or to developing a profile of mothers who surrender their infants is not readily available.

As Table 3 shows, the percentage of cases for which we were able to ascertain relevant information from the available documentation for all babies safely surrendered since 2001 (218) ranged from 5.1 percent (mother's economic status) to 99.5 percent (location of surrender). Although one might expect there to be less information available on abandoned babies than on surrendered babies, we found that this was not always the case, as evidenced by Table 3 and the Appendix. This difference occurred in part because county agencies classified 36 of the 40 sampled cases as abandoned when the mother left the child at a hospital after giving birth. Because the mother and child were both receiving care at the hospital, it was easier to obtain more comprehensive information on both. According to the Inter-Agency Council on Child Abuse and Neglect in Los Angeles County (interagency council), mothers who illegally abandon their children are likely to conceal their activities and identities. The interagency council also stated that many abandoned babies are never found, a situation that clearly precludes the collection of data on their mothers.

Table 3
Percent of Cases for Which Information Is Available on Surrendered and Abandoned Babies and Their Mothers

	INFORMATION ABOUT BABIES				INFORMATION ABOUT MOTHERS			
	ETHNICITY	LOCATION OF SURRENDER	CONDITION	AGE AT DATE OF SURRENDER	AGE	MARITAL STATUS	ECONOMIC STATUS	PSYCHOLOGICAL DISORDERS/ DRUG USE
Safely surrendered babies	32.6%	99.5%	76.6%	95.9%	23.9%	7.3%	5.1%	27.5
Abandoned babies	20.0	97.5	67.5	97.5	92.5	20.0	22.5	67.5

Sources: Bureau of State Audits' review of caseworker narratives for all 218 babies surrendered since 2001 and for a sample of 40 babies classified as abandoned during that period in the Child Welfare Services Case Management System.

National and local entities have also reported the difficulty in creating a profile of mothers who may be at risk of abandoning their infants. In September 2001, the National Conference of State Legislatures (national conference) reported that little is known about women who have abandoned their infants, making it difficult to create a profile for at-risk mothers. The national conference further stated that most of the women are never found but that anecdotal evidence indicates that most of them are very young, and their race and income vary. The national conference suggested that most of these women have ignored or denied the reality of their pregnancies, and they appear to be unaware of or afraid to use the resources available to help them before and during their pregnancies.

The interagency council has released two extensive reports on the safe-surrender law. Using the data collected from 2002 to 2006 for all cases of safe surrender and infant abandonment in Los Angeles County, the interagency council reported in April 2006 and April 2007 that data on the mothers of those infants are largely incomplete and that it is nearly impossible to discern whether the mothers are aware of the safe-surrender law. However, the reports noted that the mothers do not fall into a specific ethnic or socioeconomic demographic group, nor do they generally fit the stereotype of a young, unmarried teenager with no other children. Therefore, the reports concluded that any public information campaign must be broadly directed to childbearing females of all ages, ethnicities, socioeconomic classes, and geographic locations.

The Majority of Surrendered Babies May Not Have Access to Key Medical Information Later in Life

Our review of caseworker narratives for all safely surrendered infants in California found that 72 percent of the babies surrendered since the law's enactment may not have access to vital information on their families' medical histories because of the difficulty that safe-surrender sites have in obtaining this information in medical questionnaires or by some other means. As noted in the Introduction, safe-surrender sites must provide, or make a good faith effort to provide, a medical questionnaire to the individual who surrenders a baby. The individual may complete the medical questionnaire at the time of the surrender, anonymously submit it later in an envelope provided for that purpose, or decline to fill out the form. The low number of completed medical questionnaires and the minimal intake of medical information by other means suggest that many surrendered babies may not benefit from having knowledge of their families' medical histories.

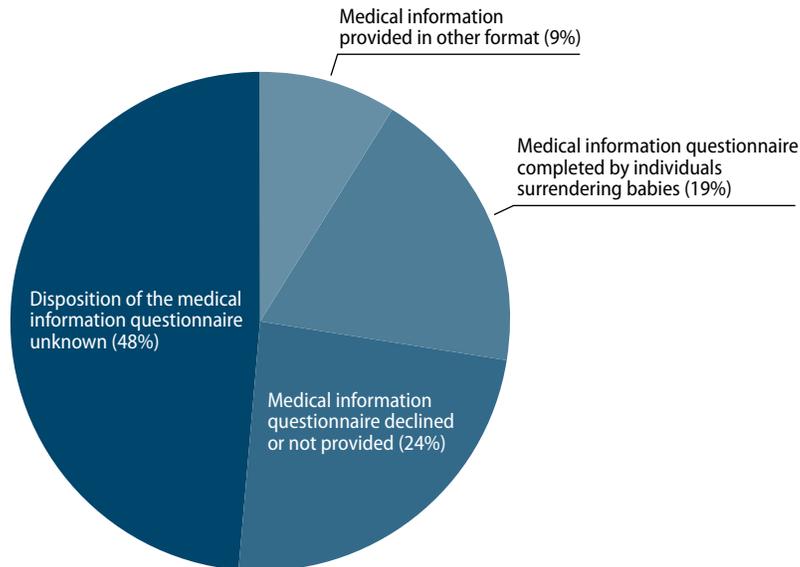
The Department of Public Health (Public Health), formerly the Department of Health Services, distributed a sample medical questionnaire, which it developed jointly with Social Services, to all county welfare directors, administrative officers, California Medical Assistance Program (Medi-Cal) program specialists, health executives, and mental health directors. The questionnaire, available in English and Spanish, states that all information will be confidential and used only to help care for the baby. It states that the purpose is to help ensure that the baby will have a healthy future. The California Hospital Association (hospital association), an organization representing nearly 450 hospitals and health system members, also created a sample medical questionnaire. Both medical questionnaires request information on the medical histories of a baby's blood relatives, including their histories of cancer, heart disease, diabetes, cystic fibrosis, and mental illness. Public Health's medical questionnaire also inquires about the mother's use of illegal drugs, cigarettes, and alcohol during her pregnancy, and about prenatal care for the baby.

Unfortunately for surrendered babies, safe-surrender sites have obtained very few completed medical questionnaires and gathered little medical information from other sources, a problem Social Services identified in its reports to the Legislature. According to Social Services, between January 2001 and September 2004, individuals safely surrendered a total of 64 babies. However, only six individuals completed medical questionnaires, eight more provided sparse medical information directly to local staff, and nine refused to provide any medical information. Social Services did not know the outcome of the medical questionnaire in the remaining 41 cases because caseworkers had not indicated whether the medical questionnaire was provided or completed in their narratives. As shown in Figure 5, our review of caseworker narratives for 218 babies surrendered from January 2001 to December 2007 indicated that this pattern has not improved.

This low response is disturbing because relevant medical information can make health care providers aware of a baby's predisposition for conditions that are not detectable in the routine medical screenings that safe-surrender sites must perform when babies are surrendered. For instance, several narratives stated that the person surrendering the baby discussed a family history of cancer or diabetes. Thus, the absence of a medical history can keep potentially lifesaving information from the surrendered baby and from his or her caregivers.

The absence of a medical history can keep potentially lifesaving information from the surrendered baby and from his or her caregivers.

Figure 5
Medical Information Obtained for Surrendered Babies
2001 Through 2007



Source: Bureau of State Audits' review of caseworker narratives for all 218 babies surrendered since 2001.

Although Social Services recognizes that the percentage of surrendered babies for whom medical information is available is low, it has not attempted to increase the collection of such information. The chief of its Office of Child Abuse Prevention stated that Social Services believes attempting to do so may be contrary to the intent of the safe-surrender law, which is to encourage parents or legal guardians to surrender children freely and without fear of entanglements.

We agree that safe-surrender sites should not take any actions that are inherently contrary to the intent of the safe-surrender law when attempting to obtain medical information on a surrendered baby. However, the chief acknowledged that Social Services has not studied the low response to medical questionnaires other than to compile the statistics reported to the Legislature. Additionally, Social Services has not made any attempt to assess whether the tone and language used in the medical questionnaires, while consistent with those of other common hospital forms, may be overly bureaucratic for the situation in question. Indeed, according to Social Services' management, a mother who surrenders her baby within a day of giving birth may not have the health, focus, or frame of mind to read and complete a medical questionnaire.

Recommendations

To ensure that individuals who surrender babies receive proper protection under the safe-surrender law, Social Services should take the following steps:

- Clarify the definition of *safe surrender*, and then disseminate and monitor its use among county and state agencies. The clarified definition should address situations in which babies are born and surrendered in a hospital as well as those in which the individual surrendering the baby indicates that adoption is his or her ultimate goal. If Social Services believes statutory change is needed to do so, it should seek the requisite authority from the Legislature.
- Clarify the circumstances under which safe-surrender sites and counties must protect the identifying information on the individual who surrenders an infant. At a minimum, Social Services should revoke its erroneous guidance on the waiver of the privilege of confidentiality by individuals who safely surrender babies.
- Require counties to correct records in the CWS/CMS that Social Services' staff believe are erroneous because counties have misclassified babies as either surrendered or abandoned. Because Social Services does not believe it presently has the authority to do so, Social Services should seek legislation to obtain this authority.

To provide surrendered babies and their health care providers as much information on their medical histories as possible, Social Services should consider ways to improve the availability of medical information.

Chapter 3

SURVEYED COUNTIES HAVE SOME MECHANISMS IN PLACE TO PUBLICIZE THE SAFELY SURRENDERED BABY LAW

Chapter Summary

Our survey of 15 counties indicated that all have taken some steps to implement and conduct outreach concerning the Safely Surrendered Baby Law (safe-surrender law). Although the approaches vary from county to county, several counties have developed useful and innovative models and resources. Los Angeles County appears to have undertaken the most comprehensive and sustained effort to educate the public about the law, creating two task forces to help it achieve better results. For instance, as the result of one of the first task force's recommendations, the county conducted an outreach campaign at a cost of more than \$500,000. Other counties have used novel approaches to enhance the law's effectiveness. For example, San Joaquin County designated a nonprofit organization to spearhead its efforts, and Santa Clara County translated into languages other than English and Spanish the brochures developed by the State about the safe-surrender law. Even though we cannot correlate these and other county efforts with a decrease in the number of abandoned infants in the counties, we also cannot rule out the possibility that the counties' public awareness projects may have saved lives. Furthermore, although the counties' efforts do not eliminate the State's public duty to try to maximize the law's effectiveness, without such efforts, the rate of newborn abandonment would probably be higher than it is currently. Moreover, the outreach campaigns and resources that the counties have developed can serve as models that the Department of Social Services (Social Services) can select and then disseminate as best practices to all agencies involved in minimizing the number of abandoned infants.

Counties Have Implemented Measures to Increase the Public's Awareness of the Safe-Surrender Law

When we surveyed 15 of California's 58 counties to determine what they do to promote the safe-surrender law, all of the counties reported having taken some steps to implement the safe-surrender law. However, these efforts have been inconsistent, likely because the law does not require counties to publicize its benefits or perform any sort of outreach to at-risk individuals.

Counties have several obligations under the safe-surrender law, including accepting physical custody of surrendered babies. Every hospital and safe-surrender site designated by the county board of supervisors must identify itself as such with a placard using a logo that Social Services has adopted, which appears in Figure 1 of the Introduction. Safe-surrender sites must notify the county agency providing child welfare services of the safe surrender as soon as possible, but in no event later than 48 hours after accepting physical custody of a baby, and must provide to it all medical information obtained. (The Introduction's Figure 2 offers a more comprehensive list of the actions that staff at a safe-surrender site must take under the safe-surrender law.) The county agency must then schedule a series of juvenile court hearings to safeguard a surrendered baby, with adoption as the ultimate goal.

However, with the exception of posting signs at each safe-surrender site, the safe-surrender law does not require county agencies to perform outreach on the legal opportunity for parents or legal guardians to surrender newborns anonymously and safely. Therefore, it is not surprising that many counties do not routinely publicize the safe-surrender law. According to our survey of 15 counties, however, some counties have elected to conduct periodic outreach activities.

Although we cannot correlate any efforts undertaken by a particular county with a reduction in the incidence of child abandonment in that county, we similarly cannot rule out the possibility that the county's efforts to publicize the law may have saved lives. Table 4 on the following page presents the results of our survey.

As the table shows, multiple local entities have been involved in implementing the requirements of the safe-surrender law. Our survey of 15 counties found that 13 county boards of supervisors have designated fire stations as safe-surrender sites, and three have also designated police stations. Orange County, which in addition to fire stations designated a 24-hour Children's Home as a safe-surrender site, reported that designating its fire stations more than quadrupled the number of safe-surrender sites in the county. County agencies providing child welfare services are involved because they must assume custody and notify Social Services of surrendered babies. Additionally, nonprofit organizations have assisted with safe surrender in certain counties. For instance, the Tracy Women's Club has helped San Joaquin County in its efforts to implement and promote awareness of the safe-surrender law.

Our survey of 15 counties found that 13 county boards of supervisors have designated fire stations as safe-surrender sites, and three have also designated police stations.

Table 4

Efforts by 15 Counties to Implement the Safely Surrendered Baby Law

	ALAMEDA	BUTTE	FRESNO	IMPERIAL	LOS ANGELES	ORANGE	PLACER	RIVERSIDE	SACRAMENTO	SAN BERNARDINO	SAN DIEGO	SAN FRANCISCO	SAN JOAQUIN	SANTA CLARA	SHASTA	TOTALS
Safe-Surrender Sites Designated by Board of Supervisors																
Fire stations	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13 of 15
Police stations			✓			✓										3 of 15
Children's shelters						✓										1 of 15
Entities Involved in County																
Board of supervisors	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	14 of 15
Chief executive officer/county administrator	✓				✓											2 of 15
Health/human/social services agency	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	15 of 15
Fire department*	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13 of 15
Law enforcement agency*			✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	7 of 15
Nonprofit entity (excluding hospitals)					✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	8 of 15
Efforts at County Level																
Fundraising†		✓			✓	✓	✓	✓	✓				✓			4 of 15
Past outreach campaigns	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	11 of 15
Future outreach campaign planned		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	11 of 15
Training	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	12 of 15
Hotline‡					✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	8 of 15
County Expenditures																
Fiscal years 2004–05 Through 2006–07	\$2,500	\$0	\$0	\$0	\$16,360	\$41,163	\$0	\$11,000	\$6,300	\$0	\$0	\$3,000	\$637	\$4,000	\$0	8 of 15 \$84,960
Languages Other Than English Used in Marketing																
Spanish§	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	15 of 15
Tagalog§																0 of 15
Chinese§														✓		1 of 15
Vietnamese§			✓			✓								✓		3 of 15
Hmong, Laos			✓													1 of 15
Coordinated Efforts With State																
Coordination with staff at the Department of Social Services, beyond using the State's brochures and posters					✓				✓							2 of 15

Sources: Bureau of State Audits' survey of and follow-up with 15 counties.

* In some instances, the entity's involvement was limited to being a safe-surrender site.

† As used here, *fundraising* reflects the receipt of any donation from outside parties.

‡ As used here, *hotline* means any telephone number that provides information on the safe-surrender law.

§ One of the top 4 non-English languages in California, according to the U. S. Census Bureau's 2000 Census.

Although most counties reported some involvement among several entities, the counties reported varying efforts to publicize the safe-surrender law. For example, Los Angeles County conducted an extensive outreach campaign that involved radio and mass transit advertisements. In contrast, Shasta County reported that it plans only to promote awareness of the safe-surrender law through its Web site and by displaying posters and placards at safe-surrender sites.

Given that several surveyed counties reported minimal efforts to publicize the law, it is not surprising that only eight of 15 have incurred costs related to the safe-surrender law in the last few years. Table 4 shows the total amounts that counties told us they spent between fiscal years 2004–05 and 2006–07. Orange County reported the greatest total expenditure, more than \$40,000, for television advertisements and printed materials explaining the safe-surrender law. Although Los Angeles County indicated that it spent a little more than \$15,000 in recent years, it reported spending \$500,000 from 2001 to 2004 to conduct the public awareness campaign discussed in the next section.

Some Counties Have Developed Useful Models and Materials to Raise Awareness About the Law

Although many counties we surveyed have taken only minimal steps to promote the public's awareness of the safe-surrender law, some have created interesting products and employed innovative techniques to implement and publicize the safe-surrender law. Los Angeles County appears to have undertaken the most comprehensive and sustained effort, including forming two task forces to help it achieve better results. For instance, according to a representative from Los Angeles County, as a result of one of the task force's recommendations, the county spent more than \$500,000 on an outreach campaign. Other local governments, such as San Joaquin and San Bernardino counties, have also employed novel methods to inform the public about the safe-surrender law, including using nonprofit organizations to spearhead efforts and producing an award-winning short film on the safe-surrender law. These efforts by local entities furnish a valuable service and help to make up for the State's limited involvement in publicizing and further implementing the safe-surrender law.

The efforts by some local entities furnish a valuable service and help to make up for the State's limited involvement in publicizing the safe-surrender law.

Los Angeles County Has Publicized the Safe-Surrender Law Extensively

Los Angeles County appears to have publicized the safe-surrender law more than any other county we surveyed. According to Social Services, of all the counties in California, Los Angeles

County had the highest number of abandoned and safely surrendered babies. From 2001 through 2007, Los Angeles County had 56 surrendered babies. Los Angeles County also reported 57 abandoned babies during this time, most of whom were found deceased. However, county personnel believe that their efforts to implement the safe-surrender law have been effective, as evidenced by the general increase in the number of surrendered babies each year and the general decrease in the number of abandoned infants the county reports.

As part of its efforts to implement the safe-surrender law, Los Angeles County's board of supervisors asked the county Children's Planning Council, a public/private collaborative dedicated to improving the lives of children and families in Los Angeles County, to convene two task forces—one in February 2002 and another in December 2004. These task forces, the purpose of which was to suggest ways that the county could better implement the safe-surrender law, consisted of representatives from more than 20 county, state, and private agencies and organizations, including Social Services. When they had fulfilled their missions, the two task forces made 17 recommendations to the board of supervisors.

The first task force recommended, among other things, that the county, in collaboration with various state agencies, conduct a broad-based outreach campaign to address what the county believed to be a general lack of knowledge about the safe-surrender law and the procedures for safely surrendering a baby. This task force considered the public's lack of information about the law to be a critically important factor limiting the law's effectiveness. The task force obtained more than \$500,000 from the county's Children and Families First 5 LA Commission (First 5 LA), the Los Angeles County equivalent of First 5 California.

The outreach campaign used various means to target all women of childbearing age and the people who interact with them. According to a report issued by the Los Angeles County Children's Planning Council in July 2003, participating entities distributed information packets to all county health and human services departments and to 5,000 community organizations. The report further states that in July 2002, 211 LA County (formerly INFO Line), a nonprofit organization that provides health and human services information, included information on the safe-surrender law on its toll-free hotline. Additionally, the report indicates that in February 2003, the county launched a Web site dedicated to providing easily accessible and up-to-date information on the safe-surrender law. Further, First 5 LA launched a mass transit campaign that placed advertisements at numerous public transit venues throughout the county. The outreach campaign also involved appearances

on television and radio talk shows by officials from public and nonprofit organizations, as well as the airing of radio public service announcements. Additionally, the outreach campaign developed the safe-surrender site logo, shown in Figure 1 in the Introduction, which Social Services adopted for statewide use.

According to a Los Angeles County official, although the county has done less to actively market the law since concluding the campaign in November 2004, it has developed new printed materials, including brochures, posters, and bumper stickers. Los Angeles County is also redesigning and expanding its safe-surrender Web site to include a digital press kit and promotional materials. Additionally, according to the official, on April 15, 2008, Los Angeles County premiered a public service announcement recently developed in Sacramento County and modified for use in the Los Angeles area. Moreover, she noted that the county supervisor for the county's fourth district announces each safe surrender, primarily through press releases, generating a great deal of media interest that creates no-cost outreach about the safe-surrender law.

Los Angeles County independently developed curriculum on the safe-surrender law for middle and high schools.

In addition to its efforts to increase public awareness of the safe-surrender law, Los Angeles County independently developed curriculum on the law for middle and high schools. The second task force recommended that the county work with the State to expedite its development of curriculum on the safe-surrender law because it believed educating teenagers was an important priority to help reduce the number of abandoned infants. Although Social Services intended to develop a teacher's curriculum kit as part of its initial statewide public awareness campaign, the department ultimately decided against it because Social Services believed the educational curriculum was more properly in the jurisdiction of state and local educational boards. As a result, the Los Angeles County supervisor for the fourth district provided \$15,000 for the county Office of Education to create its own curriculum that would advise middle and high school students of the safe-surrender law. The curricula are scheduled to be rolled out in the spring of 2008.

Los Angeles County has also taken other steps to promote public awareness of the safe-surrender law as a result of recommendations from the two task forces. For instance, effective June 2002, the board of supervisors required all contracts executed by county agencies to include provisions requiring the contractor and its subcontractors to distribute fact sheets on the safe-surrender law to their employees and encouraging the placement of a poster on the safe-surrender law in the contractor's place of business. Moreover, since June 2003, all county new-employee orientations have been required to provide information about the safe-surrender law.

Other Counties Have Created Useful Practices to Implement the Safe-Surrender Law

Besides Los Angeles, other counties have developed various methods to implement and publicize the safe-surrender law. Orange, San Joaquin, San Bernardino, and Santa Clara counties—or entities within these counties—have undertaken efforts that seek to increase the law’s effectiveness in innovative ways, ranging from grand jury investigations to the development of an award-winning film.

Orange County indicated that it had made several attempts to evaluate the effectiveness of its implementation of the safe-surrender law. In particular, it conducted two grand jury investigations, one in 2002 and another in 2003, focused on the county’s early efforts to promote awareness of the law and establish safe-surrender sites. A third grand jury investigation in 2006 involved a comprehensive examination of county safe-surrender sites; interviews with staff at local, county, and nonprofit organizations; and a review of county documents and statistics. The third grand jury recommended that Orange County increase the number of safe-surrender sites, seek additional funding from the California Children and Families Act, increase education on the safe-surrender law in public schools, and maintain statistics on surrendered babies. Although the grand jury’s recommendations are not binding, we believe the attention they have brought to the topic has had a positive effect on the county’s efforts to implement the law.

San Joaquin County has increased its outreach in publicizing the safe-surrender law by partnering with a local nonprofit organization, the Tracy Women’s Club (women’s club). According to its committee chairman, as of February 2008 the women’s club had obtained more than \$22,000 in donations from various organizations. The women’s club has used these funds to market the safe-surrender law on television, radio, and by placing advertisements on buses, and to provide special equipment for fire stations throughout the county. The committee chairman added that the women’s club has also aided the Stockton and Tracy unified school districts in integrating the safe-surrender law into the high school curriculum. The committee chairman further stated that the women’s club provided each fire station with kits that contain medical questionnaires, identification bracelets, and other materials for handling a safe surrender. According to its committee chairman, the women’s club continues to advocate the safe-surrender law through the distribution of promotional outreach materials to a wide variety of organizations, including county offices, police and fire stations, recovery and safe houses, and schools.

The grand jury recommended that Orange County increase the number of safe-surrender sites, seek additional funding from the California Children and Families Act, increase education on the safe-surrender law in public schools, and maintain statistics on surrendered babies.

A nonprofit organization in San Bernardino County—the San Antonio Community Hospital—also has conducted its own public awareness effort. According to an official with the hospital, much of the education on the safe-surrender law initially focused on health care workers and adult audiences, neglecting junior high, high school, and college audiences. Thus, the hospital commissioned two film students to develop a safe-surrender film for those audiences. The film debuted in October 2006 before an audience of more than 200 educators, public officials, and law enforcement officers. Since the debut, the hospital has distributed more than 1,000 copies of the film to school nurses and health care participants, among others. The hospital also offers the film—which won an international award for outstanding work by creative professionals—as part of an education kit it has assembled on the safe-surrender law.

Finally, unlike the State, which produced materials only in English and Spanish, Santa Clara County has translated safe-surrender materials into Vietnamese and Chinese. These are the third and fourth most common languages in the county, according to a health care program manager in the Santa Clara County Public Health Department.

Recommendation

To continue promoting awareness of the safe-surrender law in the most cost-effective manner, Social Services should work with the counties to leverage models and tools currently in use in California, such as existing middle and high school curricula and translated materials.

We conducted this review under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. We limited our review to those areas specified in the audit scope section of the report.

Respectfully submitted,



ELAINE M. HOWLE
State Auditor

Date: April 29, 2008

Staff: Steven A. Cummins, CPA, Audit Principal
Avichai Yotam
Chris Bellows
Wesley Opp

For questions regarding the contents of this report, please contact Margarita Fernández, Chief of Public Affairs, at (916) 445-0255.

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Appendix

SELECTED INFORMATION ON SURRENDERED AND ABANDONED BABIES AND THEIR MOTHERS

Table A.1 on the following pages lists information on all of the 218 surrendered babies and a sample of 40 babies classified as abandoned in the Child Welfare Services Case Management System (CWS/CMS). Specifically, it details the age, gender, ethnicity, location, and condition of each baby, as available. It also includes the age, marital status, economic status, and history of psychological disorders or drug use, if available, for each mother. The information on the 218 babies surrendered since 2001 is based on our review of the caseworker narrative for every child we determined to be safely surrendered.

Although there might be an expectation that more information would be available concerning safely surrendered babies and their mothers than for abandoned babies and their mothers, since individuals who surrender their babies must have at least a brief face-to-face interaction with staff at the safe-surrender site, we did not find this to be the case. One reason for this is that county agencies may classify a child as abandoned when a mother leaves him or her in a hospital after giving birth. Our sample of 40 babies classified in the CWS/CMS as abandoned included 36 cases in which the mother left her baby at the hospital. Because the mother and child both received care at the hospital, it was easier to obtain more comprehensive information on them. Conversely, based on our review of the documentation available for safely surrendered babies, parents and others who surrender babies typically do not provide much information or complete the voluntary medical information questionnaire, thereby limiting the amount of available information on these babies and their mothers.

Table A.1
Selected Information on Surrendered and Abandoned Babies and Their Mothers

NUMBER	BABY'S INFORMATION				MOTHER'S INFORMATION				PSYCHOLOGICAL DISORDERS OR DRUG USE [†]	
	COUNTY	AGE IN DAYS AT SURRENDER OR ABANDONMENT	GENDER	IDENTIFIED ETHNICITY*	LOCATION OF SURRENDER OR ABANDONMENT	CONDITION [†]	MOTHER'S APPROXIMATE AGE	MARITAL STATUS		ECONOMIC STATUS
Safely Surrendered Babies										
1	Alameda	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
2	Alameda	0	M	Caucasian	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
3	Alameda	0	M	Caucasian	Hospital	Medical concern noted	35	Single	Not stated	Yes
4	Alameda	0	F	Caucasian	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
5	Alameda	0	M	Not stated	Hospital	Medical concern noted	27	Single	Not stated	Not stated
6	Alameda	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
7	Alameda	0	M	Not stated	Hospital	Healthy	30	Not stated	Not stated	Not stated
8	Amador	1	M	Not stated	Hospital	Not stated	21	Not stated	Homeless	Not stated
9	Butte	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
10	Butte	0	M	Hispanic	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
11	Butte	0	F	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Yes
12	Contra Costa	0	M	Caucasian	Hospital	Healthy	Not stated	Married	Not stated	Not stated
13	Contra Costa	2	M	Hispanic	Hospital	Healthy	Not stated	Married	Poor	None
14	Contra Costa	0	F	African American	Fire department	Healthy	Not stated	Not stated	Not stated	Not stated
15	Contra Costa	0	M	Middle Eastern	Hospital	Medical concern noted	Teenager	Not stated	Not stated	Not stated
16	El Dorado	0	F	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
17	Fresno	1	M	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
18	Fresno	Not stated	Not stated	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
19	Kern	1	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
20	Kern	0	M	Not stated	Fire department	Healthy	Not stated	Not stated	Not stated	Not stated
21	Kern	0	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
22	Kern	1	F	Not stated	Hospital	Medical concern noted	27	Not stated	Homeless	Yes
23	Kern	0	M	Caucasian	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
24	Kern	0	F	Caucasian	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
25	Kern	0	M	Not stated	Fire department	Medical concern noted	Not stated	Not stated	Not stated	Not stated

NUMBER	BABY'S INFORMATION					MOTHER'S INFORMATION				
	COUNTY	AGE IN DAYS AT SURRENDER OR ABANDONMENT	GENDER	IDENTIFIED ETHNICITY*	LOCATION OF SURRENDER OR ABANDONMENT	CONDITION [†]	MOTHER'S APPROXIMATE AGE	MARITAL STATUS	ECONOMIC STATUS	PSYCHOLOGICAL DISORDERS OR DRUG USE [†]
26	Kern	1	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
27	Los Angeles	0	F	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
28	Los Angeles	0	F	Not stated	Hospital	Healthy	31	Married	Not stated	None
29	Los Angeles	0	F	Not stated	Hospital	Healthy	42	Not stated	Not stated	Not stated
30	Los Angeles	0	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
31	Los Angeles	0	M	Not stated	Fire department	Healthy	Not stated	Not stated	Not stated	Not stated
32	Los Angeles	0	F	Hispanic	Hospital	Healthy	25	Not stated	Not stated	Not stated
33	Los Angeles	0	M	African American	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
34	Los Angeles	0	M	Hispanic	Fire department	Healthy	Not stated	Not stated	Not stated	Not stated
35	Los Angeles	3	M	Not stated	Hospital	Healthy	25	Married	Homeless	Not stated
36	Los Angeles	0	M	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
37	Los Angeles	Not stated	F	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
38	Los Angeles	0	M	Hispanic	Hospital	Medical concern noted	19	Not stated	Not stated	Not stated
39	Los Angeles	0	M	Hispanic	Fire department	Healthy	Not stated	Not stated	Not stated	Not stated
40	Los Angeles	0	M	African American	Hospital	Healthy	Not stated	Not stated	Homeless	Yes
41	Los Angeles	2	F	Asian	Hospital	Medical concern noted	28	Not stated	Not stated	Not stated
42	Los Angeles	3	M	Not stated	Hospital	Healthy	31	Not stated	Not stated	Not stated
43	Los Angeles	0	F	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
44	Los Angeles	0	M	Hispanic	Fire department	Healthy	Not stated	Not stated	Not stated	Not stated
45	Los Angeles	1	M	Not stated	Fire department	Medical concern noted	Not stated	Not stated	Not stated	Yes
46	Los Angeles	Less than 5	F	Not stated	Fire department	Not stated	Not stated	Not stated	Not stated	Not stated
47	Los Angeles	0	M	Not stated	Hospital	Healthy	26	Not stated	Not stated	Not stated
48	Los Angeles	0	M	Not stated	Hospital	Not stated	Minor	Not stated	Not stated	Not stated
49	Los Angeles	0	M	Not stated	Fire department	Healthy	Not stated	Not stated	Not stated	Not stated
50	Los Angeles	0	M	Not stated	Hospital	Medical concern noted	37	Not stated	Not stated	Not stated
51	Los Angeles	Not stated	F	Not stated	Fire department	Healthy	Not stated	Not stated	Not stated	Not stated
52	Los Angeles	0	M	Caucasian	Hospital	Medical concern noted	38	Not stated	Not stated	Not stated
53	Los Angeles	0	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
54	Los Angeles	0	M	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated

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NUMBER	BABY'S INFORMATION				MOTHER'S INFORMATION				PSYCHOLOGICAL DISORDERS OR DRUG USE†	
	COUNTY	AGE IN DAYS AT SURRENDER OR ABANDONMENT	GENDER	IDENTIFIED ETHNICITY*	LOCATION OF SURRENDER OR ABANDONMENT	CONDITION†	MOTHER'S APPROXIMATE AGE	MARITAL STATUS		ECONOMIC STATUS
55	Los Angeles	0	M	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
56	Los Angeles	2	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
57	Los Angeles	2	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Yes
58	Los Angeles	0	M	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
59	Los Angeles	0	F	Not stated	Hospital	Medical concern noted	25	Not stated	Not stated	Yes
60	Los Angeles	0	F	Not stated	Hospital	Medical concern noted	25	Not stated	Not stated	Yes
61	Los Angeles	0	M	Hispanic	Fire department	Healthy	Not stated	Not stated	Not stated	Not stated
62	Los Angeles	1	F	Hispanic	Fire department	Medical concern noted	Not stated	Not stated	Not stated	Not stated
63	Los Angeles	1	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
64	Los Angeles	1	F	Hispanic	Hospital	Medical concern noted	Not stated	Married	Not stated	Not stated
65	Los Angeles	1	M	Not stated	Hospital	Medical concern noted	18	Not stated	Not stated	Not stated
66	Los Angeles	0	F	Hispanic	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
67	Los Angeles	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
68	Los Angeles	0	M	Hispanic	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
69	Los Angeles	0	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
70	Los Angeles	3	F	Not stated	Hospital	Medical concern noted	37	Not stated	Not stated	Yes
71	Los Angeles	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
72	Los Angeles	0	M	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
73	Los Angeles	1	F	Not stated	Hospital	Healthy	24	Not stated	Not stated	Not stated
74	Los Angeles	0	F	Hispanic	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
75	Los Angeles	2	F	Hispanic	Fire department	Medical concern noted	Not stated	Not stated	Very poor	Not stated
76	Los Angeles	0	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
77	Los Angeles	0	M	Not stated	Hospital	Healthy	21	Not stated	Not stated	Not stated
78	Los Angeles	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
79	Los Angeles	0	M	Hispanic	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
80	Los Angeles	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
81	Los Angeles	1	F	Not stated	Fire department	Healthy	Not stated	Not stated	Not stated	Not stated
82	Los Angeles	1	M	Not stated	Hospital	Not stated	25	Not stated	Not stated	Not stated
83	Marin	0	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
84	Marin	0	M	Hispanic	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated

NUMBER	BABY'S INFORMATION					MOTHER'S INFORMATION					PSYCHOLOGICAL DISORDERS OR DRUG USE†
	COUNTY	AGE IN DAYS AT SURRENDER OR ABANDONMENT	GENDER	IDENTIFIED ETHNICITY*	LOCATION OF SURRENDER OR ABANDONMENT	CONDITION†	MOTHER'S APPROXIMATE AGE	MARITAL STATUS	ECONOMIC STATUS		
85	Mendocino	1	F	Not stated	Hospital	Not stated	Not stated	Not stated	Homeless	Yes	
86	Mono	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated	
87	Mono	0	M	Caucasian	Hospital	Healthy	20	Single	Not stated	None	
88	Monterey	0	F	Hispanic	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated	
89	Monterey	Not stated	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated	
90	Napa	0	F	Not stated	Fire department	Not stated	Not stated	Not stated	Not stated	Not stated	
91	Nevada	1	M	Hispanic	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated	
92	Orange	0	M	Hispanic/Asian	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes	
93	Orange	2	M	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated	
94	Orange	1	F	Hispanic/Caucasian	Hospital	Healthy	15	Not stated	Not stated	Not stated	
95	Orange	1	F	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated	
96	Orange	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes	
97	Orange	3	F	Hispanic	Fire department	Medical concern noted	Not stated	Single	Not stated	Not stated	
98	Orange	1	M	Hispanic	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated	
99	Orange	0	F	Hispanic	Fire department	Medical concern noted	Not stated	Not stated	Not stated	Yes	
100	Orange	0	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated	
101	Orange	0	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated	
102	Orange	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes	
103	Orange	0	F	Not stated	Hospital	Healthy	21	Not stated	Not stated	Not stated	
104	Orange	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes	
105	Orange	0	M	Hispanic/Asian	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated	
106	Orange	0	F	Hispanic/Asian	Hospital	Medical concern noted	Not stated	Not stated	Homeless	Yes	
107	Orange	0	F	Not stated	Fire department	Healthy	Not stated	Not stated	Not stated	Not stated	
108	Orange	0	M	Native American/African American	Hospital	Medical concern noted	Not stated	Not stated	Not stated	None	
109	Orange	0	F	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated	
110	Orange	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes	
111	Orange	0	M	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated	

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NUMBER	BABY'S INFORMATION				MOTHER'S INFORMATION				PSYCHOLOGICAL DISORDERS OR DRUG USE [†]	
	COUNTY	AGE IN DAYS AT SURRENDER OR ABANDONMENT	GENDER	IDENTIFIED ETHNICITY*	LOCATION OF SURRENDER OR ABANDONMENT	CONDITION [†]	MOTHER'S APPROXIMATE AGE	MARITAL STATUS		ECONOMIC STATUS
112	Orange	Not stated	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
113	Orange	0	F	Hispanic	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
114	Orange	0	M	Not stated	Fire department	Not stated	Not stated	Not stated	Not stated	Not stated
115	Orange	0	M	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
116	Orange	0	F	Not stated	Children's Home	Medical concern noted	Not stated	Not stated	Not stated	Not stated
117	Orange	0	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
118	Orange	0	M	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
119	Orange	0	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
120	Orange	0	F	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
121	Riverside	1	M	Hispanic	Hospital	Medical concern noted	19	Not stated	Not stated	Yes
122	Riverside	0	M	Hispanic	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
123	Riverside	0	F	Hispanic	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
124	Riverside	0	F	Hispanic	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
125	Riverside	0	M	Hispanic	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
126	Riverside	0	F	Not stated	Hospital	Healthy	18	Not stated	Not stated	Not stated
127	Riverside	2	M	Not stated	Hospital	Healthy	26	Not stated	Homeless	Not stated
128	Riverside	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
129	Riverside	0	M	Not stated	Fire department	Healthy	Not stated	Not stated	Not stated	Not stated
130	Sacramento	1	M	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
131	Sacramento	0	M	Hispanic	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
132	Sacramento	0	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
133	Sacramento	1	F	African American	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
134	Sacramento	1	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
135	Sacramento	1	M	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
136	Sacramento	1	F	Asian	Hospital	Not stated	16	Not stated	Not stated	Not stated
137	Sacramento	1	F	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
138	Sacramento	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
139	Sacramento	0	F	Caucasian	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
140	Sacramento	0	F	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated

NUMBER	BABY'S INFORMATION				MOTHER'S INFORMATION					
	COUNTY	AGE IN DAYS AT SURRENDER OR ABANDONMENT	GENDER	IDENTIFIED ETHNICITY*	LOCATION OF SURRENDER OR ABANDONMENT	CONDITION†	MOTHER'S APPROXIMATE AGE	MARITAL STATUS	ECONOMIC STATUS	PSYCHOLOGICAL DISORDERS OR DRUG USE‡
141	Sacramento	1	M	Caucasian/Hispanic	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
142	Sacramento	0	M	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
143	Sacramento	1	M	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
144	Sacramento	0	M	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
145	Sacramento	0	M	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
146	Sacramento	2	F	Caucasian	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
147	Sacramento	0	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
148	San Benito	1	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
149	San Benito	1	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
150	San Bernardino	0	M	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
151	San Bernardino	0	F	African American	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
152	San Bernardino	2	F	Hispanic	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
153	San Bernardino	0	M	Hispanic	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
154	San Bernardino	0	Not stated	Not stated	Hospital	Not stated	21	Not stated	Not stated	Not stated
155	San Bernardino	Not stated	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
156	San Bernardino	1	F	Not stated	Hospital	Not stated	40	Not stated	Not stated	Yes
157	San Bernardino	0	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
158	San Bernardino	0	F	Not stated	Hospital	Healthy	Minor	Not stated	Not stated	Not stated
159	San Bernardino	0	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
160	San Bernardino	1	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
161	San Bernardino	1	F	Not stated	Hospital	Healthy	Not stated	Single	Low income	Not stated
162	San Bernardino	0	F	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
163	San Bernardino	1	F	Hispanic	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
164	San Bernardino	0	M	Hispanic	Hospital	Healthy	25	Not stated	Not stated	Not stated
165	San Bernardino	0	M	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
166	San Bernardino	Not stated	F	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
167	San Bernardino	0	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated

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NUMBER	BABY'S INFORMATION				MOTHER'S INFORMATION				PSYCHOLOGICAL DISORDERS OR DRUG USE [†]	
	COUNTY	AGE IN DAYS AT SURRENDER OR ABANDONMENT	GENDER	IDENTIFIED ETHNICITY*	LOCATION OF SURRENDER OR ABANDONMENT	CONDITION [†]	MOTHER'S APPROXIMATE AGE	MARITAL STATUS		ECONOMIC STATUS
168	San Bernardino	0	F	Caucasian	Hospital	Healthy	23	Not stated	Not stated	Not stated
169	San Bernardino	0	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
170	San Bernardino	0	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
171	San Bernardino	Not stated	M	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
172	San Diego	1	M	Not stated	Hospital	Medical concern noted	34	Not stated	Not stated	Yes
173	San Diego	0	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
174	San Diego	Not stated	F	Not stated	Fire department	Not stated	Not stated	Not stated	Not stated	Not stated
175	San Diego	1	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
176	San Joaquin	1	M	African American	Hospital	Medical concern noted	24	Not stated	Not stated	Not stated
177	San Joaquin	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
178	San Joaquin	1	M	Hispanic	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
179	San Joaquin	0	M	Caucasian	Hospital	Medical concern noted	Not stated	Single	Not stated	Yes
180	San Joaquin	0	F	African American	Hospital	Not stated	Not stated	Married	Not stated	Yes
181	San Joaquin	2	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
182	San Joaquin	0	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
183	San Joaquin	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
184	San Joaquin	0	M	Not stated	Hospital	Healthy	22	Not stated	Not stated	Not stated
185	San Joaquin	0	F	Hispanic/ Caucasian	Hospital	Medical concern noted	27	Not stated	No income	Yes
186	San Joaquin	0	F	Not stated	Hospital	Medical concern noted	20	Not stated	Not stated	Not stated
187	San Joaquin	0	M	Not stated	Ambulance	Healthy	Not stated	Not stated	Not stated	Not stated
188	San Joaquin	0	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
189	San Joaquin	1	M	Caucasian/Asian	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
190	San Luis Obispo	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
191	Santa Barbara	0	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
192	Santa Clara	2	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
193	Santa Clara	1	M	Caucasian	Hospital	Healthy	15	Not stated	Not stated	Not stated
194	Santa Clara	0	F	Not stated	Not stated	Not stated	Not stated	Not stated	Not stated	None
195	Santa Clara	0	M	Not stated	Fire department	Not stated	Not stated	Not stated	Not stated	Not stated
196	Santa Clara	0	Not stated	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes

NUMBER	BABY'S INFORMATION				MOTHER'S INFORMATION					
	COUNTY	AGE IN DAYS AT SURRENDER OR ABANDONMENT	GENDER	IDENTIFIED ETHNICITY*	LOCATION OF SURRENDER OR ABANDONMENT	CONDITION [†]	MOTHER'S APPROXIMATE AGE	MARITAL STATUS	ECONOMIC STATUS	PSYCHOLOGICAL DISORDERS OR DRUG USE [†]
197	Santa Clara	1	M	Hispanic	Hospital	Medical concern noted	24	Not stated	Not stated	Not stated
198	Santa Clara	1	F	Not stated	Hospital	Healthy	20	Not stated	Not stated	Yes
199	Santa Clara	1	M	Asian	Hospital	Medical concern noted	Teenager	Not stated	Not stated	Not stated
200	Santa Clara	0	M	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
201	Santa Clara	0	F	Hispanic	Fire department	Healthy	17	Single	Not stated	Not stated
202	Santa Clara	1	F	African American	Hospital	Medical concern noted	35	Married	Not stated	Not stated
203	Santa Cruz	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	None
204	Shasta	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
205	Siskiyou	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
206	Solano	0	F	Caucasian	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
207	Solano	0	M	Not stated	Hospital	Medical concern noted	25	Not stated	Not stated	Yes
208	Sonoma	2	F	Not stated	Hospital	Healthy	23	Not stated	Not stated	Not stated
209	Sonoma	0	F	Not stated	Hospital	Not stated	21	Not stated	Not stated	Not stated
210	Sonoma	1	F	African American	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
211	Stanislaus	1	M	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
212	Stanislaus	0	M	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
213	Stanislaus	0	F	Not stated	Hospital	Healthy	Not stated	Not stated	Not stated	Not stated
214	Ventura	0	M	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
215	Ventura	0	M	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
216	Ventura	1	M	Not stated	Hospital	Not stated	Not stated	Not stated	Not stated	Not stated
217	Ventura	1	M	Hispanic	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Yes
218	Ventura	1	F	Not stated	Hospital	Medical concern noted	Not stated	Not stated	Not stated	Not stated
Abandoned Babies										
1	Alameda	1	F	Not stated	Hospital	Medical concern noted	25	Not stated	Not stated	Yes
2	Butte	2	F	Not stated	Hospital	Medical concern noted	36	Not stated	Not stated	Yes
3	Calaveras	50	M	Caucasian	Other	Not stated	20	Single	Poor	Yes
4	Contra Costa	1	F	Not stated	Hospital	Medical concern noted	35	Not stated	Homeless	Yes
5	Imperial	1	M	Not stated	Hospital	Not stated	Not stated	Single	Not stated	Not stated

continued on next page . . .

April 2008

NUMBER	BABY'S INFORMATION				MOTHER'S INFORMATION				PSYCHOLOGICAL DISORDERS OR DRUG USE [†]	
	COUNTY	AGE IN DAYS AT SURRENDER OR ABANDONMENT	GENDER	IDENTIFIED ETHNICITY*	LOCATION OF SURRENDER OR ABANDONMENT	CONDITION [†]	MOTHER'S APPROXIMATE AGE	MARITAL STATUS		ECONOMIC STATUS
6	Imperial	5	M	Not stated	Hospital	Not stated	39	Married	Not stated	Not stated
7	Kern	2	M	African American	Hospital	Healthy	37	Not stated	Not stated	Yes
8	Los Angeles	3	M	Not stated	Hospital	Not stated	27	Not stated	Not stated	Yes
9	Los Angeles	2	M	Not stated	Hospital	Not stated	29	Not stated	Not stated	Yes
10	Los Angeles	3	F	Not stated	Hospital	Medical concern noted	18	Not stated	Not stated	Yes
11	Los Angeles	2	M	Not stated	Hospital	Medical concern noted	29	Not stated	Not stated	Yes
12	Los Angeles	1	M	Caucasian	Hospital	Medical concern noted	38	Married	Not stated	Not stated
13	Los Angeles	0	M	Not stated	Other	Medical concern noted	Not stated	Not stated	Not stated	Not stated
14	Los Angeles	0	M	Not stated	Hospital	Not stated	25	Not stated	Not stated	Not stated
15	Los Angeles	0	F	Not stated	Hospital	Healthy	20	Not stated	Not stated	Not stated
16	Los Angeles	1	M	Not stated	Hospital	Medical concern noted	18	Not stated	Not stated	Yes
17	Los Angeles	0	M	Not stated	Hospital	Medical concern noted	32	Not stated	Not stated	Yes
18	Los Angeles	2	F	Not stated	Hospital	Healthy	35	Not stated	Not stated	Not stated
19	Los Angeles	4	M	Caucasian/ Hispanic	Hospital	Healthy	23	Not stated	Not stated	Yes
20	Los Angeles	3	M	Not stated	Not stated	Medical concern noted	28	Not stated	Not stated	Yes
21	Riverside	3	M	Not stated	Hospital	Not stated	19	Not stated	Poor	Not stated
22	Riverside	16	M	Not stated	Hospital	Medical concern noted	27	Not stated	Not stated	Yes
23	Riverside	11	M	Not stated	Hospital	Medical concern noted	23	Not stated	Poor	Yes
24	Riverside	1	M	Not stated	Hospital	Medical concern noted	25	Not stated	Homeless	Yes
25	San Bernardino	2	M	Not stated	Hospital	Medical concern noted	24	Not stated	Not stated	Yes
26	San Bernardino	1	F	Not stated	Hospital	Medical concern noted	23	Not stated	Poor	Yes
27	San Diego	0	M	Not stated	Hospital	Not stated	28	Not stated	Not stated	Not stated
28	San Diego	0	F	Hispanic	Hospital	Medical concern noted	33	Single	Poor	Yes
29	San Diego	0	M	Not stated	Hospital	Healthy	28	Married	Poor	Yes
30	San Diego	1	M	African American	Hospital	Medical concern noted	23	Not stated	Not stated	None
31	San Diego	0	M	Asian	Hospital	Not stated	25	Engaged	Not stated	Not stated
32	San Diego	1	F	Not stated	Hospital	Medical concern noted	21	Not stated	Not stated	Yes
33	San Joaquin	1	M	Not stated	Hospital	Medical concern noted	22	Not stated	Poor	Yes
34	San Mateo	30	F	Hispanic	Hospital	Medical concern noted	29	Single	Not stated	Yes

NUMBER	BABY'S INFORMATION				MOTHER'S INFORMATION					
	COUNTY	AGE IN DAYS AT SURRENDER OR ABANDONMENT	GENDER	IDENTIFIED ETHNICITY*	LOCATION OF SURRENDER OR ABANDONMENT	CONDITION†	MOTHER'S APPROXIMATE AGE	MARITAL STATUS	ECONOMIC STATUS	PSYCHOLOGICAL DISORDERS OR DRUG USE†
35	Santa Clara	0	F	Not stated	Hospital	Medical concern noted	21	Not stated	Not stated	Not stated
36	Ventura	16	F	Not stated	Hospital	Not stated	26	Not stated	Not stated	Yes
37	Ventura	Not stated	M	Not stated	Hospital	Not stated	19	Not stated	Not stated	Yes
38	Ventura	5	M	Not stated	Hospital	Not stated	34	Not stated	Not stated	Not stated
39	Ventura	7	F	Not stated	Hospital	Medical concern noted	29	Not stated	Not stated	Yes
40	Yolo	4	F	Not stated	Other	Not stated	Not stated	Not stated	Not stated	Not stated

Sources: Bureau of State Audits' review of caseworker narratives for all 218 babies surrendered from 2001 through 2007 and for a sample of 40 babies classified as abandoned during that period in the Child Welfare Services Case Management System.

* If specific information was not provided for the baby's ethnicity, ethnicity was based on information included in the caseworker narrative for the mother and/or father.

† Because of legal concerns related to the confidentiality of medical information on the baby and the mother, we do not disclose any specific adverse medical conditions.

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(Agency response provided as text only.)

California Department of Social Services
John A. Wagner
Director

April 16, 2008

Ms. Elaine M. Howle, State Auditor*
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, California 95814

Dear Ms. Howle:

The California Department of Social Services (CDSS) appreciates the opportunity to respond to the audit findings and recommendations on the Safely Surrendered Baby (SSB) Law, entitled "Stronger Guidance from the State and Better Information for the Public Could Enhance Its Impact." The CDSS shares the Legislature's commitment to ensuring the safety and well-being of babies who might otherwise be abandoned without this important safeguard. The CDSS' effort in the area of child abuse prevention is a key aspect towards this goal.

Within the CDSS, the Child Protection and Family Support Branch (CFSPB) is responsible for designing and overseeing an array of programs and services for California's at-risk families and children. The Office of Child Abuse Prevention (OCAP), one of three Bureaus within the CPFSB, administers federal grants and state programs designed to promote best practices and innovative approaches to child abuse prevention, intervention and treatment. The OCAP also serves as a statewide source of information, developing and disseminating educational material regarding prevention and early intervention programs, activities and research. For the SSB law, the public awareness efforts have included:

- In April 2002, a public awareness campaign "*No Shame, No Blame, No Names*" was found to be the type of comprehensive, direct and non-judgmental approach for California.
- In March 2003, the second phase of the awareness campaign started with the goal of continuing efforts to raise SSB visibility and to expand and sustain outreach opportunities through greater involvement by the counties.
- Several counties have since designed campaigns that meet the specific needs within their local communities. For example, given the high incidence of abandoned babies in Los Angeles County, Los Angeles County created a Safe Haven Task Force to make recommendations regarding the implementation of the SSB law. In addition to Los Angeles County, several other counties have developed their own models.
- The CDSS has taken an integrated approach with the SSB campaign by using every opportunity to bring awareness to the SSB law and most recently provided brochures and pamphlets at the very successful CDSS-sponsored, Kid's Day at the Capitol event, "Building a Prevention Community" held on April 9, 2008.

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* California State Auditor's comments begin on page 73.

Ms. Elaine M. Howle
Page Two

The CDSS is committed to continuing to promote the public's awareness of the SSB law via existing avenues for prevention outreach as currently funded by the State Children's Trust Fund. Should the Legislature provide the CDSS with additional funding specifically for an expanded and targeted media campaign, the CDSS would be happy to carry out such efforts.

- ② The importance of maintaining highly confidential records and ensuring that confidential data is not maintained by the county child welfare services agency for parents who safely surrender their babies is a primary concern. One critical concern the CDSS must raise regarding this report is the inclusion of the appendix entitled: "Selected Information on Surrendered and Abandoned Babies and Their Mothers." While we are aware of the Joint Legislative Audit Committee's request for information regarding the demographics and characteristics of the surrendering parent, and that a review of such information was included in the Bureau of State Audit's (BSA's) scope of work for this audit, the CDSS maintains that confidential information must be protected and be reported in aggregate form only. Additionally, the CDSS wants the assurance that any confidential information in the BSA's working papers will not be accessible to the public.

Additional issues of confidentiality and data reporting are of utmost concern for the CDSS.

- ③
- Although not required in statute, the CDSS on a quarterly basis, reviews each case file to ensure that the proper classification of SSB and/or abandoned is assigned to each case. Upon completion of the review, the CDSS staff contacts the county child welfare services agency to discuss the report, particularly when it appears that confidential information may have been incorrectly entered in the database. The CDSS staff encourages counties to follow the established data deletion process. As identified in the report, progress has been made in that the percentage of reviews that determine if the case has been inappropriately assigned has declined from 81.8 percent in 2001 to 7.7 percent in 2007.
 - Of the 176 cases identified as safely surrendered, 16 contain identifying personal information and the CDSS will work with each county to ensure that this information is redacted.
 - The audit also brought to our attention a reporting error. As required under the law, the CDSS provided reports to the Legislature, one in January 2003 and the other in January 2005, a combined two year report, which contained data from October 2002 through September 2004. Unfortunately, the data that was used to report the number of children one year old and younger who were abandoned only included babies seven days and younger. As a result of this oversight, the CDSS will provide an amended report to the Legislature.

Although the CDSS embraces the findings and recommendations of the report, some additional clarification would be beneficial. Enclosed are two documents to provide the CDSS response to the recommendations and the CDSS clarifications of statements made in the text of the report.

Ms. Elaine M. Howle
Page Three

Again, we are pleased that the BSA has recognized the CDSS' efforts to meet the requirements of the law and that the CDSS has exceeded its mandates. However, the BSA did find issues that the CDSS will address in its corrective action plan and ensure that they are resolved as appropriate.

Should you have any questions regarding this response, please contact me at (916) 657-2598 or have your staff contact Cynthia Fair, Chief of the Information Security and Audits Office, at (916) 216-2694.

Sincerely,

(Signed by: John A. Wagner)

JOHN A. WAGNER
Director

Enclosures

Enclosure

CDSS Response to the BSA Recommendations**Recommendations for Legislature:**

If it would like the California Department of Social Services (CDSS) or other agencies to promote the awareness of the safely surrendered baby (SSB) law, the Legislature should consider amending the (SSB) law to do the following:

- | | |
|----------------|--|
| Recommendation | <ul style="list-style-type: none"> • Specify the agency that should administer a safe-surrender program whose responsibilities include ongoing outreach and monitoring efforts. • Require continued annual reporting to the Legislature on the law's impact. • Consider providing or identifying funding that will support efforts to promote awareness of law. |
|----------------|--|

Response	<p>The CDSS agrees in concept. Since the law passed in 2001, the CDSS has met the obligations stated in the safe-surrender law. If the CDSS is designated by the Legislature as the administering agency, such responsibility would require funding for outreach activities in addition to existing State Children's Trust Fund (SCTF) dollars that it would designate for such purposes. Additionally, staff resources would be required to carry out the annual reporting. Without sufficient funding or resources, the CDSS is unable to actively pursue outreach activities, enhance data collection, monitor efforts, or clarify implementation of the law at the local level. The CDSS has no authority to regulate implementation or data collection of the SSB law, nor monitor the activities of other state or local agencies, i.e. hospitals, fire departments, etc.</p>
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Recommendations for Social Services:

Recommendation	<p>To continue raising the public's awareness of the safe surrender law in the most cost effective manner, Social Services should work with counties to leverage existing models and tools currently in use in California, such as translated materials and existing middle and high school curricula.</p>
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Response	<p>This recommendation is in keeping with the CDSS's philosophy of promoting best practices and will explore how it can carry out this recommendation within its existing resources. However, as it relates to the promotion of existing middle and high school curricula, while the CDSS could share such models with counties, it would have to defer to the California Department of Education (CDE) and local school boards to promote their use.</p>
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Recommendation	<p>To support future efforts related to the safe surrender law, including continuing outreach and improving the quality of the state's data, Social Services should consider using a portion of existing fund sources, such as its trust fund and developing a partnership with First 5 California which Social Services can legally use for such efforts.</p>
----------------	--

Response	The CDSS will consider using a portion of the SCTF for continuing outreach in accordance with governing statute. It will also approach First 5 California to seek funding support for such efforts. First 5 California previously contributed to the CDSS' outreach efforts.
Recommendation	To ensure it is aware of and can appropriately react to changes in the number of abandoned babies, Social Services should work with the Department of Public Health and county agencies to gain access to the most accurate and complete statistics on abandoned babies.
Response	The CDSS concurs with the recommendation and will continue to collaborate with the Department of Public Health and county agencies for the purpose of accurate and thorough data collection and analysis on abandoned babies.
Recommendation	To support future efforts related to the safe-surrender law, including outreach and improving the quality of the state's statistics, Social Services should consider using a portion of existing funding sources, such as its trust fund and renewing the partnership with First 5 California, both of which can legally be used for such efforts.
Response	We agree, in concept. While addressing budget deficit reduction directives from the Governor, the CDSS will explore the use of available funding for promotion of the SSB law. The CDSS must maintain the option to appropriately use the SCTF as necessary to meet the new Program Improvement Plan requirements that are expected to emerge from the recent federal Child and Family Services Review and to hold a 'prudent reserve' of the SCTF for unanticipated or unplanned activities.
	To ensure that individuals who surrender babies receive proper protection under the SSB law, CDSS should take the following steps.
Recommendation	Clarify the definition of safe surrender, and then disseminate and monitor its use among county and state agencies. The clarified definition should address situations in which babies are born and surrendered in a hospital and circumstances in which the individual surrendering the baby indicates that adoption is his or her ultimate goal. If Social Services believes statutory change is needed to do so, it should seek the requisite authority from the Legislature.
Response	The CDSS agrees that the clarification of terms is necessary for accurate implementation of the SSB law at the local level. The CDSS also recognizes that the definitions for safe surrender must comply with the SSB law but not conflict with existing state laws and federal regulations for child welfare and adoptions, including but not limited to California Welfare and Institutions Code, Family Code, Adoption and Safe Families Act, Child Abuse Prevention and Treatment Act, etc. However, the CDSS does not have authority over safe surrender sites, i.e. hospitals, or the ability to monitor other state agencies or the actions taken by individuals who have direct contact with the surrendering individual. Because of overlapping authority for child welfare, data reporting, public contact, and the intentions of the SSB law, coordination of lead and related agencies and associations will be necessary, including but not limited to the CDSS, the Department of Public Health, the Department of Health Care Services, the California Hospital Association, the County Welfare Directors Association, the Fire Marshalls, etc.

Recommendation Clarify the circumstances in which safe-surrender sites and counties must protect the identifying information on the individual who surrenders an infant. At a minimum, Social Services should revoke its erroneous guidance on the waiver of the privilege of confidentiality by individuals who safely surrender babies.

Response The CDSS agrees that clarification should be made to the All County Information Notice to provide accurate instructions to the counties on confidentiality measures. Specifically, the provision of identifying information is to be considered a waiver only if it is a "voluntary and knowing" waiver with specific definitions and instructions.

Recommendation Require counties to correct records in CWS/ CMS that Social Services staff believes are erroneous because counties have misclassified babies as either surrendered or abandoned. Because Social Services does not believe it presently has the authority to do so, CDSS should seek legislation to obtain this authority.

③ Response Upon review of the reports regarding abandoned/surrendered babies (completed quarterly), the CDSS may contact the county child welfare services agency to discuss the report, particularly when it appears that confidential information may have been incorrectly entered in the database. The CDSS staff currently encourages counties to follow the established data deletion process to make the necessary changes to correct the data.

Recommendation To provide surrendered babies and their health care providers as much information on their medical histories as possible, Social Services should consider ways to improve the availability of medical information.

Response Pursuant to the SSB law, completing the medical questionnaire is voluntary. According to California Department of Health Services (CDHS) Letter No. 01-58, safe surrender sites can access the questionnaires by contacting CDHS. If the law is implemented correctly at the surrender sites (which are not governed by the CDSS), in accordance with the statute, personnel should provide the individual surrendering the baby with the medical questionnaire and the option to complete it at the time of surrender or return it via mail to the surrender site at a later time (in an envelope provided for that purpose). Because completing the questionnaire is voluntary and the surrendering individual is provided anonymity, the fact that some surrendered babies may not have access to key medical information later in life was an expected result due to the nature of the anonymity provided for in the law.

④

Recommendation To continue promoting awareness of the safe-surrender law in the most cost-effective manner, Social Services should work with the counties to leverage models and tools currently in use in California, such as existing middle and high school curricula, and translated materials.

Response

The CDSS will continue in partnership with the counties to regularly provide SSB law materials for their county-specific outreach activities. Absent an appropriation, the CDSS will also continue its existing outreach of proactive engagement with the media to provide updated SSB law fact sheet information and grant media interviews, exhibit SSB law materials at community and statewide events, disseminate mass mailings to hospitals, schools, and other broad-based entities, and provide such collaterals in both English and Spanish versions. The CDSS explore possibilities of translation of SSB law materials in other languages. The report has an erroneous statement regarding the CDSS' effort to develop a teacher's curricula aid in that it states "the department ultimately decided against it." The CDSS did not abandon or decide against the development but believes that the educational curriculum was more properly in the jurisdiction of state and local educational boards. The law did not require CDSS to develop a curricula, but states that "school districts and public schools may adopt appropriate information." The CDSS will pursue a dialogue with the state CDE as they did not previously participate in the SSB Task Force/workgroup discussions regarding implementation of the SSB law.

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Enclosure

California Department of Social Services (CDSS) Clarifications to Statements Made in the Bureau of State Audits Report

Data and Reporting

- The Child Welfare Services/Case Management System (CWS/CMS) is the central database for all counties to enter child welfare cases. The CDSS reviews cases on abandoned and surrendered babies, an audit function done quarterly to determine that the criteria for abandonment is applied consistently by all counties and to assure that the data reported in the CWS/CMS is accurate. Thus, incorrectly identified cases are removed from the counts for safely surrendered babies (SSB) and abandoned. The CDSS may consult with counties for clarification of the facts; subsequent corrections to the CWS/CMS case file are made at the discretion of the county that entered the case information. The audit report inaccurately attributes differences in the data to "faulty data", "underreporting" or the "age range" instead of attributing it to the audit function.
- ⑥
- ⑦

Although the CDSS did not submit a report to the Legislature in January 2004 due to a staffing shortage, the January 2005 Report to the Legislature contains data and information for a two-year period (2003 and 2004) and provided the Legislature with the information required per statute. The CDSS specified in the January 2005 report that it was a combined report for the required two-year period.

Regarding death data, with passage of SB 525 in 1999, the lead for coordination of data sources on child deaths as reported by Child Abuse Central Index (CACI), CWS/CMS, Fatal Child Abuse and Neglect Surveillance (FCANS), Homicide and Vital Statistics, was passed to the Department of Public Health's (DPH's) FCANS Program under the auspices of the State Child Death Review Council (SCDRC) per Penal Code §11174.34. This combination of five data sources produced a more accurate number than any one of the data sources alone. FCANS produced one report in June 2005 covering the period of 1999-2001. The anticipated release for a subsequent report is June 2008 for the period of 2002-2005. Data from the CWS/CMS was provided to the DPH for FCANS until 2001. The CDSS ceased data sharing due to internal data security restrictions. The CDSS has requested a data sharing agreement with the DPH in order to resume sharing of data from the CWS/CMS.

Funding and Resources

The CDSS received no funding or resources to implement the SSB law, yet met the statutory requirements for reports to the Legislature, as well as integrated ongoing data collection and outreach into ongoing CDSS staff responsibilities. Given the current condition of the state budget and the Governor's directives regarding the budget deficit reduction, the CDSS must consider priorities for Budget Change Proposals (BCPs) in the upcoming budget process. Upon the passage of legislation designating the CDSS as the department responsible for promoting awareness of the SSB Law, the CDSS will consider the submittal of a BCP for necessary staff resources.

Confidentiality

The CDSS adheres to strict confidentiality laws for child welfare and the protection of data. Any perceived breach in SSB confidentiality is when identifying information on a surrendered infant is provided by the surrender site and entered into the CWS/CMS database in error. Since the initial implementation of the law in 2001, counties entering SSB data have dramatically minimized the number of SSB cases that erroneously include parental information. While the CDSS concurs with findings that some safe surrender sites and

some counties may be violating the “prohibition against providing confidential data to counties,” actually, fewer than nine percent of all SSB cases were found to have some indentifying information included into the confidential database. The CDSS will reiterate the instruction to the counties to redact inappropriate information to fully comply with the SSB law.

Generally, the governing statutes are DEPARTMENT AUTHORITY: Welfare and Institutions Code, Division 9, Part 2, Chapter 2; PROGRAM AUTHORITY: 16-Welfare Programs: Welfare and Institutions Code division 9 Public Social Services, Parts 1, 2, 3, 4, and 6; 25-Social Services and Licensing: Welfare and Institutions Code sections 300-395, 10100-10103, 12000-12004, 12250-12254, 12300-12317.2, 14132.95, 16100-16525.30, 16600-16605, 18950-18964, 18969-18971; Health and Safety Code chapter 3 of division 2 (Section 1500 et seq.). Federal Laws: Social Security Act (Titles II, XVI, XIX).

Outreach

While the CDSS has not attempted to secure specific funding for promoting the SSB law, the Office of Child Abuse Prevention (OCAP) has integrated its promotion in ongoing outreach efforts. The mission of the OCAP is to promote an abuse free environment for every child in California. In keeping with the CDSS’ mission “to serve, aid and protect needy and vulnerable children and adults in ways that strengthen and preserve families, encourage personal responsibility and foster independence,” the OCAP overall goals are to build the capacity of communities to strengthen families, keep children safe and provide for a continuum of quality family services, supports and opportunities. To accomplish these goals the OCAP works with public and private partners to promote well-being for children and families. Through these collaborative efforts child abuse prevention is promoted statewide via local efforts. As such, the public is continually informed of the SSB law via the CDSS’ ongoing outreach activities: the annual Child Abuse Prevention Month activities: Kid’s Day at the Capitol, the annual Festival De La Familia, etc. Additionally, information regarding the SSB law is distributed at local events hosted by county Child Abuse Prevention Councils or family resource centers, which are funded by the OCAP to promote prevention activities.

In addition, to the degree that we learn of child abandonments through media reports, we proactively send out the SSB fact sheet to the media outlets in the location where the incident occurred and conduct on-air and print interviews encouraging mothers in crisis to use the law as an option to abandonment.

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Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE DEPARTMENT OF SOCIAL SERVICES

To provide clarity and perspective, we are commenting on the response to our audit report from the Department of Social Services (Social Services). The numbers below correspond with the numbers we have placed in the margin of Social Services' response.

Social Services is overstating its efforts to raise awareness of the safe-surrender law. As stated on page 23 of our report, Social Services has not actively publicized the safe-surrender law since concluding the mass-media portion of its awareness campaign in December 2003. In addition, as stated on page 24, Social Services staff stated that although the department will update the posters and brochures if the safe-surrender law changes, it does not plan to actively promote the law. Finally, Social Services' comments here are not consistent with another comment on page 4 of its response where it states, *without sufficient funding or resources, the CDSS is unable to actively pursue outreach activities. . . .*

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Our presentation of selected information on surrendered and abandoned babies in the Appendix does not compromise the confidentiality of those cases because we do not reveal personal identifying information. However, in response to the department's concern, we further redacted information from Table A.1. to protect the medical privacy of the individuals involved. Additionally, whether we are the custodian or the owner of confidential information or have gathered the information from another agency, all officers, employees, and contractors of the bureau are required by law to ensure the security and integrity of personal, sensitive or confidential information and protect it from inappropriate or unauthorized access, use or disclosure.

②

Social Services' statement is not entirely consistent with other comments it previously made to us. Specifically, its staff told us that they contact county child welfare services agencies (county agencies) when they have a question about the proper classification of the case files under review. Social Services' staff did not indicate that the presence of confidential information in the Child Welfare Services Case Management System (CWS/CMS) had a bearing on their decision to contact county agencies. Consequently, we are unable to confirm the validity of the statement in its response to our audit report. Furthermore, Social Services did not provide us evidence that it encourages counties to follow established data deletion processes during the course of the audit.

③

- ④ Social Services misses the point of our recommendation. Although it correctly notes that, under the safe-surrender law, the individual surrendering a baby may decline to complete the medical questionnaire, the provision in state law providing for anonymity does not preclude Social Services from being proactive in considering ways to improve the availability of medical information on surrendered babies. For example, Social Services could evaluate current medical questionnaires to make them more user friendly, or review instructions given to safe-surrender sites on providing the medical questionnaire to determine whether employees at these sites are made aware of the option to ask for a family medical history orally.
- ⑤ Social Services fails to acknowledge that, as agreed during the agency review period, we changed the text presented on page 46 of the report.
- ⑥ Social Services misses the point of our concern regarding the inaccurate information in the CWS/CMS. The most significant impact of inaccurate data in the CWS/CMS is not related to the accuracy of the counts Social Services reports. Rather, as stated on page 33 of the report, the misclassification of a baby as surrendered or abandoned can affect access to confidential data. For example, children improperly classified as safely surrendered may not be allowed access to information on their birth parents even though they may have a legal right to review this information.
- ⑦ Social Services' comment incorrectly suggests that the only differences in the data are attributable to the audit function. During the agency review period we explained to its management why we attribute the difference between the number of babies abandoned from 2001 through 2007 that we found (404) and the number that Social Services reports for that period (175) to the *age range* it uses in data queries. The other data problems we noted on pages 24 through 26 of the audit report go beyond the inaccurate classification of cases in the CWS/CMS that Social Services identified in reporting the number of safely surrendered babies in California to the Legislature.
- ⑧ We fail to see how the actions Social Services describes could be considered proactive. As we note on page 26 of the audit report, an approach that involves conducting additional research in response to an increase in the number of abandoned babies merely reacts to negative trends in child abandonment rather than actively attempting to reduce the incidence of infant abandonment. A more preventive approach would seem to be more consistent with the mission of Social Services' Office of Child Abuse Prevention, which is to prevent child abuse and neglect.

cc: Members of the Legislature
Office of the Lieutenant Governor
Milton Marks Commission on California State
Government Organization and Economy
Department of Finance
Attorney General
State Controller
State Treasurer
Legislative Analyst
Senate Office of Research
California Research Bureau
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