

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1628 (Michelle Rodriguez)
Version: March 19, 2026
Hearing Date: June 16, 2026
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Child protection: safe surrender

DIGEST

This bill expands the safe-surrender program, through which a parent may surrender a child aged up to 72 hours at a designated safe-surrender site without incurring civil or criminal liability for child abandonment, to permit a parent to surrender a child of up to 30 days of age.

EXECUTIVE SUMMARY

California's Safely Surrendered Baby Law was enacted in 2001 in response to a spate of high-profile cases in which newborn infants died after being abandoned in unsafe locations. To prevent unsafe abandonments by parents who are, for whatever reason, unable to care for their newborns, the Safely Surrendered Baby Law provides parents with locations where they can surrender custody of their infants aged 72 hours or younger on a "no questions asked" basis. "Safe-surrender sites" are designated by counties and local fire agencies; when a baby is surrendered at a designated site, the site's personnel are required to take specified steps, including notifying child protective services. A parent, or person with lawful custody of the child, who surrenders their child at a designated site cannot be civilly, criminally, or administratively liable for child abandonment or similar offenses. By giving parents a safe location to anonymously surrender a newborn, the Safely Surrendered Baby Law has reduced the rate of newborn deaths as a result of abandonment.

According to the author and supporters of the bill, 72 hours is an insufficient timeframe for a parent, particularly one experiencing postpartum trauma, to determine whether a safe surrender of their child is the best option. This bill, therefore, extends the age at which a child may be safely surrendered, to 30 days, to give parents additional time to stabilize, seek support, and make safe decisions before the window for safe surrender closes.

This bill is sponsored by the author and is supported by California Baptist Capitol Ministry, the California Catholic Conference, the California Fire Chiefs Association, California Professional Firefighters, the Fire Districts Association of California, the Health Officers Association of California, and Women Lawyers of Sacramento. The Committee has not received timely opposition to this bill.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Defines a "safe surrender site" as either of the following:
 - a) A location designated by the board of supervisors of a county or by a local fire agency, with the approval of the agency, to be responsible for accepting physical custody of a minor child who is 72 hours old or younger from a parent or individual who has lawful custody of the child and who surrenders the child pursuant to 11); before designating a location as a safe-surrender site, the designating entity shall consult with the governing body of a city, if the site is within city limits, and with representatives of a fire department and a child welfare agency that may provide services to a child who is surrendered at the site.
 - b) A location within a public or private hospital that is designated by that hospital to be responsible for accepting physical custody of a minor child who is 72 hours old or younger from a parent or individual who has lawful custody of the child and who surrenders the child pursuant to 11). (Health & Saf. Code, § 1255.7(a)(1).)
- 2) Defines the additional relevant terms for purposes of the safe surrender statute:
 - a) "Parent" means a birth parent of a minor child who is 72 hours old or younger.
 - b) "Personnel" means a person who is an officer or employee of a safe-surrender site or who has staff privileges at this site.
 - c) "Assistance" means transporting a minor child to the safe-surrender site as a person with lawful custody, or transporting or accompanying the parent or person with lawful custody at the request of that parent or person to effect the safe surrender, or performing any other act in good faith for the performance of effecting the safe surrender of the minor.
 - d) "Lawful custody" means physical custody of a minor 72 hours or younger accepted by a person from the parent of a minor, whom the person believes in good faith is the parent of the minor, with the specific intent and promise of effecting the safe surrender of the minor. (Health & Saf. Code, § 1255.7(a)(2) & (3), (i)(2), (j).)
- 3) Requires a hospital and designated safe-surrender site to post a sign that displays the statewide safe-surrender logo and notifies the public of the location where a

minor child 72 hours or younger may be safely surrendered. (Health & Saf. Code, § 1255.7(a)(4).)

- 4) Requires on-duty personnel at a safe-surrender site to accept physical custody of a minor 72 hours or younger if a parent or other individual having lawful custody of the child voluntarily surrenders physical custody of the child to the personnel, and to ensure that a qualified person does all of the following:
 - a) Places a coded, confidential ankle bracelet on the child.
 - b) Provides, or makes a good faith effort to provide, to the surrendering person a copy of a unique, coded, confidential ankle bracelet identification in order to facilitate reclaiming the child, as provided; however, possession of the ankle bracelet identification does not, in and of itself, establish parentage or a right to custody of the child.
 - c) Provides, or makes a good faith effort to provide, to the parent or other individual surrendering the child a medical information questionnaire, which may be declined, filled out at the time of surrender, or filled out and mailed later; the questionnaire shall not require personal identifying information about the child or surrendering person, other than the identification code provided in the ankle bracelet, and shall include a specified notice relating to the importance of providing health information on the questionnaire. (Health & Saf. Code, § 1255.7(b).)
- 5) Requires personnel at a safe-surrender site, as soon as possible, and in no event later than 48 hours following the assumption of physical custody of the child, to notify child protective services or a county agency providing child welfare services that the safe-surrender site has physical custody of a child. (Health & Saf. Code, § 1255.7(d).)
- 6) Requires child protective services or the county agency to assume temporary custody immediately upon receipt of notice under 5) and immediately investigate the circumstances of the case and file a petition with the juvenile court for a finding that the child is a dependent of the juvenile court, as defined.
 - a) Child protective services or the county agency must immediately notify the State Department of Social Services immediately upon taking custody of the child.
 - b) As soon as possible, but no later than 24 hours after assuming temporary custody, child protective services or the county agency shall report all known identifying information concerning the child, except for personal identifying information relating to the parent or individual who surrendered the child, to the California Missing Children Clearinghouse and to the National Crime Information Center. (Health & Saf. Code, § 1255.7(e).)
- 7) Permits a parent or individual who surrendered custody of a child to reclaim custody of the child within 14 days of the voluntary surrender, subject to the child welfare agency's confirmation of the parent or individual's identity and an

assessment of the person's circumstances and ability to parent; the welfare agency must also request the court dismiss the petition for dependency and order release of the child, if the agency determines that there is no basis for dependency jurisdiction. (Health & Saf. Code, § 1255.7(g).)

- 8) Limits the liability of a safe-surrender site, and the personnel of a safe-surrender site, as follows:
 - a) There shall be no liability of any kind for the surrendered child prior to taking actual physical custody of the child.
 - b) Once the site accepts custody of a surrendered child, neither the site nor the personnel shall be subject to civil, criminal, or administrative liability for accepting the child and caring for the child in the good faith belief that such action is required, including instances where the child is older than 72 hours or the person surrendering the child did not have lawful physical custody of the child.
 - c) Neither the site nor the personnel shall be subject to criminal, civil, or administrative liability for a surrendered child prior to the time the site or the personnel knew, or should have known, that the child has been surrendered.
 - d) These provisions do not confer immunity from liability for personal injury or wrongful death, including, but not limited to, injury resulting from medical malpractice. (Health & Saf. Code, § 1255.7(h).)
- 9) Provides that, in order to encourage persons who voluntarily surrender physical custody of a child in accordance with law, no person who, without compensation and in good faith, provides assistance for the purpose of effecting the safe surrender of a minor 72 hours old or younger, shall be civilly liable for injury or death of the minor child as a result of the person's acts or omissions, unless the act or omission constitutes gross negligence, recklessness, or willful misconduct. (Health & Saf. Code, § 1255.7(i).)
- 10) Makes it a crime for a parent to willfully neglect, abandon, or desert their child, or to refuse, without lawful excuse, to accept their child into their home. (Pen. Code, §§ 270, 270.5, 271, 271a.)
- 11) Provides, notwithstanding 9), that no parent or other individual having lawful custody of a minor child 72 hours old or younger may be prosecuted for a crime under 9) if they voluntarily surrender physical custody of the child to personnel on duty at a safe-surrender site. (Pen. Code, § 271.5.)
- 12) Requires each school district to ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education from appropriately trained instructors; the instruction must include specified required topics, including information surrounding the law on surrendering physical custody

of a minor child 72 hours of age or younger at safe surrender sites. (Ed. Code, § 51934.)

This bill:

- 1) Establishes the KID Act.
- 2) Increases the age of a child who may be surrendered at a safe-surrender site without incurring civil or criminal liability, in accordance with existing law, from 72 hours or younger to 30 days or younger.
- 3) Modifies the instruction that must be provided to pupils regarding safe surrender sites to reflect the increased age in 2).
- 4) Makes nonsubstantive technical and conforming changes.

COMMENTS

1. Author's comment

According to the author:

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

AB 1628 extends the safe surrender window to 30 days, giving mothers the time they need to stabilize, seek support, and make a safe decision for their child. This bill is about recognizing the realities of postpartum depression and ensuring that no mother in crisis feels rushed into a moment of fear that could lead to tragedy. It is a compassionate, life-saving policy update that protects both mothers and their children.

2. Background on California's Safely Surrendered Baby Law

As explained by the California Department of Social Services (CDSS), California's Safely Surrendered Baby Law "respond[ed] to the increasing number of newborn infant deaths due to abandonment in unsafe locations."¹ The intent of the law "is to save lives of newborns at risk of abandonment by encouraging parents or persons with lawful custody to safely surrender the infant within 72 hours of birth, with no questions

¹ CDSS, Safely Surrendered Baby Law (2026) <https://www.cdss.ca.gov/inforesources/safely-surrendered-baby>. All links in this analysis are current as of June 11, 2026.

asked.”² Between 2001 and the end of 2017, 931 newborns were safely surrendered in California, and the rate of newborn abandonment has decreased.³

The safe surrender program permits the birth parent of a child 72 hours or younger, or a person who has lawful custody of the child, to place the child in the physical custody of personnel at a safe-surrender site on an anonymous basis.⁴ A parent or person having custody who surrenders a child to a designated safe-surrender law in accordance with the law’s requirements will not be criminally or civilly liable for the abandonment or desertion of the child, notwithstanding the general requirement that a parent care for and house their child;⁵ by giving parents this “no questions asked” avenue to surrender custody of their child without risking liability, the state provides parents in crisis with an avenue to ensure that their child is taken care of when the parent is unable to do so.

Once a child has been surrendered, safe-surrender site personnel must take specified steps to care for the child and to begin dependency proceedings for the child.⁶ Safe-surrender personnel have no liability for the child prior to the child’s surrender, and cannot be liable for accepting and caring for a child whom the personnel believe in good faith meets the criteria for surrender, including the age of the child.⁷ A parent or person who had custody of the child may, within 14 days of the surrender, seek to recover custody of the child, subject to verification of their identity; the dependency petition filed for the child may or may not be dismissed at that point, depending on whether the social worker or county welfare agency determines that the child is likely to be within the jurisdiction of the juvenile court when returned to their parent’s custody.⁸

3. This bill increases the age of a child who may be delivered to a safe surrender site by a parent or person with custody of the child, from 72 hours to 30 days of age

California is one of only 6 states that limits the age of a child who may be safely surrendered to 72 hours of age.⁹ A plurality of states (21) permit safe surrender of a child up to 30 days of age.¹⁰ The remaining states’ safe surrender limits range from seven days to 90 days, with one state – North Dakota – permitting safe surrender of a child of up to 365 days of age.¹¹

² *Ibid.*

³ *Ibid.*

⁴ See Health & Saf. Code, § 1255.7.

⁵ *Ibid.*; see Pen. Code, §§ 270, 270.5, 271, 271a.

⁶ Health & Saf. Code, § 1255.7.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ See World Population Review, State Haven Laws by State 2026 (2026)

<https://worldpopulationreview.com/state-rankings/safe-haven-laws-by-state>.

¹⁰ *Ibid.*

¹¹ *Ibid.*

According to the author and stakeholders, California's 72-hour surrender window is insufficient for new parents who are struggling. For example, as explained by the Health Officers Association of California:

The first days following childbirth are often physically and emotionally overwhelming, with many parents recovering from birth-related trauma, severe hormonal changes, postpartum depression, anxiety, and social isolation. The current 72-hour limit may not provide sufficient time for families in crisis to safely access support and make informed decisions.

While the Safely Surrendered Baby Law includes a liability exemption for site personnel who accept a baby in good faith who is, ultimately, discovered to be older than 72 hours,¹² the current 72-hour limit may deter parents from bringing an older infant to a safe surrender site in the first place.

This bill is intended to align California's Safely Surrendered Baby Law with our current understanding that postpartum depression and other post-birth conditions do not always arise within the first 72 hours after a birth, by extending the timeframe in which a newborn may be safely surrendered without liability, to 30 days. This change will benefit both infants and parents by giving parents additional time to seek help and assess their needs before choosing safe surrender.

4. Arguments in support

According to California Professional Firefighters:

California's Safe Surrender Law protects the health and safety of infants at risk of abandonment by allowing the parents or legal guardians of newborns to confidentially surrender the baby at a hospital room or designated fire station without risk of prosecution. This law has saved the lives of children who may have otherwise been abandoned by parents not equipped to care for them or who are in unstable or dangerous situations not suited for an infant. However, the current law only allows for the safe surrender of a child in the first 72 hours of their life, a narrow window in which the birthing parent may not have yet recovered enough to reach a safe surrender site or realized the need to surrender their child.

AB 1628 extends this window from 72 hours to 30 days while still maintaining important child abuse and neglect laws, ensuring that parents who have realized they are unable to adequately care for their child are able to bring them to safety. This measure recognizes the impossible circumstances faced by many new parents while protecting the safety of children during the most vulnerable period of their lives.

¹² Health & Saf. Code, § 1255.7.

SUPPORT

California Baptist Capitol Ministry
California Catholic Conference
California Fire Chiefs Association
California Professional Firefighters
Fire Districts Association of California
Women Lawyers of Sacramento

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: AB 2073 (Johnson, 2026) permits, but does not require, a safe-surrender site to install an infant safety device, as defined, and exempts a parent or person with lawful custody of a minor 72 hours or younger from liability or prosecution if they place the minor in an infant safety device at a safe-surrender site. AB 2073 is pending before the Assembly Public Safety Committee.

Prior legislation: None known.

PRIOR VOTES

Assembly Floor (Ayes 74, Noes 0)
Assembly Appropriations Committee (Ayes 15, Noes 0)
Assembly Human Services Committee (Ayes 7, Noes 0)
Assembly Public Safety Committee (Ayes 8, Noes 0)
