

SAFETY OF NEWBORN CHILDREN THE LEGAL PROCESS

A baby who is “transferred” to a hospital employee or to a fire station worker will be placed in the legal custody of the Department of Social and Health Services (DSHS).

Legal Rights of Parents

A parent who transfers custody of a newborn baby to qualified personnel at a hospital or fire station does not abandon the baby and does not commit any crime. Once the baby is transferred, DSHS starts a legal action (*called a “dependency action”*) in juvenile court. A juvenile court judge will decide that the baby has no parent who can care for him/her. The judge will give custody of the baby to DSHS so that the baby can be placed in a foster home and so that DSHS has legal authority to make decisions about the baby’s health, safety and welfare. Most often, the baby will be placed with foster parents who want to adopt a child.

The parent of a child who is in the custody of DSHS has legal rights. You continue to have these rights – if you take advantage of them – even though you have transferred custody of your baby, until the juvenile court makes a permanent decision about the child’s welfare. If you decide you want to take advantage of these rights you should contact DSHS as soon as possible so that you can begin to participate in the juvenile court case involving your baby. If you do participate in the legal action, your rights would include the following:

- The **right to a hearing within 72 hours** (*excluding Saturdays, Sundays and holidays*) from the time your child is taken into custody.
- The **right to an attorney** to represent you throughout the juvenile court proceeding. If you cannot afford an attorney, the court will appoint one to represent you..
- The **right to be offered or provided all necessary services** that are reasonably available, to assist you in safely parenting your child so that your child can be returned to you in the near future.
- The **right, in some cases, to make an adoption plan for the child**, subject to court approval, including selecting the adoptive parents.

Legal Process for the Child

The child will have his or her basic needs met by DSHS and the foster parents. In placing the child, DSHS must place the child with a relative, if a relative is known, available, and qualified. If a relative is not known or is not available, the child will be placed in a foster home. Please be aware that under Washington law, DSHS must try to locate the child’s parents. This is necessary to provide notice to the child’s parents regarding the legal proceedings. It does **not** mean that the hospital or fire department will not protect the anonymity of a parent leaving a newborn. These attempts would take place **after** CPS has received the child from the hospital or fire department. If the identity of the child’s parents is not known, then DSHS will publish a notice in a newspaper in the county where the child is transferred letting the parents know about the juvenile court lawsuit and the date and time of any court hearing. If the parents do not go to the hearing, then the parents’ rights to the child may be terminated. (*This means the child and the parent are no longer legally related and you will no longer have any rights to be involved in the child’s life*). The child would then be placed for adoption.