



**CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST**

TO: Mayor and City Council

FROM: Councilman John Courage, District 9

COPIES TO: Erik Walsh, City Manager; Tina Flores, City Clerk; Andrew Segovia, City Attorney; John Peterek, Assistant to the City Manager; Emily McGinn, Assistant to City Council

SUBJECT: Safe Babies SA

DATE: August 30, 2022

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Issue Proposed for Consideration

I ask for your support for the inclusion of the following items on the agenda of the earliest available meeting of the Governance Committee:

Installing newborn safety devices or “baby boxes” at city-owned Safe Haven locations throughout the city and include in the legislative agenda to amend state law to permit these types of life preserving devices.

Brief Background

Following the recent Supreme Court decision overturning *Roe v. Wade* and *Planned Parenthood v. Casey*, states have made sweeping decisions about reproductive healthcare and available family planning options. In the opinion issued on *Dobbs v. Jackson Women’s Health Organization*, Justice Alito cited Safe Haven laws as one of the reasons the protections granted under *Roe* and *Casey* were no longer needed, since these laws “generally allow women to drop off babies anonymously”¹. Although conversations are urgently needed in San Antonio to explore the holistic expansion of mental, physical, and financial resources for families with children, the city can start to address the effects of the *Dobbs* ruling by looking at the application of the state’s Safe Haven law within the city. Safe Haven surrenders are often the very last safe option for families in extreme crisis to prevent physical harm and death of newborns.

In 1999, Texas was the first state to institute a “Baby Moses law”, or infant Safe Haven law, following a rash of abandoned infants in Houston totaling 13 infants over 10 months². The rest of the United States quickly followed in passing similar laws meant to provide safe locations for families in crisis to surrender babies. Since their passage, Safe Haven laws have helped save the lives of over 4,630 babies nationwide³. A study researching the impact of Safe Haven laws on infant homicide found a sharp decrease after Safe Haven laws were instituted across the country: “among infants, the highest risk for homicide is on the day of birth. The rate on the day of birth

¹ www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf

² www.leg.state.nv.us/Division/Research/Publications/Bkground/BP01-03.pdf

³ www.nationalsafehavenalliance.org



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in this study represented a 66.7% decrease from the rate... during 1989–1998, but the rate on day of birth was still at least 5.4 times higher than the rate at any other time during life”⁴.

While all states, the District of Columbia, and Puerto Rico have passed Safe Haven laws, they are not all created equal. Texas’s version of the Safe Haven law states that parents may leave an unharmed child less than 60 days old at any hospital, fire station, or emergency medical services (EMS) station in Texas by giving the child to an employee and stating they do not plan to return for the child. Parents may be asked to provide family or medical history. If an infant is surrendered following the above guidelines, parents will not be prosecuted for child endangerment, abandonment, or neglect⁵. Between 2018 and March 2022, there were 59 cases of babies surrendered at Safe Haven sites, as reported by the Texas Department of Family Protective Services⁶. The number of safe and legal surrenders has decreased in recent years while the cases of severe child abuse and abandoned babies in dangerous conditions has increased⁷.

Other states have broader laws that make the safe and legal surrender of children more accessible, including increasing the age for children and the inclusion of “newborn safety device” or “newborn safety incubator” in the laws⁸. These safety devices are created to maintain an optimal environment for the care of an infant and must meet the following requirements:

- It is physically located inside a Safe Haven site, which may include a hospital, law enforcement agency, or fire department, that is staffed 24 hours a day by a medical services provider.
- It is located in an area that is conspicuous and visible to the employees of the Safe Haven site.
- It must allow a child to be placed anonymously from outside the facility.
- It must lock after a child is placed in it so a person outside the facility cannot access the child.
- It must provide a controlled environment for the care and protection of the child.
- It must notify a centralized location in the facility within 30 seconds of a child being placed in the device.
- It must trigger a 911 call if staff at the facility do not respond within a reasonable amount of time after a child is placed in the device.

These newborn safety devices or “baby boxes” allow parents to leave their infant quickly and anonymously at a Safe Haven location while removing the barrier of having to interact with an employee face-to-face. Although there are different types of baby boxes, the main features are

⁴ Wilson RF, Klevens J, Williams D, Xu L. Infant Homicides Within the Context of Safe Haven Laws - United States, 2008-2017. MMWR Morb Mortal Wkly Rep. 2020 Oct 2;69(39):1385-1390

www.ncbi.nlm.nih.gov/pmc/articles/PMC7537560/#R5

⁵ safehavenlaws.uslegal.com/texas-safe-haven-laws/

⁶ <https://www.kens5.com/article/news/fewer-baby-moses-cases-reported-in-texas-child-advocates-wonder-if-thats-good-news/273-c2bf89f5-2f0a-4372-9dca-048c72f37bba>

⁷ <https://www.cbsnews.com/dfw/news/i-team-investigates-increase-texas-newborn-abandonments/>

⁸ www.childwelfare.gov/pubpdfs/safehaven.pdf

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that they have a safe, climate-controlled space for the newborn and multiple layers of alarms to emergency personnel. They are often labeled as a Safe Haven drop box and have a 24/7 crisis hotline phone number printed on the outside.

A total of 12 states have updated their Safe Haven laws to be inclusive of newborn safety devices as a safe and legal option for surrendering an infant. Although the current Texas law does not explicitly include these devices, there are multiple cases of babies being safely surrendered at Safe Haven sites across the state without face-to-face interactions that have not been prosecuted^{9,10}. Many cities, including those in Arizona¹¹, Ohio¹², and Indiana¹³, began installing newborn safety devices before their state laws included them. Safe Haven Baby Boxes (SHBB) were installed throughout the state of Indiana before the law was updated in 2018¹⁴. According to the SHBB website: “since April 2016, when the first box was installed, there have been no dead abandoned infants in the state of Indiana.”¹⁵

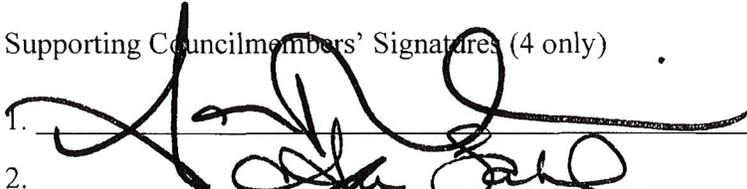
Newborn safety devices save lives and offer a resource for families in crisis to surrender newborns safely, legally, and anonymously. The City of San Antonio can and should prioritize funding for installation of newborn safety devices at multiple city-owned Safe Haven locations, such as fire stations. The City of San Antonio should include safe and secure baby boxes as acceptable devices within the Safe Haven law as part of its legislative agenda.

Submitted for Council consideration by:

John Courage
Councilman John Courage, District 9

Supporting Councilmembers' Signatures (4 only)

District

1. 	
2. 	
3. 	
4. 	

⁹ www.khou.com/article/news/local/baby-only-a-few-hours-old-left-at-crosby-fire-station/285-f770eddd-c9e4-4e2d-b67e-3a254a54b328

¹⁰ www.firehouse.com/home/news/10495414/baby-abandoned-at-texas-fire-station

¹¹ dcs.az.gov/report-child-abuse/safe-haven-newborn

¹² safehavenlaws.uslegal.com/ohio-safe-haven-laws/

¹³ www.npr.org/2022/08/03/1115456040/indiana-is-installing-more-baby-boxes-where-newborns-can-be-anonymously-surrende

¹⁴ www.pcain.org/prevention-resources/indiana-safe-haven-law/

¹⁵ shbb.org/about-us

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