



Infant Safe Haven Laws

Many State legislatures have enacted legislation to address infant abandonment and infanticide in response to a reported increase in the abandonment of infants. Beginning in Texas in 1999, "Baby Moses laws" or infant safe haven laws have been enacted as an incentive for mothers in crisis to safely relinquish their babies to designated locations where the babies are protected and provided with medical care until a permanent home is found. Safe haven laws generally allow the parent, or an agent of the parent, to remain anonymous and to be shielded from prosecution for abandonment or neglect in exchange for surrendering the baby to a safe haven.

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To find statute information for a particular State, go to www.childwelfare.gov/systemwide/laws_policies/search/index.cfm

To find information on all the States and territories, order a copy of the full-length PDF by calling 800.394.3366 or 703.385.7565, or download it at www.childwelfare.gov/systemwide/laws_policies/statutes/safehavenall.pdf



To date, approximately 47 States and Puerto Rico have enacted safe haven legislation.¹ The focus of these laws is protecting newborns. In approximately 15 States, infants who are 72 hours old or younger may be relinquished to a designated safe haven.² Approximately 14 States and Puerto Rico accept infants up to 1 month old.³ Other States specify varying age limits in their statutes.⁴

Who May Leave a Baby at a Safe Haven

In most States with safe haven laws, either parent may surrender his or her baby to a safe haven. In four States (Georgia, Maryland, Minnesota, and Tennessee), only the mother may relinquish her infant.⁵ Idaho specifies that only a custodial parent may surrender an infant. In approximately 11 States, an agent of the parent (someone who has the parent's approval) may take a baby to a safe haven for a parent.⁶ Six States do not specify the person who may relinquish an infant.⁷

Safe Haven Providers

The purpose of safe haven laws is to ensure that relinquished infants are left with persons who can provide the immediate care needed for their safety and well-being. To that end, approximately eight States require parents to relinquish their infants to a hospital.⁸ Other States designate additional entities as safe haven providers, including emergency medical services, police stations, and fire stations. In four States (Louisiana, Michigan, New Hampshire, and Vermont), emergency medical

¹ The word *approximately* is used to stress the fact that the States frequently amend their laws. This information is current only through July 2007. Alaska, Hawaii, Nebraska, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands have not yet addressed the issue of abandoned newborns in legislation.

² Alabama, Arizona, California, Colorado, Florida, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Ohio, Tennessee, Utah, Washington, and Wisconsin.

³ Arkansas, Connecticut, Idaho, Louisiana, Maine, Montana, Nevada, New Jersey, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, and West Virginia.

⁴ Other limits include 5 days (New York); 7 days (Georgia, Illinois, Massachusetts, New Hampshire, North Carolina, and Oklahoma); 14 days (Delaware, Iowa, Virginia, and Wyoming); 45 days (Indiana and Kansas); 60 days (South Dakota and Texas); 90 days (New Mexico); and 1 year (Missouri and North Dakota).

⁵ Maryland and Minnesota do allow the mother to approve another person to deliver the infant on her behalf.

⁶ Arizona, Arkansas, Connecticut, Indiana, Iowa, Kentucky, New Jersey, North Dakota, Rhode Island, Utah, and Wyoming.

⁷ Delaware, Illinois, Maine, New Mexico, South Carolina, and Vermont.

⁸ Connecticut, Delaware, Georgia, Minnesota, North Dakota, Pennsylvania, Utah, and West Virginia.

technicians responding to a 9-1-1 call may accept an infant. In addition, four States (Arizona, New Hampshire, South Carolina, and Vermont) and Puerto Rico allow churches to act as safe havens, but the relinquishing parent must first determine that church personnel are present at the time the infant is left. Generally, anyone on staff at these institutions can receive an infant; however, many States require that staff receiving an infant be trained in emergency medical care.

Responsibilities of Safe Haven Providers

The safe haven provider is required to accept emergency protective custody of the infant and to provide any immediate medical care that the infant may require. In 10 States, when the safe haven receiving the baby is not a hospital, the baby must be transferred to a hospital as soon as possible.⁹ The provider is also required to notify the local child welfare department that an infant has been relinquished.

In 21 States, the provider is required to ask the parent for family and medical history information.¹⁰ In 17 States, the provider is required to attempt to give the parent or parents information about the legal repercussions of leaving the infant and information about referral services.¹¹ In four States (California, Connecticut, Delaware, and North Dakota), a copy of the infant's numbered identification bracelet may be offered to the parent as an aid to linking the parent to the child if reunification is sought at a later date.

Immunity From Liability for Providers

Safe haven providers are given protection from liability for anything that might happen to the infant while in their care, unless there is evidence of major negligence on the part of the provider.

⁹ Florida, Illinois, Kentucky, Louisiana, Maryland, Missouri, Montana, Nevada, New Jersey, and South Carolina.

¹⁰ California, Connecticut, Delaware, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Washington, and Wyoming.

¹¹ Arizona, Connecticut, Delaware, Illinois, Louisiana, Michigan, Minnesota, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Washington, and Wisconsin.

Protections for the Parents

In approximately 13 States, anonymity for the parent or agent of the parent is expressly guaranteed in statute.¹² In 28 States and Puerto Rico, the safe haven provider cannot compel the parent or agent of the parent to provide identifying information.¹³ In addition, 13 States provide an assurance of confidentiality for any information that is voluntarily provided by the parent.¹⁴

In addition to the guarantee of anonymity, most States provide protection from criminal liability for parents who safely relinquish their infants. Approximately 30 States and Puerto Rico do not prosecute a parent for child abandonment when a baby is relinquished to a safe haven.¹⁵ In 16 States, safe relinquishment of the infant is an affirmative defense in any prosecution of the parent or his/her agent for any crime against the child, such as abandonment, neglect, or child endangerment.¹⁶

The privileges of anonymity and immunity will be forfeited in most States if there is evidence of child abuse or neglect.

Consequences of Relinquishment

Once the safe haven provider has notified the local child welfare department that an infant has been relinquished, the department assumes custody of the infant as an abandoned child. The department has responsibility for placing the infant, usually in a preadoptive home, and for petitioning the court for termination of the birth parent's parental rights. Before the baby is placed in a preadoptive home, 12 States require the department to request the local law enforcement agency to determine whether the baby has been reported as a missing

¹² Arizona, Delaware, Florida, Illinois, Kentucky, Ohio, Oklahoma, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

¹³ Arizona, California, Delaware, Idaho, Indiana, Iowa, Louisiana, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

¹⁴ California, Connecticut, Delaware, Idaho, Iowa, Maine, Michigan, Montana, Rhode Island, South Carolina, Tennessee, Texas, and Wisconsin.

¹⁵ California, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Washington, and Wisconsin.

¹⁶ In a State with an affirmative defense provision, a parent or agent of the parent can be charged and prosecuted, but the act of leaving the baby safely at a safe haven can be a defense to such charges. The States with an affirmative defense provision include Alabama, Arizona, Arkansas, Colorado, Delaware, Indiana, Maine, Michigan, Mississippi, New Jersey, New York, Oregon, Utah, Virginia, West Virginia, and Wyoming.

child.¹⁷ In addition, four States (Illinois, Missouri, Utah, and Wyoming) require the department to check the putative father registry before a termination of parental rights petition can be filed.

Approximately 18 States have procedures in place for a parent to reclaim the infant, usually within a specified time period and before any petition to terminate parental rights has been granted.¹⁸ Five States (Louisiana, Missouri, Montana, South Dakota, and Tennessee) also have provisions for a nonrelinquishing father to petition for custody of the child. In 12 States and Puerto Rico, the act of surrendering an infant to a safe haven is presumed to be a relinquishment of parental rights to the child, and no further parental consent is required for the child's adoption.¹⁹

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

¹⁷ California, Delaware, Idaho, Illinois, Kentucky, Louisiana, Montana, New Hampshire, South Carolina, Texas, Utah, and Wyoming.

¹⁸ California, Connecticut, Delaware, Florida, Idaho, Illinois, Iowa, Kentucky, Louisiana, Michigan, Montana, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Tennessee, and Wisconsin.

¹⁹ Delaware, Florida, Illinois, Kentucky, Michigan, Missouri, Montana, Nevada, South Carolina, South Dakota, Utah, and Wisconsin.