

## STATE STATUTES

Current Through  
December 2016

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## Infant Safe Haven Laws

Many State legislatures have enacted legislation to address infant abandonment and endangerment in response to a reported increase in the abandonment of infants in unsafe locations, such as public restrooms or trash receptacles. 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 criminal liability and prosecution for child endangerment, abandonment, or neglect in exchange for surrendering the baby to a safe haven.



**Child Welfare  
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**Children's  
Bureau**

To date, all 50 States, the District of Columbia, and Puerto Rico have enacted safe haven legislation.<sup>1</sup> The focus of these laws is protecting newborns from endangerment by providing parents an alternative to criminal abandonment, and therefore the laws are generally limited to very young children. For example, in approximately 11 States and Puerto Rico, only infants who are 72 hours old or younger may be relinquished to a designated safe haven.<sup>2</sup> Approximately 19 States accept infants up to 1 month old.<sup>3</sup> Other States specify varying age limits in their statutes.<sup>4</sup>

## 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 and Puerto Rico, only the mother may relinquish her infant.<sup>5</sup> Idaho specifies that only a custodial parent may surrender an infant. In the District of Columbia, an infant may be relinquished only by a custodial parent who is a resident of the District. 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.<sup>6</sup> In California, Kansas, and New York, if the person relinquishing the infant is someone other than a parent, he or she must have legal custody of the child. Eight States do not specify the person who may relinquish an infant.<sup>7</sup>

<sup>1</sup> American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands currently do not address the issue of abandoned newborns in legislation.

<sup>2</sup> The word "approximately" is used to stress the fact that States frequently amend their laws. This information is current only through December 2016. Alabama, Arizona, California, Colorado, Hawaii, Michigan, Mississippi, Tennessee, Utah, Washington, and Wisconsin currently limit relinquishment to infants who are no more than 72 hours old.

<sup>3</sup> Arkansas, Connecticut, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, and West Virginia.

<sup>4</sup> Other limits include 7 days (Florida, Georgia, Massachusetts, Minnesota, New Hampshire, North Carolina, and Oklahoma), 10 days (Maryland), 14 days (Delaware, Iowa, Virginia, Wyoming, and the District of Columbia), 21 days (Alaska), 45 days (Kansas and Missouri), 60 days (South Carolina, South Dakota, and Texas), 90 days (New Mexico), and 1 year (North Dakota).

<sup>5</sup> Georgia, Maryland, Minnesota, and Tennessee. Maryland and Minnesota do allow the mother to approve another person to deliver the infant on her behalf.

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

<sup>7</sup> Delaware, Hawaii, Illinois, Maine, Nebraska, New Mexico, South Carolina, and Vermont.

## 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 16 States and Puerto Rico require parents to relinquish their infants only to a hospital, emergency medical services provider, or health-care facility.<sup>8</sup> In 27 States, fire stations also are designated as safe haven providers.<sup>9</sup> Personnel at police stations or other law enforcement agencies may accept infants in 25 States.<sup>10</sup> In five States, emergency medical personnel responding to 911 calls may accept an infant.<sup>11</sup> In addition, five States 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.<sup>12</sup>

## 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 14 States and the District of Columbia, when the safe haven receiving the baby is not a hospital, the baby must be transferred to a hospital as soon as possible.<sup>13</sup> The provider is also required to notify the local child welfare department that an infant has been relinquished.

<sup>8</sup> Alabama, Connecticut, Delaware, Georgia, Idaho, Indiana, Iowa, Minnesota, Mississippi, Nebraska, New Mexico, North Dakota, Pennsylvania, Utah, Virginia, and West Virginia.

<sup>9</sup> Alaska, Arizona, California, Colorado, Florida, Hawaii, Illinois, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Missouri, Montana, Nevada, New Hampshire, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Washington, Wisconsin, and Wyoming.

<sup>10</sup> Alaska, Arkansas, Hawaii, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Missouri, Montana, Nevada, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Wisconsin, and Wyoming.

<sup>11</sup> Idaho, Minnesota, New Hampshire, Vermont, and Virginia.

<sup>12</sup> Arizona, Kentucky, New Hampshire, South Carolina, and Vermont.

<sup>13</sup> Arizona, Arkansas, Florida, Illinois, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Montana, Nevada, New Jersey, South Carolina, and Wyoming.

In 24 States and the District of Columbia, the provider is required to ask the parent for family and medical history information.<sup>14</sup> In 17 States and the District of Columbia, 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.<sup>15</sup> In four States, 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.<sup>16</sup>

## Immunity From Liability for Providers

In 43 States and the District of Columbia, safe haven laws protect providers who accept custody of relinquished infants 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.<sup>17</sup>

## Protections for Parents

In approximately 16 States and the District of Columbia, anonymity for the parent or agent of the parent is expressly guaranteed in statute.<sup>18</sup> In 27 States and Puerto Rico, the safe haven provider cannot compel the parent or agent of the parent to provide identifying information.<sup>19</sup> In addition, 15 States provide an assurance of confidentiality for any information that is voluntarily provided by the parent.<sup>20</sup>

<sup>14</sup> Alaska, California, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Montana, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming.

<sup>15</sup> Connecticut, Delaware, Hawaii, Illinois, Kentucky, Louisiana, Michigan, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Washington, and Wisconsin.

<sup>16</sup> California, Connecticut, Delaware, and North Dakota.

<sup>17</sup> Connecticut, Indiana, Massachusetts, Nebraska, New York, West Virginia, Wyoming, and Puerto Rico currently do not provide immunity within their safe haven laws.

<sup>18</sup> Arizona, Delaware, Florida, Illinois, Kansas, Kentucky, Mississippi, Missouri, Ohio, Oklahoma, South Carolina, Texas, Utah, West Virginia, Wisconsin, and Wyoming.

<sup>19</sup> Alaska, Arizona, Delaware, Idaho, Indiana, Iowa, Massachusetts, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>20</sup> California, Connecticut, Delaware, Idaho, Iowa, Maine, Michigan, Mississippi, Montana, Rhode Island, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

In addition to the guarantee of anonymity, most States provide protection from criminal liability for parents who safely relinquish their infants. Approximately 34 States, the District of Columbia, and Puerto Rico do not prosecute a parent for child abandonment when a baby is relinquished to a safe haven.<sup>21</sup> 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.<sup>22</sup>

The privileges of anonymity and immunity are 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 parents' parental rights. Before the baby is placed in a preadoptive home, 14 States and the District of Columbia require the department to request the local law enforcement agency to determine whether the baby has been reported as a missing child.<sup>23</sup> In addition, five States require the department to check the putative father registry before a termination of parental rights petition can be filed.<sup>24</sup>

<sup>21</sup> Alaska, Arizona, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri (for a child younger than 45 days old), Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Washington, and Wisconsin.

<sup>22</sup> 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, Arkansas, Colorado, Delaware, Indiana, Maine, Michigan, Mississippi, Missouri (for a child younger than age 1), New Jersey, New York, Oregon, Utah, Virginia, West Virginia, and Wyoming.

<sup>23</sup> California, Delaware, Hawaii, Idaho, Illinois, Kentucky, Louisiana, Montana, New Hampshire, Oklahoma, South Carolina, Texas, Utah, and Wyoming.

<sup>24</sup> Illinois, Iowa, Missouri, Utah, and Wyoming.

Approximately 20 States and the District of Columbia 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.<sup>25</sup> Five States also have provisions for a nonrelinquishing father to petition for custody of the child.<sup>26</sup> In 18 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.<sup>27</sup>

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

## Suggested Citation

Child Welfare Information Gateway. (2017). *Infant safe haven laws*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

<sup>25</sup> California, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Iowa, Kentucky, Louisiana, Michigan, Montana, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Tennessee, Wisconsin, and Wyoming.

<sup>26</sup> Iowa, Missouri, Montana, South Dakota, and Tennessee.

<sup>27</sup> Alaska, Delaware, Florida, Idaho, Illinois, Kentucky, Michigan, Mississippi, Missouri, Montana, Nevada, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, West Virginia, and Wisconsin.

## Alabama

*Current Through December 2016*

### Infant's Age

**Citation: Ala. Code § 26-25-1**

A child who is 72 hours old or younger may be relinquished under this section.

### Who May Relinquish the Infant

**Citation: Ala. Code § 26-25-1**

The child may be relinquished by his or her parent.

### Who May Receive the Infant

**Citation: Ala. Code §§ 26-25-1; 26-25-4**

An emergency medical services provider, without a court order, shall take possession of the child if the child is voluntarily delivered to the provider by the child's parent and the parent did not express an intent to return for the child.

The term 'emergency medical services provider' means a licensed hospital that operates an emergency department. The term does not include the offices, clinics, surgeries, or treatment facilities of private physicians or dentists. No individual licensed health-care provider, including physicians, dentists, nurses, physician assistants, or other health professionals, shall be deemed to be an emergency medical services provider unless such individual voluntarily assumes responsibility for the custody of the child.

### Responsibilities of the Safe Haven Provider

**Citation: Ala. Code §§ 26-25-1; 26-25-2**

An emergency medical services provider who takes possession of a child shall perform any act necessary to protect the physical health or safety of the child.

The provider shall notify the Department of Human Resources that the provider has taken possession of the child no later than the close of the first business day after the date on which an emergency medical services provider takes possession of a child.

### Immunity for the Provider

**Citation: Ala. Code § 26-25-5**

No person or other entity subject to the provisions of this chapter shall be liable to any person for any claim for damages as a result of any action taken pursuant to the requirements of this chapter, and no lawsuit shall be predicated thereon.

### Protection for Relinquishing Parent

**Citation: Ala. Code § 26-25-3**

Relinquishment to a safe haven is an affirmative defense to prosecution for nonsupport, abandonment, or endangering the welfare of a child.

### Effect on Parental Rights

**Citation: Ala. Code § 26-25-2**

The department shall assume the care, control, and custody of the child immediately on receipt of notice of a relinquishment.

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## Alaska

*Current Through December 2016*

### Infant's Age

**Citation: Alaska Stat. §§ 11.81.500; 47.10.013**

An infant who is younger than 21 days of age may be surrendered.

### Who May Relinquish the Infant

**Citation: Alaska Stat. § 47.10.013**

An infant may be surrendered by his or her parent.

**Who May Receive the Infant****Citation: Alaska Stat. § 47.10.013**

The infant may be left in the physical custody of:

- A person the parent reasonably believes would provide for the health and safety of the infant and who would act appropriately to care for the infant
- A peace officer, community health aide, physician, or hospital employee
- A person who is employed by or is a volunteer for a fire department or emergency medical service, if the person is acting within the scope of the person's fire department or emergency medical service duties

**Responsibilities of the Safe Haven Provider****Citation: Alaska Stat. § 47.10.013**

A person to whom an infant is surrendered shall:

- Act appropriately to care for the infant
- Inform the parent that the parent may, but is not required to, answer any questions regarding the name, identity, and medical history of the infant and parents of the infant
- Ask the parent if the parent wishes to relinquish the parent's parental rights and release the infant for adoption
- Immediately notify the nearest office of the Department of Health and Social Services that the infant has been surrendered

If the parent indicates that he or she does wish to relinquish the child for adoption, the person shall contact the department so that the parent can discuss that option with the department.

**Immunity for the Provider****Citation: Alaska Stat. § 47.10.013**

An individual, agency, facility, or entity that receives a safely abandoned infant under this section is not liable for civil damages for failure to discharge the duties listed above.

**Protection for Relinquishing Parent****Citation: Alaska Stat. § 11.81.500**

A parent may not be criminally prosecuted for surrendering a child of the parent if the child:

- Is an infant who is younger than 21 days of age
- Is surrendered in the manner described in § 47.10.013(c)
- Is not the subject of a court order affecting custody of the child

There must be no evidence that the infant has been physically injured before abandonment.

**Effect on Parental Rights****Citation: Alaska Stat. § 47.10.013**

When an infant is surrendered as described in this section, the infant's parent is considered to have abandoned the infant safely. The parent's legal duty to support the infant is extinguished if the parent, without expressing an intent to return for the infant, leaves the infant in the physical custody of a designated safe haven entity.

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**American Samoa**

*Current Through December 2016*

These issues are not addressed in the statutes reviewed.

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**Arizona**

*Current Through December 2016*

**Infant's Age****Citation: Rev. Stat. § 13-3623.01**

A newborn infant may be relinquished. The term 'newborn infant' means an infant who is 72 hours old or younger.

**Who May Relinquish the Infant****Citation: Rev. Stat. § 13-3623.01**

The child may be relinquished by the parent or an agent of the parent.

**Who May Receive the Infant****Citation: Rev. Stat. § 13-3623.01**

The child may be left with a designated safe haven provider. A safe haven provider includes any of the following:

- A firefighter who is on duty
- An emergency medical technician who is on duty
- A medical staff member at a general hospital or a rural general hospital
- A staff member or volunteer at any of the following organizations that posts a public notice that it is willing to accept a newborn infant:
  - » A licensed private child welfare agency
  - » A licensed adoption agency
  - » A church

**Responsibilities of the Safe Haven Provider****Citation: Rev. Stat. §§ 13-3623.01; 8-528**

If a parent or an agent of a parent voluntarily delivers the parent's newborn infant to a safe haven provider, the safe haven provider shall take custody of the newborn infant if both of the following are true:

- The parent did not express an intent to return for the newborn infant.
- The safe haven provider reasonably believes that the child is a newborn infant.

The safe haven provider shall immediately transport the infant to a hospital for a physical examination.

If the infant is left with a private child welfare or adoption agency and the agency has the ability to place the infant for adoption, the agency shall inform the Department of Child Safety that it will take custody of the infant within 24 hours. If the agency cannot place the infant for adoption, it shall inform the department that it will not take custody of the infant.

If an infant is left with a church and the church is affiliated with a private adoption agency, the provider must immediately inform the department that an infant has been left at the church, the location of the hospital where the church transported the infant, and whether a private adoption agency will take custody of the infant.

If the church is not affiliated with a private adoption agency or the agency cannot place the infant for adoption, the department shall contact the next private adoption agency on its rotating list of agencies until it contacts an agency that agrees to take custody of the infant. The adoption agency must take custody of the infant from the hospital within 24 hours.

If an infant is left with a firefighter, emergency medical technician, or a hospital staff member, the safe haven provider shall immediately contact the department to inform it that an infant has been left and of the location of the hospital where the safe haven provider transported the infant.

**Immunity for the Provider****Citation: Rev. Stat. § 13-3623.01**

A safe haven provider who receives a newborn infant is not liable for any civil or other damages for any act or omission by the safe haven provider in maintaining custody of the newborn infant if the safe haven provider acts in good faith without gross negligence.

**Protection for Relinquishing Parent****Citation: Rev. Stat. § 13-3623.01**

A person is not guilty of abuse of a child solely for leaving an unharmed newborn infant with a safe haven provider.

A parent or agent of a parent who leaves a newborn infant with a safe haven provider may remain anonymous, and the safe haven provider shall not require the parent or agent to answer any questions.

**Effect on Parental Rights**

This issue is not addressed in the statutes reviewed.



**Arkansas**

*Current Through December 2016*

**Infant's Age**

**Citation: Ann. Code § 9-34-202**

A child who is 30 days old or younger may be relinquished.

**Who May Relinquish the Infant**

**Citation: Ann. Code §§ 9-34-202; 5-27-205(c)**

A child may be relinquished by his or her parent or a person designated by the parent.

**Who May Receive the Infant**

**Citation: Ann. Code § 9-34-202**

The child may be left with any medical provider or law enforcement agency.

**Responsibilities of the Safe Haven Provider**

**Citation: Ann. Code §§ 9-34-202; 9-34-203**

Any medical provider or law enforcement agency shall, without a court order, take possession of a child who is 30 days old or younger if the child is left with or voluntarily delivered to the medical provider or law enforcement agency by the child's parent who does not express an intent to return for the child.

A medical provider or law enforcement agency that takes possession of a child shall perform any act necessary to protect the physical health and safety of the child.

Upon delivery of the child, the law enforcement officer or an appropriate hospital employee shall take the child into protective custody for 72 hours and immediately notify the Division of Children and Family Services of the Department of Human Services.

**Immunity for the Provider**

**Citation: Ann. Code § 9-34-202**

A medical provider or law enforcement agency shall incur no civil or criminal liability for any good-faith acts or omissions performed pursuant to this section.

**Protection for Relinquishing Parent**

**Citation: Ann. Code §§ 5-27-205(c); 9-34-202(b)(2)**

The fact that a parent voluntarily delivered a child to and left the child with, or voluntarily arranged for another person to deliver a child to and leave the child with, a medical provider or law enforcement agency serves as an affirmative defense to a prosecution for endangering the child.

This section specifically does not constitute a defense to any prosecution arising from an act of abuse or neglect committed prior to the delivery of a child to a medical provider or law enforcement agency.

A medical provider or law enforcement agency shall keep the identity of a parent who relinquishes a child under this section confidential and shall not release or otherwise make the identity of the parent available except to a:

- Law enforcement agency investigating abuse or neglect of the child that was committed before the child was delivered to the medical provider or law enforcement agency
- Prosecuting attorney pursuing charges against a parent for abuse or neglect of the child that was committed before the child was delivered to the medical provider or law enforcement agency

**Effect on Parental Rights**

**Citation: Ann. Code § 9-34-203**

The department will initiate a dependency action (to place the child in a permanent home).



## California

*Current Through December 2016*

### Infant's Age

**Citation: Penal Code § 271.5**

A child who is 72 hours old or younger may be relinquished.

### Who May Relinquish the Infant

**Citation: Penal Code § 271.5**

The child may be relinquished by his or her parent or other person having lawful custody.

### Who May Receive the Infant

**Citation: Penal Code § 271.5; Health & Safety Code § 1255.7**

A child may be left at a safe-surrender site that includes:

- A location designated by the board of supervisors of a county or by a local fire agency, upon the approval of the appropriate local governing body of the agency, to be responsible for accepting physical custody of a child
- A location within a public or private hospital that is designated by that hospital to be a safe-surrender site

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 the 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, if that location is selected.

A hospital and a safe-surrender site designated by the county board of supervisors or by a local fire agency, upon the approval of the appropriate local governing body of the agency, shall post a sign displaying a statewide logo that has been adopted by the State Department of Social Services that notifies the public of the location where a child may be safely surrendered.

### Responsibilities of the Safe Haven Provider

**Citation: Health & Safety Code § 1255.7**

Personnel at a safe-surrender site shall accept physical custody of the child and ensure that a qualified person does all of the following:

- Places a coded, confidential ankle bracelet on the child
- Offers the parent a copy of the ankle bracelet identification in order to facilitate reclaiming the child
- Offers the parent a medical information questionnaire, which may be declined or may be voluntarily filled out and returned at the time the child is surrendered or later filled out and mailed

Personnel of a safe-surrender site that has physical custody of a minor child shall ensure that a medical screening examination and any necessary medical care are provided to the minor child.

Notwithstanding any other provision of law, the consent of the parent or other relative shall not be required to provide medical care to the minor child.

As soon as possible, but not later than 48 hours after the physical custody of a child has been accepted, personnel of the safe-surrender site that has physical custody of the child shall notify child protective services or a county agency providing child welfare services that the safe-surrender site has physical custody of the child. In addition, any medical information pertinent to the child's health, including but not limited to information obtained pursuant to the medical information questionnaire that has been received by or is in the possession of the safe-surrender site, shall be provided to that child protective services or county agency.

### Immunity for the Provider

**Citation: Health & Safety Code § 1255.7**

A safe-surrender site, or the personnel of a safe-surrender site, shall not have liability of any kind for a surrendered child prior to taking actual physical custody of the child. A safe-surrender site, or personnel of the safe-surrender site, that accepts custody of a surrendered child shall not be subject to civil, criminal, or administrative liability for accepting the child and caring for the child in the good-faith belief that action is required or authorized by this section, including but not limited to instances where the child is older than 72 hours or the parent or individual surrendering the child did not have lawful physical custody of the child. A safe-surrender site, or the personnel of a safe-surrender site, shall not be subject to civil, criminal, or administrative liability for a surrendered child prior to the time that the site or its personnel know, or should know, that the child has been surrendered. This subdivision does not confer immunity from liability for personal injury or wrongful death, including but not limited to injury resulting from medical malpractice.

In order to encourage assistance to persons who voluntarily surrender physical custody of a child, 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 to or death of the minor child as a result of any of his or her acts or omissions. This immunity does not apply to any act or omission constituting gross negligence, recklessness, or willful misconduct.

**Protection for Relinquishing Parent**

**Citation: Penal Code § 271.5; Health & Safety Code § 1255.7**

No person leaving an infant with a safe haven provider may be prosecuted for abandonment, failure to provide, or desertion.

Any personal identifying information that pertains to a parent or individual who surrenders a child that is obtained pursuant to the medical information questionnaire is confidential and shall be exempt from disclosure by the child protective services or county agency.

**Effect on Parental Rights**

**Citation: Health & Safety Code § 1255.7**

Child protective services shall assume temporary custody of the child immediately upon receipt of notice of the child's relinquishment. Child protective services shall immediately investigate the circumstances of the case and file a dependency petition for the child. As soon as possible, but no later than 24 hours after temporary custody is assumed, child protective services shall report all known identifying information concerning the child, except personal identifying information pertaining to the parent or individual who surrendered the child, to the California Missing Children Clearinghouse and to the National Crime Information Center.

If, prior to the filing of a dependency petition, a parent or individual who has voluntarily surrendered a child requests that the safe-surrender site that has physical custody of the child return the child and the safe-surrender site still has custody of the child, personnel of the safe-surrender site shall either return the child to the parent or individual or contact a child protective agency if any personnel at the safe-surrender site knows or reasonably suspects that the child has been the victim of child abuse or neglect.

Subsequent to the filing of a dependency petition, if, within 14 days of the voluntary surrender, the parent or individual who surrendered custody returns to claim physical custody of the child, the child welfare agency shall verify the identity of the parent or individual, conduct an assessment of his or her circumstances and ability to parent, and request that the juvenile court dismiss the petition for dependency and order the release of the child.

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**Colorado**

*Current Through December 2016*

**Infant's Age**

**Citation: Rev. Stat. § 19-3-304.5**

A child who is 72 hours old or younger may be relinquished.

**Who May Relinquish the Infant**

**Citation: Rev. Stat. § 19-3-304.5**

The parent of the child may voluntarily relinquish the child.

**Who May Receive the Infant**

**Citation: Rev. Stat. § 19-3-304.5**

A child may be delivered to:

- A firefighter when the firefighter is at a fire station
- A hospital staff member who engages in the admission, care, or treatment of patients when the staff member is at a hospital

**Responsibilities of the Safe Haven Provider**

**Citation: Rev. Stat. § 19-3-304.5**

When a firefighter is at a fire station or a hospital staff member is at a hospital, the firefighter or hospital staff member shall, without a court order, take temporary physical custody of the child if:

- The child is 72 hours old or younger.
- The parent did not express an intent to return for the child.

If a firefighter or hospital staff member takes temporary physical custody of a child, he or she shall:

- Perform any act necessary, in accordance with generally accepted standards of professional practice, to protect, preserve, or aid the physical health or safety of the child during the temporary physical custody
- Notify a law enforcement officer and the county department of social services of the abandonment within 24 hours after the abandonment

#### **Immunity for the Provider**

**Citation: Rev. Stat. § 19-3-304.5**

A firefighter or hospital staff member shall incur no civil or criminal liability for any good-faith acts or omissions performed pursuant to this section.

#### **Protection for Relinquishing Parent**

**Citation: Rev. Stat. §§ 18-6-401(9): 19-3-304.5**

A parent who utilizes the provisions of this section shall not, for that reason alone, be found to be responsible in a confirmed report of abuse or neglect.

If a parent is charged with permitting a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health, and the child was 72 hours old or younger at the time of the alleged offense, it shall be an affirmative defense to such charge that the parent safely, reasonably, and knowingly handed the child over to a firefighter or to a hospital staff member who engages in the admission, care, or treatment of patients, when such firefighter is at a fire station or such hospital staff member is at a hospital.

#### **Effect on Parental Rights**

**Citation: Rev. Stat. § 19-3-304.5**

A county department of social services shall:

- Place an abandoned child with a potential adoptive parent as soon as possible
- Proceed with a motion to terminate the parental rights of a parent who abandons a child

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### **Connecticut**

*Current Through December 2016*

#### **Infant's Age**

**Citation: Gen. Stat. § 17a-58**

A child who is 30 days old or younger may be relinquished.

#### **Who May Relinquish the Infant**

**Citation: Gen. Stat. § 17a-58**

The child may be relinquished by his or her parent or a lawful agent of the parent.

#### **Who May Receive the Infant**

**Citation: Gen. Stat. § 17a-57**

Each hospital operating an emergency room shall designate all members of the emergency room nursing staff as employees authorized to take physical custody of an infant pursuant to § 17a-58. There shall be a designated employee on duty at each hospital emergency room during regular business hours. There shall be a designated place inside such hospital emergency room where physical custody may be taken.

#### **Responsibilities of the Safe Haven Provider**

**Citation: Gen. Stat. §§ 17a-58; 17a-59**

The designated employee shall take physical custody of any infant age 30 days or younger if the parent or lawful agent of the parent voluntarily surrenders physical custody of the infant, unless the parent or agent clearly expresses an intent to return for the infant. The designated employee may request the parent or agent to provide the name of the parent or agent and information on the medical history of the infant and parents.

The designated employee may provide the parent or agent with a numbered identification bracelet to link the parent or agent to the infant. The bracelet shall be used for identification only and shall not be construed to authorize the person who possesses the bracelet to take custody of the infant on demand. The designated employee shall provide the parent or agent with a pamphlet describing the process of safe relinquishment.

No more than 24 hours after taking physical custody of the infant, the designated employee shall notify the Department of Children and Families of such custody.

**Immunity for the Provider**

This issue is not addressed in the statutes reviewed.

**Protection for Relinquishing Parent**

**Citation: Gen. Stat. §§ 17a-60; 53-23**

Information concerning a parent or agent or infant left with a designated employee shall be confidential, except that the provider shall furnish to the Commissioner of Children and Families all medical history information provided by the parent.

Leaving an infant with a safe haven provider is not a violation of the law of child abandonment.

**Effect on Parental Rights**

**Citation: Gen. Stat. §§ 17a-59; 17a-60**

The Commissioner of Children and Families shall assume the care and control of the infant immediately upon receipt of notice and shall take any action authorized under State law to achieve safety and permanency for the infant. Any infant in the care and control of the commissioner under the provisions of this section shall be considered to be in the custody of the department.

If a person claiming to be a parent or agent of an infant left with a designated employee submits a request to the Commissioner of Children and Families for reunification with the infant, the commissioner may identify, contact, and investigate such person or agent to determine if such reunification is appropriate or if the parental rights of the parent should be terminated.

Possession of a bracelet linking the parent or agent to an infant left with a designated employee, if parental rights have not been terminated, creates a presumption that the parent or person has standing to participate in a custody hearing for the infant and does not create a presumption of maternity, paternity, or custody.

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**Delaware**

*Current Through December 2016*

**Infant's Age**

**Citation: Ann. Code Tit. 16, §§ 902; 907A**

A baby may be relinquished to a safe haven provider. 'Baby' shall mean a child not more than 14 days old, except that for hospitals and their employees and volunteers, 'baby' shall mean a child reasonably believed to be not more than 14 days old.

**Who May Relinquish the Infant**

**Citation: Ann. Code Tit. 16, § 907A**

A person may voluntarily surrender a baby.

**Who May Receive the Infant**

**Citation: Ann. Code Tit. 16, § 907A**

A baby may be surrendered directly to an employee or volunteer of the emergency department of a Delaware hospital inside of the emergency department provided that said baby is surrendered alive, unharmed, and in a safe place therein.

**Responsibilities of the Safe Haven Provider**

**Citation: Ann. Code Tit. 16, § 907A**

A Delaware hospital shall be authorized to take temporary emergency protective custody of the baby who is surrendered pursuant to this section. The hospital shall either make reasonable efforts to directly obtain pertinent medical history information pertaining to the baby and the baby's family or attempt to provide the person with a postage-paid medical history information questionnaire.

The hospital shall attempt to provide the person leaving the baby with the following:

- Information about the Safe Arms program
- Information about adoption and counseling services, including information that confidential adoption services are available and information about the benefits of engaging in a regular, voluntary adoption process
- Brochures with telephone numbers for public or private agencies that provide counseling or adoption services

The hospital shall attempt to provide the person surrendering the baby with the number of the baby's identification bracelet to aid in linking the person to the baby at a later date, if reunification is sought. Such an identification number is an identification aid only and does not permit the person possessing the identification number to take custody of the baby on demand.

If a person possesses an identification number linking the person to a baby surrendered at a hospital and parental rights have not already been terminated, possession of the identification number creates a presumption that the person has standing to participate in an action. Possession of the identification number does not create a presumption of maternity, paternity, or custody.

**Immunity for the Provider****Citation: Ann. Code Tit. 16, § 908**

A hospital, hospital employee, or hospital volunteer who accepts temporary emergency protective custody of a baby is absolutely immune from civil and administrative liability for any act of commission or omission in connection with the acceptance of that temporary emergency protective custody or the provision of care for the baby when left at the hospital while said baby is in the hospital's temporary emergency protective custody, except for negligence or intentional acts.

**Protection for Relinquishing Parent****Citation: Ann. Code Tit. 16, § 907A; Tit. 11, § 1102A**

The person who surrenders the baby shall not be required to provide any information pertaining to his or her identity, nor shall the hospital inquire as to the same. If the identity of the person is known to the hospital, the hospital shall keep the identity confidential.

When the person who surrenders a baby manifests a desire to remain anonymous, the division shall neither initiate nor conduct an investigation to determine the identity of such person, and no court shall order such an investigation unless there is good cause to suspect child abuse or neglect other than the act of surrendering such baby.

In any prosecution for an offense of abandoning or endangering a child, it is a defense if the person surrendered care or custody of a baby directly to an employee or volunteer of a hospital emergency department inside of the emergency department provided that said baby is surrendered alive, unharmed, and in a safe place therein.

**Effect on Parental Rights****Citation: Ann. Code Tit. 16, § 907A**

Any hospital taking a baby into temporary emergency protective custody shall immediately notify the division and the State Police of its actions. The division shall obtain ex parte custody and physically appear at the hospital within 4 hours of notification unless there are exigent circumstances. Immediately after being notified of the surrender, the State Police shall submit an inquiry to the Delaware Missing Children Information Clearinghouse.

The division shall notify the community that a baby has been abandoned and taken into temporary emergency protective custody by publishing notice to that effect in a newspaper of statewide circulation. The notice must be published at least three times over a 3-week period immediately following the surrender of the baby unless the division has relinquished custody. The notice, at a minimum, shall contain the place, date, and time where the baby was surrendered; the baby's sex, race, approximate age, identifying marks, and any other information the division deems necessary for the baby's identification; and a statement that such abandonment shall be:

- The surrendering person's irrevocable consent to the termination of all parental rights, if any, of such person on the ground of abandonment
- The surrendering person's irrevocable waiver of any right to notice of, or opportunity to participate in, any termination of parental rights proceeding involving such child, unless such surrendering person manifests an intent to exercise parental rights and responsibilities within 30 days of such abandonment

**District of Columbia***Current Through December 2016***Infant's Age****Citation: Ann. Code § 4-1451.01**

A newborn may be surrendered. The term 'newborn' means an infant whose parent refuses or is unable to assume the responsibility for the infant's care, control, and subsistence; who is surrendered by that parent; and who a licensed physician or other person authorized to accept the surrender reasonably believes is 14 days old or younger.

**Who May Relinquish the Infant****Citation: Ann. Code §§ 4-1451.01; 4-1451.02**

Except when there is actual or suspected child abuse or neglect, a custodial parent who is a resident of the District of Columbia may surrender a newborn in accordance with this chapter.

The term 'surrender' means to bring a newborn to an authorized receiving facility during its hours of operation and to leave the newborn with personnel of the facility.

**Who May Receive the Infant****Citation: Ann. Code § 4-1451.01**

An authorized receiving facility, including a hospital or other place authorized by the mayor, may accept a newborn for surrender pursuant to this chapter.

**Responsibilities of the Safe Haven Provider****Citation: Ann. Code §§ 4-1451.02; 4-1451.04**

The authorized receiving facility personnel receiving the surrendered newborn shall make a reasonable effort to obtain family and medical history from the surrendering parent, including personal information about both of the parents' identities, and shall provide to the surrendering parent information on adoption and counseling services.

Facility personnel receiving the surrender of a newborn shall file a written statement with the Child and Family Services Agency (CFSA) on or before the time CFSA assumes physical custody of the newborn, which shall include the following information:

- Date and time of the surrender
- Circumstances of the surrender
- Personal information obtained, if any

After the surrender of a newborn, an authorized receiving facility that is not a hospital shall transport the newborn to the nearest hospital as soon as transportation can be arranged.

The act of surrender shall constitute implied consent for the hospital to which the newborn is surrendered or transported and the hospital's medical personnel to treat and provide care for the newborn and arrange for further placement with CFSA and, through CFSA, with a preadoptive home, whenever possible.

Hospital personnel shall immediately contact CFSA to report the surrender of the newborn and arrange for transport of the newborn to CFSA. CFSA shall assume physical custody of the newborn within 23 hours of the surrender.

**Immunity for the Provider****Citation: Ann. Code § 4-1451.06**

An authorized receiving facility and the personnel of the facility shall be immune from civil or criminal liability for the good-faith performance of the reporting and placement responsibilities under this chapter, including liability for the failure to file a report that might otherwise be incurred or imposed on a person required to report suspected incidents of child abuse or neglect under § 4-1321.02.

In any civil or criminal proceeding brought under this chapter concerning the surrender of a newborn, good faith shall be presumed unless rebutted.

**Protection for Relinquishing Parent****Citation: Ann. Code § 4-1451.02**

The relinquishing parent shall have the right to remain anonymous and to leave the place of surrender at any time. The parent shall not be pursued by any person at the time of surrender or prosecuted for the surrender of the newborn.

The surrender of a newborn in accordance with this chapter, and rules promulgated pursuant to this chapter, shall not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment.

**Effect on Parental Rights****Citation: Ann. Code § 4-1451.05**

A relinquishment of parental rights shall take place upon surrender. Upon CFSA's receipt of the statement required by § 4-1451.02(d) and assuming physical custody, CFSA shall assume immediate care, custody, and control of the surrendered newborn.

A relinquishment of parental rights under this chapter may be revoked and parental rights restored in accordance with § 4-1406(c)-(d) provided that:

- The parent agrees to genetic testing to establish maternity or paternity.
- The genetic test establishes that the surrendering parent is the biological parent of the newborn.
- A risk assessment is conducted to determine if further investigation is necessary or that the family needs to be referred for support services and is so referred.

No later than 90 days after surrender, CFSA shall attempt to identify, locate, and notify the nonsurrendering parent by performing a missing-child search and publishing notice of the surrender of the newborn. The notice shall include the statement that the nonsurrendering parent's failure to notify CFSA, or other contact as set forth in the notice, of the intent to exercise his or her parental rights and responsibilities within 20 days of publication of the notice shall be deemed to be the nonsurrendering parent's irrevocable consent to the termination of all parental rights and his or her irrevocable waiver of any right to notice of, or opportunity to participate in, any termination of parental rights proceeding involving the surrendered newborn.

The court may grant a petition for adoption without consent following relinquishment of parental rights and the termination of parental rights pursuant to this section and § 16-304(g).

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## Florida

*Current Through December 2016*

### Infant's Age

**Citation: Ann. Stat. § 383.50**

A newborn infant may be relinquished. The term 'newborn infant' means a child that a licensed physician reasonably believes to be approximately 7 days old or younger.

### Who May Relinquish the Infant

**Citation: Ann. Stat. § 383.50**

The infant may be relinquished by his or her parent.

### Who May Receive the Infant

**Citation: Ann. Stat. § 383.50**

The child may be left at a hospital, emergency medical services station, or fire station.

### Responsibilities of the Safe Haven Provider

**Citation: Ann. Stat. § 383.50**

Each emergency medical services station or fire station staffed with full-time firefighters, emergency medical technicians, or paramedics shall accept any newborn infant left with a firefighter, emergency medical technician, or paramedic. They shall consider these actions as implied consent to and shall:

- Provide emergency medical services to the newborn infant to the extent he or she is trained to provide those services
- Arrange for the immediate transportation of the newborn infant to the nearest hospital having emergency services

Each hospital shall admit and provide all necessary emergency services and care to any newborn infant left with the hospital in accordance with this section. The hospital or any of its licensed health-care professionals shall consider these actions as implied consent for treatment, and a hospital accepting physical custody of a newborn infant has implied consent to perform all necessary emergency services and care.

Upon admitting a newborn infant, the hospital shall immediately contact a local licensed child-placing agency or alternatively contact the statewide central abuse hotline for the name of a licensed child-placing agency for purposes of transferring physical custody of the newborn infant. The hospital shall notify the licensed child-placing agency that a newborn infant has been left with the hospital and approximately when the licensed child-placing agency can take physical custody of the child. In cases where there is actual or suspected child abuse or neglect, the hospital or any of its licensed health-care professionals shall report the actual or suspected child abuse or neglect in accordance with statute in lieu of contacting a licensed child-placing agency.



**Immunity for the Provider****Citation: Ann. Stat. § 383.50**

A medical services provider, a fire department, or an employee or agent of a medical services provider or fire department is immune from criminal or civil liability for acting in good faith pursuant to this section. Nothing in this subsection limits liability for negligence. The hospital or any of its licensed health-care professionals is immune from criminal or civil liability for acting in good faith in accordance with this section. Nothing in this subsection limits liability for negligence.

**Protection for Relinquishing Parent****Citation: Ann. Stat. § 383.50**

A newborn infant left at a hospital, emergency medical services station, or fire station in accordance with this section shall not be deemed abandoned and is not subject to reporting and investigation requirements, unless there is actual or suspected child abuse or until the Department of Children and Family Services takes physical custody of the child.

A criminal investigation shall not be initiated solely because a newborn infant is left at a hospital under this section, unless there is actual or suspected child abuse or neglect.

Except where there is actual or suspected child abuse or neglect, any parent who leaves a newborn infant with a firefighter, emergency medical technician, or paramedic at a fire station or emergency medical services station, or brings a newborn infant to an emergency room of a hospital and expresses an intent to leave the newborn infant and not return, has the absolute right to remain anonymous and to leave at any time and may not be pursued or followed unless the parent seeks to reclaim the newborn infant.

**Effect on Parental Rights****Citation: Ann. Stat. § 383.50**

There is a presumption that the parent who leaves the newborn infant in accordance with this section intended to leave the newborn infant and consented to termination of parental rights.

A parent of a newborn infant left at a hospital, emergency medical services station, or fire station may claim his or her newborn infant up until the time the court enters a judgment terminating his or her parental rights. A claim to the newborn infant must be made to the entity that has physical or legal custody of the newborn infant or to the circuit court before which proceedings involving the newborn infant are pending.

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**Georgia***Current Through December 2016***Infant's Age****Citation: Ann. Code § 19-10A-4**

A newborn child who is no more than 1 week old may be relinquished.

**Who May Relinquish the Infant****Citation: Ann. Code § 19-10A-4**

The mother of the child may relinquish the child.

**Who May Receive the Infant****Citation: Ann. Code §§ 19-10A-2; 19-10A-4**

The child's mother may leave her newborn child in the physical custody of an employee, agent, or member of the staff of a medical facility who is on duty, whether they are in a paid or volunteer position.

The term 'medical facility' means any licensed general or specialized hospital, institutional infirmary, health center operated by a county board of health, or facility where human births occur on a regular and ongoing basis that is classified by the Department of Community Health as a birthing center, but the term shall not mean physicians' or dentists' private offices.

**Responsibilities of the Safe Haven Provider****Citation: Ann. Code § 19-10A-6**

A medical facility shall accept the child for inpatient admission and notify the Department of Human Services when the child is left and at the time the child is medically ready for discharge.

**Immunity for the Provider****Citation: Ann. Code § 19-10A-7**

Medical facilities and their employees, agents, and staff members shall not be liable for civil damages or subject to criminal prosecution for failure to discharge the duties provided for in this chapter. The immunity provided in this chapter shall in no way be construed as providing immunity for any acts of negligent treatment of the child taken into custody.

**Protection for Relinquishing Parent****Citation: Ann. Code § 19-10A-4**

A mother shall not be prosecuted for the crimes of cruelty to a child; contributing to the delinquency, unruliness, or deprivation of a child; or abandonment of a dependent child because of the act of leaving her newborn child in the physical custody of an employee, agent, or member of the staff of a medical facility who is on duty, whether they are in a paid or volunteer position, provided that the newborn child is no more than 1 week old and the mother shows proof of her identity, if available, to the person with whom the newborn is left and provides her name and address.

**Effect on Parental Rights****Citation: Ann. Code § 19-10A-6**

Upon notification that the child is medically ready for discharge, the Department of Human Services shall take physical custody of the child within 6 hours. The department, upon taking physical custody, shall promptly bring the child before the juvenile court to determine placement, as required by § 15-11-47.

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**Guam***Current Through December 2016*

These issues are not addressed in the statutes reviewed.

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**Hawaii***Current Through December 2016***Infant's Age****Citation: Rev. Stat. § 587D-2**

A child who is no more than 72 hours old may be relinquished.

**Who May Relinquish the Infant****Citation: Rev. Stat. § 587D-2**

A person may leave the child with a safe haven provider.

**Who May Receive the Infant****Citation: Rev. Stat. § 587D-2**

The child may be left with the personnel of a hospital, fire station, police station, or emergency services provider.

**Responsibilities of the Safe Haven Provider****Citation: Rev. Stat. §§ 587D-3; 587D-4**

When a person leaves a newborn child with a safe haven provider, the provider:

- Shall make every reasonable effort to solicit the following information:
  - » The child's name
  - » The name and address of the parent or person dropping off the child
  - » Where the child was born
  - » The child's medical history
  - » The child's birth family's medical history, including major illnesses and diseases
  - » Any other information that might reasonably assist the Department of Human Services in determining the best interests of the child, including whether the parents plan to seek custody of the child in the future
- May provide the person leaving the newborn child with information on how to contact relevant social service agencies
- Shall notify appropriate law enforcement agencies that a child was received for purposes of matching the child with missing children reports

Refusal of the person leaving the child to provide personal information shall not prevent personnel from accepting the child.

If a safe haven provider receives a child, the provider shall perform any act necessary, in accordance with generally accepted standards of their respective professional practice, to protect, preserve, and aid the physical health and safety of the child during the temporary physical custody.

Within 24 hours of receiving an unharmed newborn child, the provider shall inform the department that a child has been left at the premises. The department shall not be informed until the person leaving the child has left the premises. If the child is received in a harmed condition, the provider shall notify appropriate law enforcement agencies, regardless of whether the person or persons leaving the child has left the premises.

### **Immunity for the Provider**

**Citation: Rev. Stat. § 587D-5**

A hospital, health-care provider, hospital personnel, fire station, firefighter, fire personnel, police station, police officer, police personnel, and emergency services personnel acting in good faith in receiving a newborn child shall be immune from:

- Any criminal liability that otherwise might result from their actions
- Any civil liability that otherwise might result from merely receiving a newborn child

A hospital, health-care provider, hospital personnel, fire station, firefighter, fire personnel, police station, police officer, police personnel, and emergency services personnel who are mandated reporters under § 350-1.1 shall be immune from any criminal or civil liability that otherwise might result from the failure to make a report if the person is acting in good faith in complying with this chapter.

### **Protection for Relinquishing Parent**

**Citation: Rev. Stat. § 587D-2**

A person may leave a newborn child at a safe haven without being subject to prosecution for abandonment of a child pursuant to § 709-902 provided that the newborn child is left in an unharmed condition.

### **Effect on Parental Rights**

**Citation: Rev. Stat. §§ 587D-6; 587D-7**

Upon receiving custody of a newborn child who has been discharged from a hospital that received the newborn child pursuant to § 587D-3, the Department of Human Services may reunite the newborn child with the newborn's parents.

The department may search for relatives of the newborn child as a placement or permanency option or implement other placement requirements that give a preference to relatives provided that the department has information as to the identity of the newborn child, the newborn child's mother, or the newborn child's father.

For purposes of proceedings under this chapter and adoption proceedings, a newborn child left at a hospital, fire station, police station, or emergency services provider shall be considered an abandoned child.

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## **Idaho**

*Current Through December 2016*

### **Infant's Age**

**Citation: Idaho Code § 39-8203**

A child who is no more than 30 days old may be delivered to a safe haven provider.

### **Who May Relinquish the Infant**

**Citation: Idaho Code § 39-8203**

A custodial parent may deliver the child to a safe haven provider.

### **Who May Receive the Infant**

**Citation: Idaho Code § 39-8202**

Safe haven providers include:

- Licensed hospitals
- Licensed physicians and staff working at their offices and clinics

- Advanced practice professional nurses, including certified nurse-midwives, clinical nurse specialists, nurse practitioners, and certified registered nurse anesthetists
- Licensed physician assistants
- Medical personnel certified as first responders, emergency medical technicians, and paramedics

**Responsibilities of the Safe Haven Provider****Citation: Idaho Code §§ 39-8203; 39-8204**

A safe haven shall take temporary physical custody of a child, without court order, if the child is personally delivered to a safe haven, provided that:

- The child is no more than 30 days old.
- The custodial parent delivers the child to the safe haven.
- The custodial parent does not express an intent to return for the child.

If a safe haven takes temporary physical custody of a child, the safe haven shall:

- Perform any act necessary, in accordance with generally accepted standards of professional practice, to protect, preserve, or aid the physical health and safety of the child during the temporary physical custody including, but not limited to, delivering the child to a hospital for care or treatment
- Immediately notify a peace officer or other person appointed by the court of the abandonment

Upon notification by a safe haven that a child has been abandoned, a peace officer or other person appointed by the court shall take protective custody of the child and shall immediately deliver the child to the care, control, and custody of the Department of Health and Welfare. If the child requires further medical evaluation, care, or treatment, the child shall be left in the care of a hospital, and the peace officer shall notify the court and prosecutor of the action taken and the location of the child so that a shelter care hearing may be held.

**Immunity for the Provider****Citation: Idaho Code §§ 39-8203; 39-8204**

A safe haven with responsibility for performing duties under this section and any employee, doctor, or other personnel working at the safe haven are immune from any civil or criminal liability that otherwise might result from their actions, if they are acting in good faith in receiving a child and performing duties under this section.

A peace officer or other person appointed by the court who takes a child into custody under this section shall not be held liable, either criminally or civilly, unless the action of taking the child was exercised in bad faith or in violation of the provisions of this chapter.

**Protection for Relinquishing Parent****Citation: Idaho Code §§ 39-8203; 39-8206**

The safe haven provider shall not inquire as to the identity of the custodial parent and, if the identity of a parent is known to the safe haven provider, the provider shall keep all information as to the parent's identity confidential. The custodial parent leaving the child shall not be required to provide any information to the safe haven provider but may voluntarily provide information including, but not limited to, medical history of the parent(s) or the child.

A custodial parent may leave a child at a safe haven without being subjected to prosecution for abandonment, provided that the child was no more than 30 days old when he or she was left at the safe haven, as determined within a reasonable degree of medical certainty.

**Effect on Parental Rights****Citation: Idaho Code §§ 39-8204; 39-8205; 39-8206**

The Department of Health and Welfare shall place an abandoned child with a potential adoptive parent as soon as possible.

The department shall file a petition for an adjudicatory hearing to vest legal custody in the department. A child protective investigation or criminal investigation shall not be initiated based on a claim of abandonment unless a claim of parental rights is made and the court orders the investigation.

During the initial 30-day period from the time the child was relinquished, law enforcement officials shall investigate through the missing children information clearinghouse and other State and national resources to ensure that the child is not a missing child. As soon as practicable following the 30-day period, the department shall petition to terminate the parental rights of the parent who abandoned the child.

A parent of the child may make a claim of parental rights by filing a notice of claim of parental rights with the vital statistics unit of the Department of Health and Welfare. To be valid, a claim of parental rights must be filed before an order terminating parental rights is entered by the court. A parent who fails to file a claim of parental rights prior to entry of an order terminating his or her parental rights is deemed to have abandoned the child and waived and surrendered any right in relation to the child, including the right to notice of any judicial proceeding in connection with the termination of parental rights or adoption of the child.

## Illinois

*Current Through December 2016*

### Infant's Age

**Citation: Comp. Stat. Ch. 325, § 2/10**

A newborn infant may be relinquished under this act. The term 'newborn infant' means a child who a licensed physician reasonably believes is 30 days old or younger at the time the child is initially relinquished and who is not an abused or a neglected child.

### Who May Relinquish the Infant

**Citation: Comp. Stat. Ch. 325, § 2/10**

The term 'relinquish' means to bring a newborn infant to a designated facility and to leave the infant with personnel of the facility, if the person leaving the infant does not express an intent to return for the infant or states that he or she will not return for the infant. In the case of a mother who gives birth to an infant in a hospital, the mother's act of leaving that newborn infant at the hospital without expressing an intent to return for the infant or stating that she will not return for the infant is not a relinquishment under this act.

### Who May Receive the Infant

**Citation: Comp. Stat. Ch. 325, § 2/10**

A newborn infant may be relinquished to a hospital; police station, including a municipal police station, a county sheriff's office, a campus police department located on any college or university, or any of the district headquarters of the Illinois State Police; fire station; or emergency medical facility.

### Responsibilities of the Safe Haven Provider

**Citation: Comp. Stat. Ch. 325, §§ 2/20; 2/25; 2/40**

If there is suspected child abuse or neglect that is not based solely on the newborn infant's relinquishment, personnel who are mandated reporters must report the abuse or neglect.

Every hospital must accept and provide all necessary emergency services and care to a relinquished infant, including tests that evaluate whether the infant was abused or neglected.

If the infant is relinquished to a police station, fire station, or emergency medical facility, the personnel must arrange for the transportation of the infant to the nearest hospital as soon as possible. If the parent returns to reclaim the child within 72 hours, he or she must be informed of the name and location of the hospital to which the infant was transported.

Before the relinquishing person leaves the hospital, police station, fire station, or emergency medical facility, the personnel shall:

- Verbally inform the relinquishing person that by relinquishing the child anonymously, he or she will have to petition the court if he or she desires to prevent the termination of parental rights and regain custody of the child
- Offer the relinquishing person the information packet described in § 2/35

Within 12 hours after accepting a newborn infant, a hospital must report to the State Central Registry for the purpose of transferring physical custody of the infant from the hospital to either a child-placing agency or the Department of Children and Family Services.

Within 24 hours after receiving a report, the department must request assistance from law enforcement officials to investigate the matter using the National Crime Information Center to ensure that the relinquished newborn infant is not a missing child.

If a relinquished child is not a newborn infant as defined in this act, the hospital and the department must proceed as if the child is an abused or neglected child.

**Immunity for the Provider****Citation: Comp. Stat. Ch. 325, § 2/27**

A hospital, police station, fire station, or emergency medical facility and any personnel of a hospital, police station, fire station, or emergency medical facility are immune from criminal or civil liability for acting in good faith in accordance with this act. Nothing in this act limits liability for negligence for care and medical treatment.

**Protection for Relinquishing Parent****Citation: Comp. Stat. Ch. 325, §§ 2/25; 2/30**

The act of relinquishing a newborn infant to a hospital, police station, fire station, or emergency medical facility in accordance with this act does not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment of the infant pursuant to the laws of this State nor does it, by itself, constitute a violation of §§ 720 ILCS 5/12C-5 (endangering the life or health of a child) or 720 ILCS 5/12C-10 (child abandonment) of the Criminal Code.

If there is suspected child abuse or neglect that is not based solely on the newborn infant's relinquishment, the personnel of the hospital, police station, fire station, or emergency medical facility who are mandated reporters must report the abuse or neglect. Neither a child protective investigation nor a criminal investigation may be initiated solely because a newborn infant is relinquished pursuant to this act.

If there is no evidence of abuse or neglect of a relinquished newborn infant, the relinquishing person has the right to remain anonymous and to leave the hospital, police station, fire station, or emergency medical facility at any time and not be pursued or followed. However, nothing in this act shall be construed as precluding the relinquishing person from providing his or her identity or completing the application forms for the Illinois Adoption Registry and Medical Information Exchange and requesting that the hospital, police station, fire station, or emergency medical facility forward those forms to the Illinois Adoption Registry and Medical Information Exchange.

**Effect on Parental Rights****Citation: Comp. Stat. Ch. 325, §§ 2/15; 2/50; 2/55**

There is a presumption that by relinquishing a newborn infant in accordance with this act, the infant's parent consents to the termination of his or her parental rights with respect to the infant.

Upon notice from the department that a newborn infant has been relinquished, a child-placing agency must accept the infant if the agency has the accommodations to do so. When possible, the child-placing agency must place a relinquished infant in a prospective adoptive home.

The department or child-placing agency must initiate proceedings to terminate the parental rights of the relinquished infant's known or unknown parents, appoint a guardian for the infant, and obtain consent to the infant's adoption no sooner than 60 days following the date of the initial relinquishment of the infant. Before filing the petition, the department or child-placing agency must search its Putative Father Registry for the purpose of determining the identity and location of the putative father in order to provide notice.

A parent of a relinquished infant may petition for the return of the infant before the termination of parental rights. The court may hold the proceeding for the termination of parental rights in abeyance up to 60 days. During that period:

- The court shall order genetic testing to establish maternity or paternity, or both.
- The department shall conduct a child protective investigation and home study.

Failure to file a petition for the return of the infant before the termination of parental rights bars any future action of asserting legal rights to the infant unless the parent's act of relinquishment involved fraud perpetrated against the parent. No action to void or revoke the termination of parental rights of a parent of a relinquished infant, including an action based on fraud, may be commenced after 12 months after the date that the newborn infant was initially relinquished.

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**Indiana***Current Through December 2016***Infant's Age****Citation: Ann. Code § 31-34-2.5-1**

The relinquished child may not be more than 30 days old.

**Who May Relinquish the Infant****Citation: Ann. Code § 31-34-2.5-1**

The child may be relinquished by his or her parent or any person designated by the parent.

**Who May Receive the Infant****Citation: Ann. Code § 31-34-2.5-1**

The child may be left with an emergency medical services provider.

**Responsibilities of the Safe Haven Provider****Citation: Ann. Code §§ 31-34-2.5-1; 31-34-2.5-2**

An emergency medical services provider shall, without a court order, take custody of a child who is, or who appears to be, not more than 30 days old if:

- The child is voluntarily left with the provider by the child's parent.
- The parent does not express an intent to return for the child.

An emergency medical services provider who takes custody of a child under this section shall perform any act necessary to protect the child's physical health or safety.

Immediately after an emergency medical services provider takes custody of a child, the provider shall notify the Department of Child Services that the provider has taken custody of the child. The department shall contact the Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults to determine if the child has been reported missing no later than 48 hours after it has taken custody of the child.

**Immunity for the Provider**

This issue is not addressed in the statutes reviewed.

**Protection for Relinquishing Parent****Citation: Ann. Code §§ 31-34-2.5-1; 35-46-1-4**

A person who voluntarily leaves a child with an emergency services provider is not required to disclose his or her name or the parent's name.

If the accused person left a dependent child, who was not more than 30 days old at the time the alleged act occurred, with an emergency medical provider who took custody of the child, it is a defense to a prosecution for abandonment or neglect of a dependent when:

- The prosecution is based solely on the alleged act of leaving the child with the emergency medical services provider.
- The alleged act did not result in bodily injury or serious bodily injury to the child.

**Effect on Parental Rights****Citation: Ann. Code §§ 31-34-2.5-2; 31-34-2.5-3**

The Department of Child Services shall assume the care, control, and custody of the child immediately after receiving notice from the emergency services provider.

A child for whom the Department of Child Services assumes care, control, and custody shall be treated as a child taken into custody without a court order, except that efforts to locate the child's parents or reunify the child's family are not necessary if, after receiving a written report and recommendation from the guardian ad litem or court-appointed special advocate, the court finds that reasonable efforts to locate the child's parents or reunify the child's family would not be in the best interests of the child.

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**Iowa**

*Current Through December 2016*

**Infant's Age****Citation: Ann. Stat. § 233.1**

A newborn infant may be relinquished. The term 'newborn infant' means a child who is, or who appears to be, 14 days old or younger.



**Who May Relinquish the Infant****Citation: Ann. Stat. § 233.2**

A parent of a newborn infant may voluntarily release custody of the newborn infant by relinquishing physical custody of the newborn infant without expressing an intent to again assume physical custody at an institutional health facility or by authorizing another person to relinquish physical custody on the parent's behalf.

**Who May Receive the Infant****Citation: Ann. Stat. § 233.1**

The child be may relinquished to an institutional health facility. The term 'institutional health facility' means a hospital, including a facility providing medical or health services that is open 24 hours per day, 7 days per week and is a hospital emergency room or a health-care facility.

**Responsibilities of the Safe Haven Provider****Citation: Ann. Stat. § 233.2**

Unless the parent or other person relinquishing physical custody of a newborn infant clearly expresses an intent to return to again assume physical custody of the newborn infant, an individual on duty at the facility at which physical custody of the newborn infant was relinquished shall take physical custody of the newborn infant.

The individual on duty may request the parent or other person to provide the name of the parent or parents and information on the medical history of the newborn infant and the newborn infant's parent or parents. The individual on duty may perform reasonable acts necessary to protect the physical health or safety of the newborn infant.

As soon as possible after the individual on duty assumes physical custody of a newborn infant, the individual shall notify the Department of Human Services, and the department shall take the actions necessary to assume the care, control, and custody of the newborn infant. Within 24 hours of taking custody of the newborn infant, the department shall notify the juvenile court and the county attorney in writing of the department's action and the circumstances surrounding the action.

**Immunity for the Provider****Citation: Ann. Stat. § 233.2**

The individual on duty and the institutional health facility in which the individual was on duty are immune from criminal or civil liability for any acts or omissions made in good faith to comply with this section.

**Protection for Relinquishing Parent****Citation: Ann. Stat. §§ 233.2; 233.3; 233.5**

The parent or other person is not required to provide his or her name or medical history information.

Any person authorized by the parent to assist with release of custody by relinquishing physical custody of the newborn infant or to otherwise act on the parent's behalf is immune from criminal prosecution for abandonment or neglect of the newborn infant and civil liability for any reasonable acts or omissions made in good faith in assisting with the release.

In addition to any other privacy protection established in law, a record that is developed, acquired, or held in connection with an individual's good-faith effort to voluntarily release a newborn infant in accordance with this chapter and any identifying information concerning the individual shall be kept confidential. Such record shall not be inspected or the contents disclosed except as provided in this section.

**Effect on Parental Rights****Citation: Ann. Stat. §§ 233.2; 233.4**

Upon being notified in writing by the department, the county attorney shall file a petition alleging the newborn infant to be a child in need of assistance and a petition for termination of parental rights. A hearing on a termination of parental rights petition shall be held no later than 30 days after the day the physical custody of the newborn child was relinquished.

Notice of a petition shall be provided to any known parent and shall be served upon any putative father registered with the State Registrar of Vital Statistics.

Either parent of a relinquished newborn infant may intervene in the child in need of assistance or termination of parental rights proceedings held regarding the newborn infant and request that the juvenile court grant custody of the newborn infant to the parent. The requester must show by clear and convincing evidence that the requester is the parent of the newborn infant. If the court determines that the requester is the parent of the newborn infant and that granting custody of the newborn infant to the parent is in the newborn infant's best interest, the court shall issue an order granting custody of the newborn infant to the parent. In addition to such order, the court may order services for the newborn infant and the parent as are in the best interest of the newborn infant.

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## **Kansas**

*Current Through December 2016*

### **Infant's Age**

**Citation: Ann. Stat. § 38-2282**

An infant who is 45 days old or younger may be relinquished.

### **Who May Relinquish the Infant**

**Citation: Ann. Stat. § 38-2282**

A parent or other person having lawful custody of an infant who has not suffered bodily harm may surrender physical custody of the infant.

### **Who May Receive the Infant**

**Citation: Ann. Stat. § 38-2282**

Physical custody of the infant may be surrendered to any employee who is on duty at a police station, sheriff's office, law enforcement center, fire station, city or county health department, or medical care facility.

### **Responsibilities of the Safe Haven Provider**

**Citation: Ann. Stat. § 38-2282**

As soon as possible after an employee takes physical custody of an infant, such person shall notify a local law enforcement agency. Upon receipt of such notice, a law enforcement officer shall take custody of the infant as an abandoned infant.

Any person, city or county agency, or medical care facility taking physical custody of an infant shall perform any act necessary to protect the physical health or safety of the infant.

### **Immunity for the Provider**

**Citation: Ann. Stat. § 38-2282**

Any person, city or county agency, or medical care facility taking physical custody of an infant shall be immune from liability for any injury to the infant that may result from taking care of the infant. A person or facility to which an infant is delivered shall be immune from civil or criminal liability for any action taken pursuant to this subsection.

Upon request, all medical records of the infant shall be made available to the Kansas Department for Children and Families and given to the person awarded custody of the infant. The medical facility providing the records shall be immune from liability for the records release.

### **Protection for Relinquishing Parent**

**Citation: Ann. Stat. § 21-5605**

No parent or other person having lawful custody of an infant shall be prosecuted for abandonment of a child, if the parent or person surrenders custody of an infant in the manner provided by § 38-2282, and if the infant has not suffered bodily harm.

A parent or other person voluntarily surrendering an infant under this subsection shall not be required to reveal personally identifiable information, but may be offered the opportunity to provide information concerning the infant's familial or medical history. A person or facility to which an infant is delivered pursuant to this subsection shall not reveal the name or other personally identifiable information of the person who delivered the infant unless there is a reasonable suspicion that the infant has been abused.

**Effect on Parental Rights****Citation: Ann. Stat. § 38-2269(d)**

At a hearing for termination of parental rights, a finding of unfitness may be made if the court finds that the custody of the child was surrendered pursuant to § 38-2282 or the child was left under such circumstances that the identity of the parents is unknown and cannot be ascertained, despite diligent searching, and the parents have not come forward to claim the child within 3 months after the child is found.

**Kentucky***Current Through December 2016***Infant's Age****Citation: Rev. Stat. §§ 216B.190; 405.075**

A newborn infant may be surrendered to a safe haven provider. The term 'newborn infant' means an infant who is medically determined to be younger than 30 days old.

**Who May Relinquish the Infant****Citation: Rev. Stat. §§ 216B.190; 405.075**

A newborn infant may be surrendered by a parent or any person who leaves the infant with a safe haven provider and expresses an intent to leave the infant and not return.

**Who May Receive the Infant****Citation: Rev. Stat. §§ 216B.190; 405.075**

Safe haven providers include hospitals, emergency medical services providers, staffed police stations or fire stations, or participating places of worship.

**Responsibilities of the Safe Haven Provider****Citation: Rev. Stat. §§ 216B.190; 405.075**

Any emergency medical services provider, police officer, or firefighter who accepts physical custody of a newborn infant shall immediately arrange for the infant to be taken to the nearest hospital emergency room and shall have implied consent to any and all appropriate medical treatment.

Any staff member at a participating place of worship who accepts physical custody of a newborn infant in accordance with this section shall immediately contact the 911 emergency telephone service or emergency medical services for transportation to the nearest hospital emergency room.

Every hospital that offers emergency services shall admit and provide all necessary medical care, diagnostic tests, and medical treatment to any newborn infant brought to the hospital when the identity of the parents is unknown.

Upon admittance, the physician or hospital administrator shall immediately contact the local office of the Department for Community Based Services. The Department for Community Based Services shall immediately seek an emergency custody order in accordance with § 620.350.

Every emergency room shall make available materials to gather health and medical information concerning the infant and the parents. The materials shall be offered to the person leaving the newborn infant, and it shall be clearly stated that acceptance is completely voluntary and that completion of the materials may be done anonymously. The provisions of this section shall not apply when indicators of child physical abuse or child neglect are present.

**Immunity for the Provider****Citation: Rev. Stat. § 216B.190**

Any person performing medical care, diagnostic testing, or medical treatment shall be immune from criminal or civil liability for having performed the act. Nothing in this subsection shall limit liability for negligence.

Actions taken by an emergency medical services provider, police officer, firefighter, or staff member at a participating place of worship in conformity with the duty granted in this section shall be immune from criminal or civil liability. Nothing in this subsection shall limit liability for negligence.

**Protection for Relinquishing Parent****Citation: Rev. Stat. §§ 405.075; 620.350**

A parent who surrenders a newborn infant shall have the right to remain anonymous and not be pursued and shall not be considered to have abandoned or endangered the newborn infant.

No child protective services investigation or assessment shall be initiated regarding the abandonment of an infant. The provisions of this subsection shall not apply when indicators of child physical abuse or child neglect are present.

**Effect on Parental Rights****Citation: Rev. Stat. §§ 405.075; 620.350**

By placing a newborn infant in the manner described in this section, the parent:

- Waives the right to notification required by subsequent court proceedings until a claim of parental rights is made
- Waives legal standing to make a claim of action against any person who accepts physical custody of the newborn infant

Upon the infant's release from the hospital, the cabinet shall place the child in a foster home to provide concurrent planning placement services. 'Concurrent planning placement services' means the foster family shall work with the cabinet on reunification with the birth family, if known, and shall seek to adopt the infant if reunification cannot be accomplished.

At the temporary removal hearing, the court may place temporary custody with the cabinet for a minimum of 30 days. During that time, the cabinet shall request assistance from law enforcement officials to investigate through the Missing Child Information Center and other national resources to ensure that the infant is not a missing child.

As soon as practicable following the 30-day placement period, the cabinet shall file a petition with the court seeking the involuntary termination of parental rights of the unknown parents. If a claim of parental rights is made at any time prior to the court order terminating rights, the court may hold the action for involuntary termination of parental rights in abeyance for no longer than 90 days.

A hearing shall be conducted within 10 days of the assertion of parental rights. The court may order genetic testing to establish maternity or paternity at the expense of the claimant. The cabinet shall conduct a child protective services investigation or assessment and home evaluation to develop recommendations for the court.

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**Louisiana***Current Through December 2016***Infant's Age****Citation: Ch. Code Art. 1150**

An infant may be relinquished. The term 'infant' means a child not previously subjected to abuse or neglect, who is not more than 30 days old as determined within a reasonable degree of medical certainty by an examining physician.

**Who May Relinquish the Infant****Citation: Ch. Code Art. 1150; 1151**

The terms 'relinquish' or 'relinquishment' of an infant mean to give possession or control of the infant by a parent to another with the settled intent to forego all parental responsibilities.

If a parent wishes to relinquish his or her infant, he or she may leave the infant in the care of any employee of a designated emergency care facility. If the parent is unable to travel to such a facility, he or she may call 911, and a law enforcement officer or emergency medical service provider shall immediately be dispatched to meet the parent and transport the child to a hospital.

**Who May Receive the Infant****Citation: Ch. Code Art. 1150**

The infant may be delivered to a designated emergency care facility, including any:

- Hospital
- Public health unit
- Emergency medical service provider
- Medical clinic
- Police station

- Fire station
- Crisis pregnancy center
- Child advocacy center

**Responsibilities of the Safe Haven Provider****Citation: Ch. Code Art. 1152**

Every designated emergency care facility shall appoint as its representative one or more employees on duty during regular business hours who is knowledgeable about the requirements of this chapter. In addition, at other times each facility shall designate a representative who can be reached by emergency telephone service.

The Department of Children and Family Services shall create a card that will be supplied to designated emergency care facilities. The card shall be given to the individual relinquishing an infant into the care of a designated emergency care facility. The card shall contain a toll-free number to the department and a section on the card for the designated emergency care facility to provide their address and contact information.

In the event that the relinquishing parent makes contact with the department or the designated emergency care facility, the relinquishing parent shall be asked to voluntarily provide information about any prenatal care and the name of the other parent. The representative shall provide to the parent written information about:

- How to contact the department should the parent later have questions about the relinquishment or the voluntary medical and genetic history information
- The availability of counseling services
- The right of the parent to file a claim and be heard in accordance with articles 1156 and 1157
- The right of the parent to use the services of the voluntary registry in accordance with chapter 15 of title XII

In the event that an infant is relinquished to a designated emergency care facility other than a hospital, the staff of the facility shall immediately transfer the child to a hospital. The representative shall immediately notify the department of the relinquishment.

**Immunity for the Provider****Citation: Ch. Code Art. 1152**

Absent evidence of willful or intentional misconduct or gross negligence in carrying out their responsibilities, the representative and other staff of the designated emergency facility shall be immune from civil and criminal liability in any legal action arising from the examination, testing, care, and treatment of the infant.

**Protection for Relinquishing Parent****Citation: Ch. Code Art. 1151**

Relinquishment in accordance with this law is not a criminal act of neglect, abandonment, cruelty, or crime against the child.

**Effect on Parental Rights****Citation: Ch. Code Art. 1154; 1156; 1157; 1158**

The department shall take physical custody of the infant within 12 hours of notice that the infant is ready to be discharged from the hospital. The department shall exercise due diligence in attempting to identify and locate any nonrelinquishing parent, including, but not limited to, performing a missing children search.

Within 30 days after the relinquishment, the parent may seek to reclaim parental rights by filing a motion declaring his or her intention to retain his or her parental rights. The court shall order blood or tissue testing and shall also order the department to immediately conduct a home study of any parent seeking to reclaim his or her rights. A relinquishing parent may reclaim parental rights by proving by clear and convincing evidence that:

- He or she is the parent of the child.
- Setting aside the relinquishment and permitting the parent to reclaim the child is in the child's best interests.

If the court finds that the relinquishment should be set aside and that the parent may reclaim his or her parental rights, then the parent shall also prove that he or she has manifested a substantial commitment to his or her parental responsibilities and is a fit parent of the child. If the court finds that the parent has established parental rights, it may also order the parent to reimburse all or part of the medical expenses incurred for the infant in connection with his or her birth and care.

If a relinquishing parent has not made a timely claim to the child and if no timely claim has been made by a nonrelinquishing father, the court shall, within 45 days after the relinquishment, terminate the rights of the parents.

No action to annul a judgment terminating parental rights shall be brought for any reason after 90 days from its signing or after a decree of adoption has been entered, whichever is earlier.

**Maine**

*Current Through December 2016*

**Infant's Age**

**Citation: Ann. Stat. Tit. 22, § 4018**

A child who is younger than 31 days old may be relinquished.

**Who May Relinquish the Infant**

**Citation: Ann. Stat. Tit. 22, § 4018**

The child may be delivered to a safe haven provider by any person.

**Who May Receive the Infant**

**Citation: Ann. Stat. Tit. 22, § 4018**

The child may be delivered to a safe haven provider. The term 'safe haven provider' means:

- A law enforcement officer
- Staff at a medical emergency room
- A medical services provider, including, but not limited to, a:
  - » Physician
  - » Nurse
  - » Podiatrist
  - » Optometrist
  - » Chiropractor
  - » Physical therapist
  - » Dentist
  - » Psychologist
  - » Physician's assistant
  - » Emergency medical services person
- A hospital staff member

**Responsibilities of the Safe Haven Provider**

**Citation: Ann. Stat. Tit. 22, § 4018**

A person who voluntarily delivers a child less than 31 days of age to a safe haven provider and who does not express an intent to return for the child may be requested to provide information helpful to the welfare of the child. The person who accepts a child may not detain the person delivering the child to obtain information.

A safe haven provider who accepts a child shall promptly notify the Department of Human Services of the delivery of the child, transfer the child to the department at the earliest opportunity, and provide to the department all information provided by the person delivering the child to the safe haven provider. The department shall establish guidelines to assist safe haven providers concerning procedures when a child is delivered to a safe haven provider.

**Immunity for the Provider**

**Citation: Ann. Stat. Tit. 22, § 4018**

A person or entity who accepts a child or provides temporary custody of a child is not subject to civil, criminal, or administrative liability for accepting the child or providing temporary custody of the child in the good-faith belief that the action is required or authorized by this section. This subsection does not affect liability for personal injury or wrongful death, including but not limited to injury resulting from medical malpractice.

**Protection for Relinquishing Parent**

**Citation: Ann. Stat. Tit. 17-A, § 553(3); Title 22, § 4018**

All personally identifiable information provided by the person delivering the child to a safe haven provider is confidential and may not be disclosed by the safe haven provider to anyone except to the extent necessary to provide temporary custody of the child until the child is transferred to the department and except as otherwise provided by court order. All health-care or other information obtained by a safe haven provider in providing temporary custody of the child may also be provided to the department upon request.

It is an affirmative defense to a prosecution for child abandonment if, at the time the offense occurred:

- The child was younger than 31 days old.
- The child was delivered to a safe haven provider.

**Effect on Parental Rights**

This issue is not addressed in the statutes reviewed.

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**Maryland**

*Current Through December 2016*

**Infant's Age**

**Citation: Cts & Jud Pro § 5-641**

An infant may be relinquished within 10 days of his or her birth.

**Who May Relinquish the Infant**

**Citation: Cts & Jud Pro § 5-641**

The mother or other person may relinquish the infant. If the person leaving a newborn is not the mother of the newborn, the person must have the approval of the mother to do so.

**Who May Receive the Infant**

**Citation: Cts & Jud Pro § 5-641**

The infant may be delivered to a responsible adult or a hospital or other facility designated by regulation.

**Responsibilities of the Safe Haven Provider**

**Citation: Cts & Jud Pro § 5-641**

A person who receives an infant shall take the infant to a hospital. The hospital shall notify the local Department of Social Services within 24 hours.

**Immunity for the Provider**

**Citation: Cts & Jud Pro § 5-641**

A responsible adult and a hospital or other designated facility that accepts a newborn under this section and an employee or agent of the hospital or facility shall be immune from civil liability or criminal prosecution for good-faith actions taken related to the acceptance of or medical treatment or care of the newborn, unless injury to the newborn was caused by gross negligence or willful or wanton misconduct.

**Protection for Relinquishing Parent**

**Citation: Cts & Jud Pro § 5-641**

A person who leaves an unharmed newborn with a responsible adult within 10 days after the birth of the newborn, as determined within a reasonable degree of medical certainty, and does not express an intent to return for the newborn, shall be immune from civil liability or criminal prosecution for the act.

**Effect on Parental Rights**

This issue is not addressed in the statutes reviewed.

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**Massachusetts**

*Current Through December 2016*

**Infant's Age**

**Citation: Ann. Laws Ch. 119, § 391/2**

Any newborn infant 7 days old or younger may be relinquished.

**Who May Relinquish the Infant**

**Citation: Ann. Laws Ch. 119, § 391/2**

The infant may be relinquished by his or her parent.



**Who May Receive the Infant****Citation: Ann. Laws Ch. 119, § 391/2**

The infant may be delivered to any 'designated facility,' including a hospital, police department, or manned fire station.

**Responsibilities of the Safe Haven Provider****Citation: Ann. Laws Ch. 119, § 391/2**

The designated facility receiving a newborn infant shall immediately notify the Department of Social Services. Upon receipt of such notice, the department shall take immediate custody of the newborn infant and shall initiate all actions authorized by law to achieve the safety and permanent placement of the newborn infant in a manner that is consistent with the best interests of the child.

The person accepting a newborn infant shall make every effort to solicit the following information from the parent relinquishing the newborn infant:

- The name of the infant
- The name and address of the parent placing the newborn infant
- The location of the infant's birthplace
- Information relative to the infant's medical history and his or her biological family's medical history, if available
- Any other information that might reasonably assist the department or the court in current or future determinations of the best interests of the child, including whether the parent or guardian plans on returning to seek future custody of the child

The person receiving the newborn infant shall encourage the parent to provide the information, but the parent shall not be required to provide such information.

**Immunity for the Provider**

This issue is not addressed in the statutes reviewed.

**Protection for Relinquishing Parent****Citation: Ann. Laws Ch. 119, § 391/2**

Voluntary abandonment of an infant to an appropriate person shall not by itself constitute either a finding of abuse or neglect or a violation of any criminal statute for child abuse or neglect or for abandonment. If child abuse or neglect that is not based solely on the newborn infant having been left with an appropriate person is suspected, hospital, police, or fire department personnel who are mandated reporters shall report the abuse or neglect.

The parent is not required to supply any of the information requested above.

**Effect on Parental Rights****Citation: Ann. Laws Ch. 119, § 391/2**

The Department of Social Services shall place the infant into foster care. Such a voluntary placement shall not constitute, in and of itself, an automatic termination of parental rights or an abrogation of the parental rights or responsibilities but shall, for purposes of authorizing the department to initiate a petition to terminate parental rights under chapter 210, be presumed to be an abandonment of the newborn infant that has been so placed.

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**Michigan***Current Through December 2016***Infant's Age****Citation: Comp. Laws § 712.1**

A newborn may be relinquished. The term 'newborn' means a child who a physician reasonably believes to be not more than 72 hours old.

**Who May Relinquish the Infant****Citation: Comp. Laws §§ 712.1; 712.3**

A parent may surrender the child. The term 'surrender' means to leave a newborn with an emergency service provider without expressing an intent to return for the newborn.

**Who May Receive the Infant****Citation: Comp. Laws § 712.1**

The infant may be surrendered to an emergency service provider. An emergency service provider includes a uniformed or otherwise identified employee or contractor of a fire department, hospital, or police station when that individual is inside the premises and on duty. Emergency service provider also includes a paramedic or an emergency medical technician when either of those individuals is responding to a 911 emergency call.

**Responsibilities of the Safe Haven Provider****Citation: Comp. Laws §§ 712.3; 750.135(2)**

The safe haven provider will do all of the following:

- Take the child into temporary protective custody
- Provide the child with any necessary care and transport the child to a hospital if necessary
- Inform the parent that by surrendering the child, he or she is relinquishing rights to the child to a child-placing agency for adoption
- Provide written material that informs the parent about rights and available services
- Encourage the parent to provide family and medical information
- Notify a child-placing agency about the child
- Make a child protection report if abuse of the child is suspected or if the examining physician suspects that the child is not a newborn

**Immunity for the Provider****Citation: Comp. Laws § 712.2**

A hospital and a child-placing agency, and their agents and employees, are immune in a civil action for damages for an act or omission in accepting or transferring a newborn under this chapter, except for an act or omission constituting gross negligence or willful or wanton misconduct. To the extent not protected by the immunity conferred by §§ 691.1401 to 691.1415, an employee or contractor of a fire department or police station has the same immunity that this subsection provides to a hospital's or child-placing agency's agent or employee.

**Protection for Relinquishing Parent****Citation: Comp. Laws §§ 712.3; 750.135(2)**

Information the parent provides to an emergency service provider will not be made public.

Except for a situation involving actual or suspected child abuse or child neglect, it is an affirmative defense to a prosecution for child abandonment that the child was not more than 72 hours old and was surrendered to an emergency service provider. A criminal investigation shall not be initiated solely on the basis of a newborn being surrendered to an emergency service provider.

**Effect on Parental Rights****Citation: Comp. Laws §§ 712.3; 712.17**

By surrendering the newborn, the parent is releasing the newborn to a child-placing agency to be placed for adoption.

The parent has 28 days after surrendering the newborn to petition the court to regain custody of the newborn. After the 28-day period to petition for custody elapses, there will be a hearing to determine and terminate parental rights.

There will be public notice of this hearing, and the notice will not contain the parent's name. The parent will not receive personal notice of this hearing.

A parent who surrenders a newborn and does not file a custody action is presumed to have knowingly released his or her parental rights to the newborn. If the court finds by a preponderance of the evidence that the surrendering parent has knowingly released his or her rights to the child and that reasonable efforts were made to locate the nonsurrendering parent and a custody action has not been filed, the court shall enter an order terminating parental rights of the surrendering parent and the nonsurrendering parent.

**Minnesota**

*Current Through December 2016*

**Infant's Age**

**Citation: Ann. Stat. §§ 145.902; 609.3785**

A newborn may be relinquished provided that:

- The newborn was born within 7 days of being left at the hospital, as determined within a reasonable degree of medical certainty.
- The newborn is left in an unharmed condition.

**Who May Relinquish the Infant**

**Citation: Ann. Stat. § 260C.139, Subd. 3**

A mother or any person with the mother's permission may bring a newborn infant to a safe place during its hours of operation and leave the infant in the care of an employee of the safe place. The mother or a person with the mother's permission may call 911 to request to have an ambulance dispatched to an agreed-upon location to relinquish a newborn infant into the custody of ambulance personnel.

**Who May Receive the Infant**

**Citation: Ann. Stat. § 145.902**

The infant may be left at a safe place. The term 'safe place' includes a licensed hospital, a health-care provider who provides urgent care medical services, or a licensed ambulance service dispatched in response to a 911 call from a mother or a person with the mother's permission to relinquish a newborn infant.

A safe place shall receive a newborn left with an employee on the premises of the safe place during its hours of operation provided that:

- The newborn was born within 7 days of being left at the safe place, as determined within a reasonable degree of medical certainty.
- The newborn is left in an unharmed condition.

**Responsibilities of the Safe Haven Provider**

**Citation: Ann. Stat. § 145.902**

A safe place that is a health-care provider who provides urgent care medical services shall dial 911, advise the dispatcher that the call is being made from a safe place for newborns, and ask the dispatcher to send an ambulance or take other appropriate action to transport the newborn to a hospital. An ambulance with whom a newborn is left shall transport the newborn to a hospital for care.

Within 24 hours of receiving a newborn under this section, the hospital must inform the responsible social service agency that a newborn has been left at the hospital, but must not do so in the presence of the mother or the person leaving the newborn. The hospital must provide necessary care to the newborn pending assumption of legal responsibility by the responsible social services agency.

**Immunity for the Provider**

**Citation: Ann. Stat. § 145.902**

A safe place with responsibility for performing duties under this section, and any employee, doctor, ambulance personnel, or other medical professional working at the safe place, are immune from any criminal liability that otherwise might result from their actions, if they are acting in good faith in receiving a newborn, and are immune from any civil liability that otherwise might result from merely receiving a newborn.

A safe place performing duties under this section or an employee, doctor, ambulance personnel, or other medical professional working at the safe place who is a mandated reporter under § 626.556 is immune from any criminal or civil liability that otherwise might result from the failure to make a report under that section if the person is acting in good faith in complying with this section.

**Protection for Relinquishing Parent****Citation: Ann. Stat. §§ 145.902; 609.3785**

The safe place must not inquire as to the identity of the mother or the person leaving the newborn or call the police provided the newborn is unharmed when presented to the hospital. The safe place may ask the mother or the person leaving the newborn about the medical history of the mother or newborn but the mother or the person leaving the newborn is not required to provide any information. The safe place may provide the mother or the person leaving the newborn with information about how to contact relevant social service agencies.

A person may leave a newborn with an employee at a safe place without being subjected to prosecution for that act, provided that:

- The newborn was born within 7 days of being left at the safe place, as determined within a reasonable degree of medical certainty.
- The newborn is left in an unharmed condition.
- In cases where the person leaving the newborn is not the newborn's mother, the person has the mother's approval to do so.

**Effect on Parental Rights****Citation: Ann. Stat. § 260C.139**

A responsible social service agency with responsibility for the child is not required to attempt to reunify the child with the child's parents. Additionally, the agency is not required to search for relatives of the child as a placement or permanency option or to implement other placement requirements that give a preference to relatives if the agency does not have information as to the identity of the child, the child's mother, or the child's father.

For purposes of proceedings under this chapter and adoption proceedings, a newborn left at a safe place is considered an abandoned child.

The agency contacted by a safe place shall have the legal responsibility to place the newborn infant in foster care for 72 hours, during which time the agency shall file a petition under § 260C.141 and ask the court to order continued placement of the child in foster care. The agency shall immediately begin planning for adoptive placement of the newborn.

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**Mississippi***Current Through December 2016***Infant's Age****Citation: Ann. Code § 43-15-201**

An infant who is 72 hours old or younger may be relinquished.

**Who May Relinquish the Infant****Citation: Ann. Code § 43-15-201**

A child is relinquished when the child is voluntarily delivered to the emergency medical services provider by the child's parent and the parent did not express an intent to return for the child.

**Who May Receive the Infant****Citation: Ann. Code §§ 43-15-201; 43-15-207**

The child may be delivered to an emergency medical services provider. The term 'emergency medical services provider' means a licensed hospital that operates an emergency department or a licensed adoption agency.

An emergency medical services provider does not include the offices, clinics, surgeries, or treatment facilities of private physicians or dentists. No individual licensed health-care provider, including physicians, dentists, nurses, physician assistants, or other health professionals shall be deemed to be an emergency medical services provider, unless such individual voluntarily assumes responsibility for the custody of the child.

**Responsibilities of the Safe Haven Provider****Citation: Ann. Code §§ 43-15-201; 43-15-203**

An emergency medical services provider, without a court order, shall take possession of a newborn who is voluntarily delivered to the provider by the child's parent, and the parent did not express an intent to return for the child.

An emergency medical services provider who takes possession of a child shall perform any act necessary to protect the physical health or safety of the child.

The provider shall notify the Department of Human Services no later than the close of the first business day after the date on which an emergency medical services provider takes possession of a child.

**Immunity for the Provider**

**Citation: Ann. Code § 43-15-209**

A person or entity taking possession of a child under the provisions of this article shall be immune from liability for any civil action arising out of any act or omission resulting from taking possession of the child unless the act or omission was the result of the person's or entity's gross negligence or willful misconduct.

**Protection for Relinquishing Parent**

**Citation: Ann. Code §§ 43-15-201; 43-15-205**

The parent who surrenders the baby shall not be required to provide any information pertaining to his or her identity, nor shall the emergency medical services provider inquire as to the same. If the identity of the parent is known to the emergency medical services provider, the emergency medical services provider shall keep the identity confidential.

A female presenting herself to a hospital through the emergency room or otherwise, who is subsequently admitted for purposes of labor and delivery, does not give up the legal protections or anonymity guaranteed under this section. If the mother clearly expresses a desire to voluntarily surrender custody of the newborn after birth, the emergency medical services provider can take possession of the child, without further action by the mother, as if the child had been presented to the emergency medical services provider in the same manner outlined above.

If the mother expresses a desire to remain anonymous, identifying information may be obtained for purposes of securing payment of labor and delivery costs only. If the birth mother is a minor, the hospital may use the identifying information to secure payment through Medicaid but shall not notify the minor's parent or guardian without the minor's consent. The identity of the birth mother shall not be placed on the birth certificate or disclosed to the Department of Human Services.

Relinquishment to a safe haven is an affirmative defense to prosecution for abandonment, neglect, or exposure of the child.

**Effect on Parental Rights**

**Citation: Ann. Code §§ 43-15-201; 43-15-203**

There is a presumption that by relinquishing a child in accordance with this section, the parent consents to the termination of his or her parental rights with respect to the child. As such, the parent waives the right to notification required by subsequent court proceedings.

The Department of Human Services shall assume control and custody of the child.

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**Missouri**

*Current Through December 2016*

**Infant's Age**

**Citation: Ann. Stat. § 210.950**

A child who is no more than 45 days old may be relinquished.

**Who May Relinquish the Infant**

**Citation: Ann. Stat. § 210.950**

The child may be relinquished by his or her biological parent.

**Who May Receive the Infant**

**Citation: Ann. Stat. § 210.950**

The child may be released to the physical custody of any of the following persons:

- An employee, agent, or member of the staff of any hospital, maternity home, or pregnancy resource center in a health-care provider position, or on duty in a nonmedical paid or volunteer position
- A firefighter or emergency medical technician on duty in a paid position or on duty in a volunteer position
- A law enforcement officer

### **Responsibilities of the Safe Haven Provider**

#### **Citation: Ann. Stat. § 210.950**

A safe haven provider shall, without a court order, take physical custody of a child the person reasonably believes to be no more than 45 days old and is delivered in accordance with this section by a person purporting to be the child's parent. If delivery of a newborn is made in any place other than a hospital, the person taking physical custody of the child shall arrange for the immediate transportation of the child to the nearest hospital.

The hospital shall perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health or safety of the child.

The hospital shall notify the Children's Division and the local juvenile officer upon receipt of a child. The local juvenile officer shall immediately begin protective custody proceedings and request the child be made a ward of the court during the child's stay in the medical facility. Upon discharge of the child from the medical facility and pursuant to a protective custody order ordering custody of the child to the division, the division shall take physical custody of the child.

### **Immunity for the Provider**

#### **Citation: Ann. Stat. § 210.950**

A safe haven provider shall be immune from civil, criminal, and administrative liability for accepting physical custody of a child pursuant to this section, if such persons accept custody in good faith. Such immunity shall not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of such child.

### **Protection for Relinquishing Parent**

#### **Citation: Ann. Stat. § 210.950**

A parent voluntarily relinquishing a child shall not be required to provide any identifying information about the child or the parent. No person shall induce or coerce, or attempt to induce or coerce, a parent into revealing his or her identity. In addition, any person who obtains information on the relinquishing parent shall not disclose such information except to the following:

- A birth parent who has waived anonymity or the child's adoptive parent
- The staff of the Department of Health and Senior Services, the Department of Social Services, or any licensed agency that provides services to the child
- A person performing juvenile court intake or dispositional services
- The attending physician
- The child's foster parent or any other person who has physical custody of the child
- A juvenile court or other court of competent jurisdiction conducting proceedings relating to the child
- The attorney representing the interests of the public in proceedings relating to the child
- The attorney representing the interests of the child

A parent shall not be prosecuted for child abandonment or endangering the welfare of a child for actions related to the voluntary relinquishment of a child up to 45 days old if:

- Expressing intent not to return for the child, the parent voluntarily delivered the child safely to the physical custody of any safe haven provider.
- The child was no more than 45 days old when delivered by the parent to a safe haven provider.
- The child had not been abused or neglected by the parent prior to such voluntary delivery.

It shall be an affirmative defense to prosecution for child abandonment or endangering the welfare of a child that a parent who is a defendant who voluntarily relinquished a child no more than 1 year old.

### **Effect on Parental Rights**

#### **Citation: Ann. Stat. § 210.950**

The parent's voluntary delivery of the child in accordance with this section shall constitute the parent's implied consent to any such act and a voluntary relinquishment of such parent's parental rights.

If one parent relinquishes custody of his or her child to a safe haven provider, the nonrelinquishing parent, to preserve his or her parental rights, must take the steps necessary to establish parentage within 30 days after public notice has been made of the child's relinquishment. If either parent fails to take steps to establish parentage within the 30-day period, either parent may have all of his or her rights terminated with respect to the child.

When either parent inquires at a hospital regarding a child whose custody was relinquished pursuant to this section, such facility shall refer such parent to the Children's Division and the juvenile court exercising jurisdiction over the child.

**Montana**

*Current Through December 2016*

**Infant's Age**

**Citation: Ann. Code § 40-6-402**

A newborn infant may be surrendered under this act. The term 'newborn' means an infant whom a physician reasonably believes to be no more than 30 days old.

**Who May Relinquish the Infant**

**Citation: Ann. Code §§ 40-6-402; 40-6-405**

A parent may surrender the child. The term 'surrender' means to leave a newborn with an emergency services provider without expressing an intent to return for the newborn.

**Who May Receive the Infant**

**Citation: Ann. Code §§ 40-6-402; 40-6-405**

The child may be surrendered to an emergency services provider, including:

- A uniformed or otherwise identifiable employee of a fire department, hospital, or law enforcement agency, when the individual is on duty inside the premises of the fire department, hospital, or law enforcement agency
- Any law enforcement officer who is in uniform or is otherwise identifiable

**Responsibilities of the Safe Haven Provider**

**Citation: Ann. Code §§ 40-6-405; 40-6-406**

The emergency services provider shall, without a court order, immediately take the newborn into temporary protective custody and shall take action necessary to protect the physical health and safety of the newborn. The emergency services provider shall make a reasonable effort to do all of the following:

- Inform the parent that by surrendering the newborn, he or she is releasing the newborn to be placed for adoption
- Inform the parent that he or she has 60 days to petition the court to regain custody of the newborn
- Encourage the parent to provide any relevant family or medical information, including information regarding any Tribal affiliation
- Provide the parent with information about counseling or medical attention
- Ask the parent for the parent's name
- Inform the parent that the State is required to make a reasonable attempt to identify the other parent and to obtain relevant medical family history and then ask the parent to identify the other parent
- Inform the parent that the department can provide confidential services to the parent
- Inform the parent that the parent may sign a relinquishment for the newborn to be used at a hearing to terminate parental rights

An emergency services provider that is not a hospital shall transfer the newborn to a hospital. A hospital that takes a newborn into temporary protective custody must have the newborn examined by a physician. If a physician who examines the newborn either determines that there is reason to suspect the newborn has experienced abuse or neglect, other than being surrendered to an emergency services provider, or that the infant is not a newborn, the physician shall immediately report to the Department of Public Health and Human Services.

The hospital shall, no later than the first business day after taking possession of the newborn, notify the department that the hospital has taken a newborn into temporary protective custody.

**Immunity for the Provider**

**Citation: Ann. Code §§ 40-6-403; 40-6-404**

A hospital and the agents and employees of the hospital are immune in a civil action for damages for an act or omission in accepting or transferring a newborn under this part, except for an act or omission constituting gross negligence or willful or wanton misconduct.

A fire department or law enforcement agency and the agents and employees of a fire department or law enforcement agency are immune in a civil action for damages for an act or omission in accepting or transferring a newborn under this part, except for an act or omission constituting gross negligence or willful or wanton misconduct.



**Protection for Relinquishing Parent****Citation: Ann. Code §§ 40-6-405; 40-6-417**

Information that the parent provides to an emergency services provider will not be made public.

A criminal investigation may not be initiated solely on the basis of a newborn being surrendered to an emergency services provider in the absence of reasonable suspicion of actual abuse or neglect. Except when there is intentional infliction of injury to the abandoned infant, a criminal prosecution may not be initiated involving the abandonment of an infant that was no more than 30 days old and was surrendered to an emergency services provider.

**Effect on Parental Rights****Citation: Ann. Code §§ 40-6-405; 40-6-407; 40-6-411; 40-6-412; 40-6-414**

Any Indian heritage brings the newborn within the jurisdiction of the Indian Child Welfare Act.

Upon receipt of notice that a newborn has been surrendered, the department shall:

- Request assistance from law enforcement officials to investigate and determine whether the newborn is a missing child
- Make reasonable efforts to identify and locate a parent who did not surrender the newborn within 30 days

The department is not required to attempt to reunify the newborn with the newborn's parents. The department shall place the newborn with prospective adoptive parents as soon as possible.

Any person alleging to be the biological parent of a newborn who was surrendered to an emergency services provider may, within 60 days of the date of surrender of the newborn, file an action with the court for custody. Before making a custody decision, the court shall determine whether the individual filing the custody action is the newborn's biological parent. The putative father registry provisions apply to any court proceeding under this part.

In a custody action, the court shall determine custody of the newborn based on the newborn's best interest with the goal of achieving permanent placement for the newborn at the earliest possible date.

A parent who surrenders a newborn and who does not file a custody action is presumed to have knowingly waived the parent's parental rights to the newborn. If a custody action is not filed or if the parent is denied custody of the newborn, the department shall file a petition requesting appropriate relief with the goal of achieving permanent placement for the newborn at the earliest possible date.

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**Nebraska***Current Through December 2016***Infant's Age****Citation: Rev. Stat. § 29-121**

A child who is 30 days old or younger may be relinquished.

**Who May Relinquish the Infant****Citation: Rev. Stat. § 29-121**

A person may leave the child at a licensed hospital.

**Who May Receive the Infant****Citation: Rev. Stat. § 29-121**

The child may be left in the custody of an employee on duty at a hospital licensed by the State of Nebraska.

**Responsibilities of the Safe Haven Provider****Citation: Rev. Stat. § 29-121**

The hospital shall promptly contact appropriate authorities to take custody of the child.

**Immunity for the Provider**

This issue is not addressed in the statutes reviewed.

**Protection for Relinquishing Parent****Citation: Rev. Stat. § 29-121**

No person shall be prosecuted for any crime based solely upon the act of leaving a child 30 days old or younger in the custody of an employee on duty at a hospital licensed by the State of Nebraska.

**Effect on Parental Rights**

This issue is not addressed in the statutes reviewed.

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**Nevada**

*Current Through December 2016*

**Infant's Age****Citation: Rev. Stat. § 432B.630**

A child who is or appears to be no more than 30 days old may be surrendered.

**Who May Relinquish the Infant****Citation: Rev. Stat. § 432B.630**

A parent of the child may voluntarily deliver the child to an emergency services provider.

The parent shall leave the child:

- In the physical possession of a person who the parent has reasonable cause to believe is an employee of the provider
- On the property of the provider in a manner and location that the parent has reasonable cause to believe will not threaten the physical health or safety of the child and shall immediately contact the provider, through the local emergency telephone number or otherwise, and inform the provider of the delivery and location of the child

**Who May Receive the Infant****Citation: Rev. Stat. § 432B.630**

A provider of emergency services shall take immediate possession of a surrendered child. The term 'provider of emergency services' includes:

- A hospital, an obstetric center, or an independent center for emergency medical care
- A public firefighting agency, including, without limitation, a volunteer fire department
- A law enforcement agency
- An ambulance service

**Responsibilities of the Safe Haven Provider****Citation: Rev. Stat. § 432B.630**

A provider of emergency services who takes possession of a child shall perform any act necessary to maintain and protect the physical health and safety of the child. If the provider is a public firefighting agency or a law enforcement agency, the provider shall immediately arrange the safe delivery of the child to a hospital, an obstetric center, or an independent center for emergency medical care.

As soon as reasonably practicable but no later than 24 hours after the provider takes possession of the child, the provider shall report that possession to an agency that provides child welfare services and, if the provider is not a law enforcement agency, to a law enforcement agency. The law enforcement agency shall notify the clearinghouse of missing and exploited children and investigate further, if necessary, using any other resources to determine whether the child has been reported as a missing child. Upon conclusion of the investigation, the law enforcement agency shall inform the agency that provides child welfare services of its determination. The agency that provides child welfare services shall maintain that information for statistical and research purposes.

A parent who delivers a child to a provider of emergency services shall be deemed to have given consent to the performance of all necessary emergency services and care for the child.

**Immunity for the Provider****Citation: Rev. Stat. § 432B.630**

A provider of emergency services is not liable for any civil damages as a result of any harm or injury sustained by a child after the child is left on the property of the provider and before the provider is informed of the delivery and location of the child or the provider takes physical possession of the child, whichever occurs first.

**Protection for Relinquishing Parent****Citation: Rev. Stat. §§ 432B.630; 200.508; 201.110**

A parent who surrenders a child:

- Must not be required to provide any background or medical information regarding the child, but may do so voluntarily
- Unless there is reasonable cause to believe that the child has been abused or neglected, excluding the mere fact that the parent has surrendered the child:
  - » Must not be required to disclose any identifying information, but may do so voluntarily
  - » Must be allowed to leave at any time
  - » Must not be pursued or followed

A person does not commit abuse, neglect, or endangerment of a child by virtue of the sole fact that he or she delivers or allows the delivery of a child to a provider of emergency services.

A person does not commit contributory neglect of a child by virtue of the sole fact that he or she delivers or induces the delivery of a child to a provider of emergency services.

**Effect on Parental Rights****Citation: Rev. Stat. § 432B.630**

A provider of emergency services who takes possession of a child shall, whenever possible, inform the parent of the child that:

- By allowing the provider to take possession of the child, the parent is presumed to have abandoned the child.
- By failing or refusing to provide an address where the parent can be located, the parent waives any notice of the (protective custody) hearing to be conducted pursuant to § 432B.470.
- Unless the parent contacts the local agency that provides child welfare services, action will be taken to terminate his or her parental rights regarding the child.

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**New Hampshire***Current Through December 2016***Infant's Age****Citation: Rev. Stat. § 132-A:2**

A child who is no more than 7 days old may be surrendered.

**Who May Relinquish the Infant****Citation: Rev. Stat. § 132-A:2**

The child may be relinquished by his or her parent.

**Who May Receive the Infant****Citation: Rev. Stat. §§ 132-A:1; 132-A:2**

The child may be left at a hospital or a safe haven. A safe haven may be:

- A church that is attended by a person
- A police or fire station that is attended by a person
- A 911 responder at an agreed transfer location

**Responsibilities of the Safe Haven Provider****Citation: Rev. Stat. §§ 132-A:2; 132-A:3**

A hospital or safe haven that takes temporary care and control of a child shall ensure the provision of any medical services necessary to protect the physical health or safety of the child.

Within 24 hours, the hospital or safe haven shall notify the Department of Health and Human Services and law enforcement officials that the hospital or safe haven has assumed temporary care and control of the child.

**Immunity for the Provider**

**Citation: Rev. Stat. § 132-A:4**

No person or entity subject to the provisions of this chapter shall be liable for any claim at law or in equity as a result of action taken pursuant to the requirements of this chapter.

**Protection for Relinquishing Parent**

**Citation: Rev. Stat. § 132-A:2**

The parent is not required to reveal personally identifiable information.

**Effect on Parental Rights**

**Citation: Rev. Stat. § 132-A:3**

The department assumes temporary care and control of the infant.

Within 24 hours, the department shall request law enforcement officials to investigate the incident using all resources available, including the National Crime Information Center database, to determine if the child is a missing child.

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**New Jersey**

*Current Through December 2016*

**Infant's Age**

**Citation: Ann. Stat. § 30:4C-15.7**

A child who is or appears to be no more than 30 days old may be relinquished.

**Who May Relinquish the Infant**

**Citation: Ann. Stat. § 30:4C-15.7**

A parent, or a person designated by the parent, may relinquish the child.

**Who May Receive the Infant**

**Citation: Ann. Stat. § 30:4C-15.7**

The child may be delivered to:

- A State, county, or municipal police station
- A fire station or volunteer fire department that is staffed 24 hours a day, 7 days a week
- A public or private ambulance, first aid, or rescue squad that is staffed 24 hours a day, 7 days a week
- The emergency department of a licensed hospital

**Responsibilities of the Safe Haven Provider**

**Citation: Ann. Stat. § 30:4C-15.7**

If a person leaves the child at a police station, fire station, or rescue squad and does not express an intent to return for the child, a police officer, fire fighter, or emergency medical technician shall take the child to the emergency department of a hospital.

If a person leaves the child at an emergency department of a hospital and does not express an intent to return for the child, or if a police officer brings a relinquished child to the hospital, the hospital shall:

- Take possession of the child without a court order
- Take any action or provide any treatment necessary to protect the child's physical health and safety
- Notify the Division of Child Protection and Permanency that the hospital has taken possession of the child no later than the first business day after taking possession of the child

The division shall assume the care, custody, and control of the child immediately upon receipt of notice from the hospital. The division shall commence a thorough search of all listings of missing children to ensure that the relinquished child has not been reported missing.

**Immunity for the Provider****Citation: Ann. Stat. § 30:4C-15.7**

A State, county, or municipal police officer and the governmental jurisdiction employing that officer or an employee of an emergency department of a licensed general hospital in this State and the hospital employing that person shall incur no civil or criminal liability for any good-faith acts or omissions performed pursuant to this section.

**Protection for Relinquishing Parent****Citation: Ann. Stat. § 30:4C-15.7**

It shall be an affirmative defense to prosecution for abandonment of a child that the parent voluntarily delivered the child to a safe haven provider. Nothing in this subsection shall be construed to create a defense to any prosecution arising from any conduct other than the act of delivering the child, and this subsection specifically shall not constitute a defense to any prosecution arising from an act of abuse or neglect committed prior to the delivery of the child.

Any person who voluntarily delivers a child who is or appears to be no more than 30 days old to a licensed general hospital; a police station; fire department; or ambulance, first aid, or rescue squad in accordance with this section shall not be required to disclose that person's name or other identifying information or that of the child or the child's parent, if different from the person who delivers the child to the hospital; police station; fire department; or ambulance, first aid, or rescue squad, or provide background or medical information about the child, but may voluntarily do so.

**Effect on Parental Rights****Citation: Ann. Stat. § 30:4C-15.8**

The division, after assuming the care, custody, and control of a child, shall not be required to attempt to reunify the child with the child's parents. Additionally, the division shall not be required to search for relatives of the child as a placement or permanency option or to implement other placement requirements that give preference to relatives if the division does not have information as to the identity of the child, the child's mother, or the child's father. The division shall place the child with potential adoptive parents as soon as possible.

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**New Mexico***Current Through December 2016***Infant's Age****Citation: Ann. Stat. § 24-22-3**

An infant may be relinquished. The term 'infant' means a child no more than 90 days old, as determined within a reasonable degree of medical certainty.

**Who May Relinquish the Infant****Citation: Ann. Stat. § 24-22-3**

Any person may relinquish an infant.

**Who May Receive the Infant****Citation: Ann. Stat. §§ 24-22-2; 24-22-3**

The staff of a safe haven site may receive the infant. The term 'safe haven site' means a hospital, law enforcement agency, or fire station that has staff on-site at the time an infant is left at the site. The term 'staff' means an employee, contractor, agent, or volunteer performing services as required and on behalf of the safe haven site.

**Responsibilities of the Safe Haven Provider****Citation: Ann. Stat. §§ 24-22-3; 24-22-4**

A safe haven site shall accept an infant who is left at the safe haven site in accordance with the provisions of the Safe Haven for Infants Act. Upon receiving an infant, the safe haven site may provide the person leaving the infant with:

- Information about adoption services, including the availability of private adoption services
- Brochures or telephone numbers for agencies that provide adoption services or counseling services
- Written information regarding whom to contact at the Children, Youth, and Families Department if the parent decides to seek reunification with the infant

A safe haven site shall ask the person leaving the infant whether the infant has a parent who is either a member of an Indian Tribe or is eligible for membership in an Indian Tribe, but the person leaving the infant is not required to provide that information to the safe haven site.

Immediately after receiving an infant, a safe haven site shall inform the Children, Youth, and Families Department that the infant has been left at the safe haven site. The safe haven site shall provide the department with all available information regarding the child and the parents, including the identity of the child and the parents, the location of the parents, and the child's medical records.

**Immunity for the Provider**

**Citation: Ann. Stat. § 24-22-8**

A safe haven site and its staff are immune from criminal liability and civil liability for accepting an infant in compliance with the provisions of the Safe Haven for Infants Act but not for subsequent negligent medical care or treatment of the infant.

**Protection for Relinquishing Parent**

**Citation: Ann. Stat. § 24-22-3**

A person may leave an infant with the staff of a safe haven site without being subject to criminal prosecution for abandonment or abuse if the infant is left in a condition that would not constitute abandonment or abuse of a child.

A safe haven site may ask the person leaving the infant for the name of the infant's biological father or biological mother, the infant's name, and the infant's medical history, but the person leaving the infant is not required to provide that information to the safe haven site.

**Effect on Parental Rights**

**Citation: Ann. Stat. §§ 24-22-5; 24-22-7**

The Children, Youth, and Families Department shall be deemed to have emergency custody of an infant who has been left at a hospital according to the provisions of the Safe Haven for Infants Act. Upon receiving a report of an infant left at a safe haven site, the department shall immediately conduct a child abuse and neglect investigation.

When an infant is taken into custody by the department, the department shall make reasonable efforts to determine whether the infant is an Indian child. If the infant is an Indian child:

- The child's Tribe shall be notified.
- Preadoptive placement and adoptive placement of the Indian child shall be in accordance with the provisions of § 32A-5-5 regarding Indian child placement preferences.

A person established as a parent of an infant previously left at a safe haven site shall have standing to participate in all proceedings regarding the child. If a person not previously established as a parent seeks reunification with an infant previously left at a safe haven site, and the person's DNA indicates parentage of the infant, that person shall have standing to participate in all proceedings regarding the infant.

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**New York**

*Current Through December 2016*

**Infant's Age**

**Citation: Penal Code §§ 260.00; 260.10**

A child who is no more than 30 days old may be relinquished.

**Who May Relinquish the Infant**

**Citation: Penal Code §§ 260.00; 260.10**

The child may be relinquished by his or her parent, guardian, or other person legally charged with the child's care or custody.

**Who May Receive the Infant**

**Citation: Penal Code §§ 260.00; 260.10**

The child may be left with an appropriate person at a suitable location.

**Responsibilities of the Safe Haven Provider**

This issue is not addressed in the statutes reviewed.

**Immunity for the Provider**

This issue is not addressed in the statutes reviewed.

**Protection for Relinquishing Parent**

**Citation: Penal Code §§ 260.00; 260.10**

Relinquishment of the child to a safe haven is an affirmative defense to prosecution for abandonment or endangering the welfare of a child.

**Effect on Parental Rights**

**Citation: Soc. Serv. Law § 358-a**

Reasonable efforts to reunify the child with his or her parent are not required when a court has determined the child was abandoned by the parent with an intent to wholly abandon such child.

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**North Carolina**

*Current Through December 2016*

**Infant's Age**

**Citation: Gen. Stat. § 7B-500**

A child who is younger than 7 days old may be relinquished.

**Who May Relinquish the Infant**

**Citation: Gen. Stat. § 7B-500**

The child's parent may relinquish the infant.

**Who May Receive the Infant**

**Citation: Gen. Stat. § 7B-500**

The following individuals shall, without a court order, take into temporary custody an infant under 7 days old that is voluntarily delivered to the individual by the infant's parent who does not express an intent to return for the infant:

- A health-care provider who is on duty or at a hospital, a local or district health department, or a nonprofit community health center
- A law enforcement officer who is on duty or at a police station or sheriff's department
- A social services worker who is on duty or at a local department of social services
- A certified emergency medical service worker who is on duty or at a fire or emergency medical services station
- Any adult

**Responsibilities of the Safe Haven Provider**

**Citation: Gen. Stat. § 7B-500**

An individual who takes an infant into temporary custody shall perform any act necessary to protect the physical health and well-being of the infant and shall immediately notify the Department of Social Services or a local law enforcement agency.

Any individual who takes an infant into temporary custody may inquire as to the parents' identities and any relevant medical history, but the parent is not required to provide the information. The individual shall notify the parent that the parent is not required to provide the information.

**Immunity for the Provider**

**Citation: Gen. Stat. § 7B-500**

An individual who accepts a relinquished infant is immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of any omission or action taken pursuant to the requirements of this section as long as that individual was acting in good faith. The immunity established by this subsection does not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable.



**Protection for Relinquishing Parent****Citation: Gen. Stat. §§ 7B-500; 14-322.3**

The parent is not required to provide identifying information or medical history information. The individual taking custody of the child shall notify the parent that the parent is not required to provide the information.

When a parent abandons an infant who is less than 7 days old by voluntarily delivering the infant as provided in § 7B-500 and does not express an intent to return for the infant, that parent shall not be prosecuted for abandonment, failure to support, or unlawful surrender of a child.

**Effect on Parental Rights****Citation: Gen. Stat. § 7B-500**

The safe haven provider takes temporary custody of the child.

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**North Dakota***Current Through December 2016***Infant's Age****Citation: Cent. Code §§ 27-20-02; 50-25.1-15**

An abandoned infant may be left at a hospital in an unharmed condition. The term 'abandoned infant' means a child who has been abandoned before reaching the age of 1 year.

**Who May Relinquish the Infant****Citation: Cent. Code § 50-25.1-15**

A parent of an infant may leave the infant at any hospital. An agent of the parent may leave an abandoned infant at a hospital with the parent's consent.

**Who May Receive the Infant****Citation: Cent. Code § 50-25.1-15**

The child may be left at any hospital.

**Responsibilities of the Safe Haven Provider****Citation: Cent. Code § 50-25.1-15**

A hospital shall accept an infant abandoned or left under this section. The hospital may request information regarding the parents and shall provide the parent or the agent with a medical history form and an envelope with the hospital's return address. Neither the parent nor the agent is required to provide any information.

The hospital shall provide the parent or the agent with a numbered identification bracelet to link the parent or the agent to the abandoned infant. Possession of an identification bracelet does not entitle the bracelet holder to take custody of the abandoned infant on demand.

The hospital may provide the parent or the agent with any relevant information, including:

- Information about the safe place for abandoned infant programs
- Information about adoption and counseling services
- Information about whom to contact if reunification is sought

Within 24 hours of receiving an abandoned infant, the hospital shall report to the Department of Human Services that an abandoned infant has been left at the hospital. The report may not be made before the parent or the agent leaves the hospital.

**Immunity for the Provider****Citation: Cent. Code § 50-25.1-15**

The hospital and its employees and agents are immune from any criminal or civil liability for accepting an abandoned infant under this section.

**Protection for Relinquishing Parent****Citation: Cent. Code § 50-25.1-15**

Neither the parent nor the parent's agent is subject to prosecution for abuse, neglect, or abandonment for leaving the infant at a hospital.

Neither the parent nor the parent's agent is required to provide any information. An individual who contacts the department about the child is under no obligation to respond to a request for information, and the department may not attempt to a compel response or to investigate the identity or background of the individual.

**Effect on Parental Rights****Citation: Cent. Code § 50-25.1-15**

Upon receiving a report of an abandoned infant left at a hospital, the department shall proceed as required under this chapter if it appears that the abandoned infant was not harmed, except the department may not attempt to identify or contact the parent or the agent. If it appears the abandoned infant was harmed, the department shall initiate an assessment of the matter as required by law.

If an individual possesses a bracelet linking the individual to an abandoned infant and parental rights have not been terminated, possession of the bracelet creates a presumption that the individual has standing to participate in a protection services action.

Possession of the bracelet does not create a presumption of maternity, paternity, or custody.

If an individual claiming to be the parent or the agent contacts the department and requests to be reunited with the abandoned infant, the department may identify or contact the individual. If an individual contacts the department seeking information only, the department may attempt to obtain information regarding the identity and medical history of the parents and may provide information regarding the procedures in an abandoned infant case.

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**Northern Mariana Islands***Current Through December 2016*

These issues are not addressed in the statutes reviewed.

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**Ohio***Current Through December 2016***Infant's Age****Citation: Rev. Stat. § 2151.3516**

A child who is younger than 30 days old may be relinquished.

**Who May Relinquish the Infant****Citation: Rev. Stat. § 2151.3516**

The child's parent may voluntarily deliver the child to a safe haven provider when the parent expresses no intent to return for the child.

**Who May Receive the Infant****Citation: Rev. Stat. § 2151.3516**

The following persons, while acting in an official capacity, shall take possession of the child:

- A peace officer on behalf of the law enforcement agency that employs the officer
- A hospital employee on behalf of the hospital that has granted the person privilege to practice at the hospital or that employs the person
- An emergency medical service worker on behalf of the emergency medical service organization that employs the worker or for which the worker provides services

**Responsibilities of the Safe Haven Provider****Citation: Rev. Stat. § 2151.3517**

On taking possession of a child, a law enforcement agency, hospital, or emergency medical service organization shall do all the following:

- Perform any act necessary to protect the child's health or safety
- Notify the public children's services agency in the county where the agency, hospital, or organization is located that the child has been taken into possession
- Make forms available to the parent who delivered the child to gather medical information concerning the child and the child's parents, if possible

- Make available to the parent who delivered the child written materials that describe services available to assist parents and newborns, if possible
- If the child has suffered a physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, attempt to identify and pursue the person who delivered the child

**Immunity for the Provider****Citation: Rev. Stat. § 2151.3523**

A person or governmental entity that takes possession of a child or takes emergency temporary custody of and provides temporary emergency care for a child is immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of these actions, unless the person or entity has acted in bad faith or with malicious purpose.

The sections above do not create a new cause of action or substantive legal right against a person or governmental entity and do not affect any immunities from civil liability or defenses established by another section of law or available at common law to which a person or governmental entity may be entitled under circumstances not covered by this section.

**Protection for Relinquishing Parent****Citation: Rev. Stat. §§ 2151.3523; 2151.3524**

A parent does not commit a criminal offense and shall not be subject to criminal prosecution for the act of voluntarily delivering a child. A person who delivers or attempts to deliver a child who has suffered any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child is not immune from civil or criminal liability for abuse or neglect.

A parent who voluntarily delivers a child has the absolute right to remain anonymous. A parent who voluntarily delivers a child may leave the place at which the parent delivers the child at any time after the delivery of the child.

A parent who delivers or attempts to deliver a child who has suffered any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child does not have the right to remain anonymous and may be subject to arrest.

**Effect on Parental Rights****Citation: Rev. Stat. §§ 2151.3522; 2151.3528**

A public children's services agency or private child-placing agency that receives temporary custody of a deserted child shall prepare case plans, conduct investigations, conduct periodic administrative reviews of case plans, and provide services for the deserted child as if the child were adjudicated a neglected child.

If a child is adjudicated a deserted child and a person indicates to the court that the person is the parent of the child and that the person seeks to be reunited with the child, the court that adjudicated the child shall require the person, at the person's expense, to submit to a DNA test to verify that the person is a parent of the child.

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**Oklahoma***Current Through December 2016***Infant's Age****Citation: Ann. Stat. Tit. 10A, § 1-2-109**

A child who is 7 days old or younger may be relinquished.

**Who May Relinquish the Infant****Citation: Ann. Stat. Tit. 10A, § 1-2-109**

The child may be relinquished by his or her parent.

**Who May Receive the Infant****Citation: Ann. Stat. Tit. 10A, § 1-2-109**

The following entities shall, without a court order, take possession of a child if the child is voluntarily delivered to the entity by the parent of the child and the parent did not express an intent to return for the child:

- A medical services provider, including a physician's assistant or nurse practitioner, a registered or practical nurse, and a nurse aide
- A child rescuer, including any employee or other designated person on duty at a police station, fire station, child protective services agency, hospital, or other medical facility

**Responsibilities of the Safe Haven Provider****Citation: Ann. Stat. Tit. 10A, § 1-2-109**

Any entity to which a parent seeks to relinquish a child pursuant to the provisions of this section may:

- Request, but not demand, any information about the child, including relevant medical history, that the parent is willing to share
- Provide the parent with printed information relating to the parents' rights, including both parents, with respect to reunification with the child and sources of counseling for the parents, if desired

Once a child has been relinquished, the entity receiving the child shall:

- Perform or provide for the performance of any act necessary to protect the physical health or safety of the child
- Notify the local office of the Department of Human Services that a child who is 7 days of age or younger has been relinquished, and that the entity has taken possession of the child

**Immunity for the Provider****Citation: Ann. Stat. Tit. 10A, § 1-2-109**

A medical services provider or child rescuer with responsibility for performing duties pursuant to this section shall be immune from any criminal liability that might otherwise result from the entity's actions, if acting in good faith in receiving a relinquished child. In addition, such medical provider or child rescuer shall be immune from any civil liability that might otherwise result from merely receiving a relinquished child.

**Protection for Relinquishing Parent****Citation: Ann. Stat. Tit. 10A, § 1-2-109**

A parent shall not be prosecuted for child abandonment or child neglect when the allegations of child abandonment or child neglect are based solely on the relinquishment of a child 7 days of age or younger to a medical services provider or a child rescuer.

The entity receiving the child shall respect the wish of the parent if the parent desires to remain anonymous.

**Effect on Parental Rights****Citation: Ann. Stat. Tit. 10A, § 1-2-109**

The Department of Human Services shall immediately check with law enforcement authorities to determine if a child has been reported missing and whether the missing child could be the relinquished child.

The department shall disseminate information about parents' rights with regard to reunification with a child, including, but not limited to, information on how a parent can contact the appropriate entity regarding reunification and information on sources of counseling for relinquishing parents.

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**Oregon***Current Through December 2016***Infant's Age****Citation: Rev. Stat. § 418.017**

An infant may be relinquished if he or she:

- Is 30 days of age or younger as determined to a reasonable degree of medical certainty
- Has no evidence of abuse

**Who May Relinquish the Infant****Citation: Rev. Stat. § 418.017**

The infant may be relinquished by his or her parent.

**Who May Receive the Infant****Citation: Rev. Stat. § 418.017**

The infant may be left at an authorized facility in the physical custody of an agent, employee, physician, or other medical professional working at the authorized facility. An authorized facility includes a hospital, freestanding birthing center, physician's office, sheriff's office, police station, or fire station.

**Responsibilities of the Safe Haven Provider****Citation: Rev. Stat. § 418.017**

An agent, employee, physician, or other medical professional working at an authorized facility shall receive an infant brought to the authorized facility. When an infant has been left, the authorized facility shall notify the Department of Human Services no later than 24 hours after receiving the infant.

**Immunity for the Provider****Citation: Rev. Stat. § 418.017**

If acting in good faith in receiving an infant, an authorized facility receiving an infant and any agent, employee, physician, or other medical professional working at the authorized facility are immune from any criminal or civil liability that otherwise might result from their actions relating to receiving the infant. A city, county, or other political subdivision of this State that operates a sheriff's office, police station, or fire station that receives an infant is immune from any criminal or civil liability that otherwise might result from the actions taken by its employees or agents in receiving the infant.

**Protection for Relinquishing Parent****Citation: Rev. Stat. §§ 418.017; 163.535(3)**

A parent leaving an infant under this section is not required to provide any identifying information about the infant or the parent. Relinquishment of the child to a safe haven is an affirmative defense to prosecution for abandonment.

**Effect on Parental Rights****Citation: Rev. Stat. § 418.017**

The infant is considered abandoned for purposes of § 419B.100, and the department is considered to have protective custody of the infant from the moment the infant was left at the facility. The department shall comply with the applicable provisions of Revised Statutes chapter 419B with regard to the infant.

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**Pennsylvania***Current Through December 2016***Infant's Age****Citation: Cons. Stat. Tit. 23, §§ 6502; 6503**

A newborn may be relinquished. The term 'newborn' means a child less than 28 days of age as reasonably determined by a physician.

**Who May Relinquish the Infant****Citation: Cons. Stat. Tit. 23, § 6503**

The child may be relinquished by his or her parent.

**Who May Receive the Infant****Citation: Cons. Stat. Tit. 23, §§ 6504; 6504.1; 6505**

The child may be left with a health-care provider at a hospital or a police officer at a police station. For purposes of this section, health-care provider includes administrative, managerial, and security personnel employed by a hospital.

**Responsibilities of the Safe Haven Provider****Citation: Cons. Stat. Tit. 23, §§ 6504; 6504.1; 6505**

A health-care provider shall do all of the following:

- Take the newborn into protective custody
- Perform a medical evaluation, as well as perform any act necessary to care for and protect the physical health and safety of the newborn
- Notify the county agency and the local municipal police department or the Pennsylvania State Police

When a health-care provider accepts a newborn pursuant to this chapter, a parent or police officer may provide a health-care provider with information about the newborn's medical history and any identifying information.

A police officer at a police station shall do all of the following:

- Take the newborn into protective custody
- Ensure the newborn is transported to a hospital and placed into the care of a health-care provider

When a police officer accepts a newborn pursuant to this chapter, a parent may provide the police officer with information about the newborn's medical history and any identifying information.

A health-care provider at a hospital shall, in all cases, notify the county agency and the local municipal police department or the Pennsylvania State Police where no municipal police jurisdiction exists immediately by telephone regarding a newborn accepted by a hospital. A written report shall be submitted within 48 hours after the oral report.

**Immunity for the Provider****Citation: Cons. Stat. Tit. 23, § 6507**

Except for a violation of § 6506 (relating to failure to report acceptance of newborns), no hospital, health-care provider at a hospital, or police department, police officer or administrative or managerial personnel of a police department shall be subject to civil liability or criminal penalty solely by reason of complying with the provisions of this chapter.

**Protection for Relinquishing Parent****Citation: Cons. Stat. Tit. 23, § 6503; Title 18, § 4306**

The parent is not criminally liable under any provision of title 18 (relating to crimes and offenses) if the criteria of 18 Pa.C.S. § 4306 are met.

A parent of a newborn shall not be criminally liable for any violation of this title solely for leaving a newborn in the care of a hospital pursuant to 23 Pa.C.S. Ch. 65 (relating to newborn protection) provided that the following criteria are met:

- The parent expresses, either orally or through conduct, the intent to have the hospital or police officer accept the newborn.
- The newborn is not a victim of child abuse or criminal conduct.

**Effect on Parental Rights**

This issue is not addressed in the statutes reviewed.

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**Puerto Rico**

*Current Through December 2016*

**Infant's Age****Citation: Ann. Laws Tit. 8, § 1062**

A newborn may be relinquished. A 'newborn' is a child younger than 72 hours old.

**Who May Relinquish the Infant****Citation: Ann. Laws Tit. 8, § 1062**

A mother may surrender her child.

**Who May Receive the Infant****Citation: Ann. Laws Tit. 8, § 1062**

The child may be surrendered at a public or private hospital.

**Responsibilities of the Safe Haven Provider****Citation: Ann. Laws Tit. 8, § 1062**

The newborn child shall be handed over to the personnel detailed to the public or private hospital. Such personnel shall be under the obligation to receive physical custody of the newborn child and contact the Department of the Family immediately.

**Immunity for the Provider**

This issue is not addressed in the statutes reviewed.

**Protection for Relinquishing Parent****Citation: Ann. Laws Tit. 8, § 1062**

The mother may surrender her child in confidentiality, without harm and without fear of being arrested, prosecuted, or tried, as long as the child does not present any signs of abuse or mistreatment.

The mother shall not be guilty of the crime of abandonment of a child if she surrenders her newborn child voluntarily at a public or a private hospital.

The mother shall be required to fill out a form on the medical history of the child. Such form shall not include information that may compromise the confidentiality of the mother. If she should refuse to fill out the form, such refusal shall not constitute an impediment for the hospital to receive the newborn child.

**Effect on Parental Rights****Citation: Ann. Laws Tit. 8, § 1062**

The department shall be under the obligation to institute the adoption proceedings immediately.

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**Rhode Island***Current Through December 2016***Infant's Age****Citation: Gen. Laws § 23-13.1-3**

A child who is or appears to be 30 days old or younger may be relinquished.

**Who May Relinquish the Infant****Citation: Gen. Laws §§ 23-13.1-3; 23-13.1-4**

The child may be relinquished by the parent or any person acting at the direction of the parent, who does not express an intent to return for the infant, and the circumstances give rise to a reasonable belief that the person does not intend to return for the infant.

**Who May Receive the Infant****Citation: Gen. Laws § 23-13.1-3**

The child may be left at any of the following facilities:

- A hospital
- A medical emergency facility
- A fire station
- A police station

**Responsibilities of the Safe Haven Provider****Citation: Gen. Laws § 23-13.1-3; 23-13.1-5**

The hospital or other facility designated in this section shall offer the person leaving the infant written information concerning the legal effect of leaving the infant with the hospital or other facility.

Any hospital, medical facility, or licensed physician and its employees, independent contractors, and agents are authorized to provide to an infant left at a hospital or other facility any medical care and treatment, including testing for the human immunodeficiency virus and hepatitis, that the attending physician believes necessary for the infant's well-being.

Immediately upon taking physical possession of an infant pursuant to this chapter, the hospital or other facility shall notify the Department of Children, Youth, and Families that it has physical possession of the infant.



### Immunity for the Provider

**Citation: Gen. Laws § 23-13.1-3**

The hospital or other facility and/or any employee, independent contractor, agent, doctor, other medical professional, law enforcement, or fire official associated with the hospital or facility shall be immune from any criminal or civil liability arising from actions taken in accordance with this chapter, including, but not limited to, determining the age of, receiving, examining, or otherwise treating the infant. This immunity does not apply to acts or omissions constituting negligence or reckless, wanton, or intentional misconduct.

The hospital or other facility performing duties under this chapter and/or any staff member, employee, independent contractor, agent, doctor, other medical professional, law enforcement, or fire official associated with the hospital or facility shall be immune from any criminal or civil liability that otherwise might result from the failure to make a report under the provisions of chapter 11 of title 40, if the entity or person acted in good faith in complying with this section.

### Protection for Relinquishing Parent

**Citation: Gen. Laws §§ 23-13.1-3; 23-13.1-4**

The person leaving the infant may, but shall not be required to, leave any information disclosing the identity of himself/herself, the infant, or the parents or other family member of the infant and/or the medical history of himself/herself, the infant, or the parents or other family member of the infant. Any information obtained from the person leaving the infant shall be kept confidential by the hospital or other facility and shared with no one other than the Department of Children, Youth, and Families.

If a court determines that the immunity provisions below do not apply, the hospital or other facility where the infant was left must disclose the information relating to the identity of the person, the infant, the parents of the infant, or other family member of the infant to the Attorney General upon court order.

Nothing contained in this section shall preclude the department from notifying law enforcement authorities of any criminal wrongdoing in accordance with §§ 11-9-5 and/or 40-11-5.

A person who leaves an infant at a hospital or other facility, or directs another person to do so, shall be immune from prosecution only for the act of abandonment of the infant pursuant to §§ 11-2-1 and 11-9-5(a) provided that:

- The person is the parent of the infant or is acting at the direction of a parent.
- The infant is left in the physical custody of a staff member of the hospital or other facility designated under this chapter.
- A comprehensive medical examination of the infant determines the infant has not been harmed or been the victim or any physical neglect or abuse. Injuries and/or conditions resulting from childbirth shall not be considered harm, abuse, or neglect.

### Effect on Parental Rights

**Citation: Gen. Laws § 23-13.1-5**

The Department of Children, Youth, and Families shall immediately respond to a report from the hospital or other facility, place the infant in the temporary protective custody of the department, and make arrangements for the infant to undergo a comprehensive medical examination by a licensed physician or a duly certified registered nurse practitioner.

The department shall, upon obtaining temporary custody of the infant and provided that no person has asserted a claim to be the parent of the infant within 90 days, commence proceedings to terminate the parental rights of the parents of the infant.

The leaving of the infant at a hospital or other facility and the failure of a person to assert a claim to be the parent of the infant within 90 days of the infant being placed in the temporary custody of the department shall constitute prima facie evidence of permanent abandonment of the infant.

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## South Carolina

*Current Through December 2016*

### Infant's Age

**Citation: Ann. Code § 63-7-40**

An infant may be relinquished. The term 'infant' means a person who is no more than 60 days old.

### Who May Relinquish the Infant

**Citation: Ann. Code § 63-7-40**

An infant may be voluntarily left at a safe haven by a person who does not express an intent to return for the infant and the circumstances give rise to a reasonable belief that the person does not intend to return for the infant.

**Who May Receive the Infant****Citation: Ann. Code § 63-7-40**

The infant may be left at a safe haven. The term 'safe haven' includes a hospital or hospital outpatient facility, a law enforcement agency, a fire station, an emergency medical services station, or any staffed house of worship during hours when the facility is staffed.

**Responsibilities of the Safe Haven Provider****Citation: Ann. Code § 63-7-40**

A safe haven provider must, without a court order, take temporary physical custody of an infant who is voluntarily left at the safe haven. If the safe haven is a hospital or hospital outpatient facility, the hospital or hospital facility shall perform any act necessary to protect the physical health or safety of the infant. Any other safe haven shall, as soon as possible but no later than 6 hours after receiving an infant, transport the infant to a hospital or hospital outpatient facility.

The safe haven provider must offer the person leaving the infant information concerning the legal effect of leaving the infant at the safe haven and ask the person to identify any parent of the infant other than the person leaving the infant at the safe haven. The safe haven provider also must attempt to obtain from the person information concerning the infant's background and medical history as specified on a form provided by the Department of Social Services. This information includes, but is not limited to, information concerning the use of a controlled substance by the infant's mother provided that information regarding the use of a controlled substance by the infant's mother is not admissible as evidence of the unlawful use of a controlled substance in any court proceeding. The hospital or hospital outpatient facility shall notify the department that it has taken temporary physical custody of the infant no later than the close of the first business day after taking possession.

**Immunity for the Provider****Citation: Ann. Code § 63-7-40**

A safe haven and its agents and any health-care professionals practicing within a hospital or hospital outpatient facility are immune from civil or criminal liability for any action authorized by this section as long as the safe haven or health-care professional complies with all provisions of this section.

**Protection for Relinquishing Parent****Citation: Ann. Code § 63-7-40**

The person leaving the infant is not required to disclose his or her identity; however, the person must leave the infant in the physical custody of a staff member or employee of the safe haven. Any identifying information disclosed by the person leaving the infant must be kept confidential by the safe haven and disclosed to no one other than the department.

A person who leaves an infant at a safe haven or directs another person to do so must not be prosecuted for any criminal offense on account of such action if:

- The person is a parent of the infant or is acting at the direction of a parent.
- The person leaves the infant in the physical custody of a staff member or an employee of the safe haven.
- The infant is not more than 60 days old or the infant is reasonably determined by the hospital or hospital outpatient facility to be not more than 60 days old.

This subsection does not apply to prosecution for the infliction of any harm upon the infant other than the harm inherent in abandonment.

**Effect on Parental Rights****Citation: Ann. Code § 63-7-40**

The department has legal custody of the infant immediately upon receipt of the notice. The department shall assume physical control of the infant as soon as practicable but no later than 24 hours after receiving notice that the infant is ready for discharge from the hospital. The department is not required to initiate a child protective services investigation solely because an infant comes into its custody under this subsection.

Immediately after receiving notice, the department shall contact the South Carolina Law Enforcement Division for assistance in assuring that the infant is not a missing infant.

Within 48 hours after obtaining legal custody of the infant, the department shall file a petition alleging that the infant has been abandoned, that the court should dispense with reasonable efforts to preserve or reunify the family, and that termination of parental rights is in the best interest of the infant. A hearing on the petition must be held no earlier than 30 and no later than 60 days after the department takes legal custody of the infant.

The act of leaving an infant at a safe haven is conclusive evidence that the infant has been abused or neglected for purposes of Department of Social Services' jurisdiction and for evidentiary purposes in any judicial proceeding in which abuse or neglect of an infant is an issue. It is also conclusive evidence that the requirements for termination of parental rights have been satisfied as to any parent who left the infant or acted in concert with the person leaving the infant.

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## **South Dakota**

*Current Through December 2016*

### **Infant's Age**

**Citation: Ann. Laws § 25-5A-27**

A child who is 60 days old or younger may be relinquished.

### **Who May Relinquish the Infant**

**Citation: Ann. Laws § 25-5A-27**

A child may be relinquished by his or her parent.

### **Who May Receive the Infant**

**Citation: Ann. Laws §§ 25-5A-27; 25-5A-34**

An emergency medical services provider or licensed child-placing agency shall take possession of a child if the child is voluntarily delivered to the provider or agency by the child's parent and the parent does not express an intent to return for the child. An emergency medical services provider is:

- A licensed health-care facility or clinic
- Any agent of a licensed health-care facility or clinic
- A law enforcement officer
- An emergency medical technician
- A firefighter

### **Responsibilities of the Safe Haven Provider**

**Citation: Ann. Laws §§ 25-5A-27; 25-5A-30; 25-5A-32**

Any provider or agency who takes possession of a child pursuant to this section shall perform any act necessary to protect the physical health and safety of the child.

Any emergency medical services provider or licensed child-placing agency that accepts custody of a child may ask the child's parent for pertinent medical information relating to the child's medical history.

The emergency medical services provider or a licensed child-placing agency shall immediately notify the Department of Social Services that the provider or agency has taken possession of the child. The department or licensed child-placing agency shall assume the care, custody, and control of the child immediately upon receipt of the notice. However, a licensed child-placing agency that has taken possession of a child may assume the care, custody, and control of the child.

### **Immunity for the Provider**

**Citation: Ann. Laws § 25-5A-31**

Any emergency medical services provider or licensed child-placing agency that accepts physical custody of a child is immune from civil, criminal, and administrative liability for any act of commission or omission in connection with the acceptance of that custody or the provision of care for the child while the child is in the provider's or agency's custody.

### **Protection for Relinquishing Parent**

**Citation: Ann. Laws §§ 25-5A-28; 25-5A-30; 25-5A-32**

It is not a crime for a parent to deliver a child to an emergency medical services provider or a licensed child-placing agency if the child has not been harmed prior to being left with the emergency medical services provider or a licensed child-placing agency.

The parent leaving the child is not required to provide any information, including the name of the parents.

The department or licensed child-placing agency may not attempt to identify, contact, or investigate the parent who voluntarily delivered the child to an emergency medical services provider or a licensed child-placing agency unless it appears the child has been harmed.

### **Effect on Parental Rights**

**Citation: Ann. Laws §§ 25-5A-29; 25-5A-33; 25-5A-35; 25-5A-36**

If a parent of a child relinquishes custody of the child to an emergency medical services provider or a licensed child-placing agency, then, after 14 days and by operation of law:

- All of that parent's rights with respect to the child are terminated.
- The child becomes a ward of the State or licensed child-placing agency.

If one parent of a child relinquishes custody of the child to an emergency medical services provider or a licensed child-placing agency, the other parent may file an action for custody of the child. The nonrelinquishing parent shall file such an action within 30 days after the provider or agency accepts custody of the child from the relinquishing parent. In such an action, the nonrelinquishing parent shall prove the following by a preponderance of the evidence:

- He or she is the parent of the child.
- He or she did not consent to relinquishment of the child's custody to the provider or agency.

A hearing shall be held in circuit court to terminate parental rights 60 days after the emergency medical services provider or licensed child-placing agency takes possession of the child. Due regard shall be afforded to the Indian Child Welfare Act, if that act is applicable.

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## **Tennessee**

*Current Through December 2016*

### **Infant's Age**

**Citation: Ann. Code § 68-11-255**

An infant who is 72 hours old or younger may be relinquished.

### **Who May Relinquish the Infant**

**Citation: Ann. Code § 68-11-255**

The infant may be relinquished by his or her mother.

### **Who May Receive the Infant**

**Citation: Ann. Code § 68-11-255**

Any facility shall receive possession of any newborn infant left on facility premises with any facility employee or member of the professional medical community if the infant:

- Was born within the preceding 72 hours, as determined within a reasonable degree of medical certainty
- Is left in an unharmed condition
- Is voluntarily left by a person who purports to be the child's mother and who does not express an intention of returning for the infant

The term 'facility' means any hospital, birthing center, community health clinic, outpatient walk-in clinic, fire department that is staffed 24 hours a day, law enforcement facility that is staffed 24 hours a day, or emergency medical services facility.

### **Responsibilities of the Safe Haven Provider**

**Citation: Ann. Code § 68-11-255**

The facility, any facility employee, and any member of the professional medical community at such facility shall inquire, whenever possible, about the medical history of the mother or newborn and, whenever possible, shall seek the identity of the mother, infant, or the father of the infant. The facility shall also inform the mother that she is not required to respond but that the information will facilitate the adoption of the child.

The facility may provide the parent with contact information regarding relevant social service agencies, shall provide the mother with the name, address, and phone number of the department contact person, and shall encourage the mother to involve the Department of Children's Services in the relinquishment of the infant. If practicable, the facility shall also provide the mother with both orally delivered and written information concerning the requirements of this section, § 36-1-142, and § 36-2-318 (putative father registry) relating to recovery of the child and abandonment of the child.

The facility, any facility employee, and any member of the professional medical community at the facility shall perform any act necessary to protect the physical health and safety of the child.

As soon as reasonably possible, and no later than 24 hours after receiving a newborn infant, the facility shall contact the Department of Children's Services, but shall not do so before the mother leaves the facility. Upon receipt of notification, the department shall immediately assume care, custody, and control of the infant.

### **Immunity for the Provider**

**Citation: Ann. Code § 68-11-255**

Notwithstanding any provision of law to the contrary, any facility, any facility employee, and any member of the professional medical community shall be immune from any criminal or civil liability for damages as a result of any actions taken pursuant to the requirements of this section and § 36-1-142, and no lawsuit shall be predicated thereon. However, nothing in this section and § 36-1-142 shall be construed to abrogate any existing standard of care for medical treatment or to preclude a cause of action based upon violation of such existing standard of care for medical treatment.

### **Protection for Relinquishing Parent**

**Citation: Ann. Code § 68-11-255**

Any information obtained concerning the identity of the mother, infant, or other parent shall be kept confidential and may only be disclosed to the Department of Children's Services for use consistent with the purposes of this section, § 36-1-142, and § 36-2-318.

No criminal prosecution shall be based upon a mother's act of voluntarily delivering her unharmed infant at a facility pursuant to this section if the mother acts in full compliance with this section.

### **Effect on Parental Rights**

**Citation: Ann. Code § 36-1-142**

Failure of the mother to visit or seek contact with the infant for 30 days after the date of relinquishment and failure to seek contact with the infant through the department or to revoke the voluntary delivery within 30 days after notice was given, which shall cumulatively be no less than 90 days after the child was relinquished, shall be a basis for termination of parental rights.

A mother who voluntarily delivers an infant may revoke such voluntary delivery by applying to the court no later than 30 days after notice was given. After 30 days, no voluntary delivery shall be set aside except upon clear and convincing evidence of duress, fraud, or intentional misrepresentation.

Within 10 days of receipt of an infant, the department shall give notice once a week for 4 consecutive weeks in a newspaper where the voluntary delivery occurred. The notice shall include information to inform the putative father how to claim paternity and the mother how to revoke voluntary delivery. The notice shall specify that failure to seek contact with the infant through the department or to revoke the voluntary delivery within 30 days of the last publication of notice shall constitute abandonment of the infant and of the mother's interest.

The notice shall specify that any father who fails to claim paternity by contacting the department or registering with the putative father registry within 30 days of the last publication shall be barred from thereafter bringing any action to establish paternity of the infant. It shall also specify that such failure shall constitute abandonment of any right to notice of, or to participate in, any judicial proceeding for the adoption of such infant, and that consent of such putative father shall not be required for adoption of the infant.

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## **Texas**

*Current Through December 2016*

### **Infant's Age**

**Citation: Fam. Code § 262.302**

A child who is 60 days old or younger may be relinquished.

**Who May Relinquish the Infant****Citation: Fam. Code § 262.302**

The child may be relinquished by his or her parent.

**Who May Receive the Infant****Citation: Fam. Code §§ 262.301; 262.302**

A designated emergency infant care provider shall, without a court order, take possession of a child who appears to be 60 days old or younger if the child is voluntarily delivered to the provider by the child's parent, and the parent did not express an intent to return for the child. A designated emergency infant care provider includes:

- An emergency medical services provider
- A hospital
- A licensed freestanding emergency medical care facility
- A licensed child-placing agency that:
  - » Agrees to act as a designated emergency infant care provider
  - » Has on staff a person who is licensed as a registered nurse or who provides emergency services and who will examine and provide emergency medical services to a child taken into possession

**Responsibilities of the Safe Haven Provider****Citation: Fam. Code §§ 262.302; 262.303**

A designated emergency infant care provider who takes possession of a child has no legal duty to detain or pursue the parent and may not do so unless the child appears to have been abused or neglected. The designated emergency infant care provider has no legal duty to ascertain the parent's identity, and the parent may remain anonymous. However, the parent may be given a form for voluntary disclosure of the child's medical facts and history.

A designated emergency infant care provider who takes possession of a child under this section shall perform any act necessary to protect the physical health or safety of the child.

The provider shall notify the Department of Family and Protective Services that the provider has taken possession of the child no later than the close of the first business day after the date on which a designated emergency infant care provider takes possession of a child. The department shall assume the care, control, and custody of the child immediately on receipt of notice.

**Immunity for the Provider****Citation: Fam. Code § 262.302**

The designated emergency infant care provider is not liable for damages related to the provider's taking possession of, examining, or treating the child, except for damages related to the provider's negligence.

**Protection for Relinquishing Parent****Citation: Penal Code § 22.041(h); Fam. Code § 262.308**

The parent may remain anonymous. All identifying information, documentation, or other records regarding a person who voluntarily delivers a child to a designated emergency infant care provider under this subchapter is confidential and not subject to release to any individual or entity.

It is an exception to the application of the law prohibiting abandonment or endangerment of a child that the actor voluntarily delivered the child to a designated emergency infant care provider.

**Effect on Parental Rights****Citation: Fam. Code §§ 262.304; 262.305; 262.309; 262.105**

A child for whom the department assumes care, control, and custody shall be treated as a child taken into possession without a court order. When a child is taken into possession without a court order, the person taking the child into possession, without unnecessary delay, shall:

- File a suit affecting the parent-child relationship
- Request the court to appoint an attorney ad litem for the child
- Request an initial hearing to be held by no later than the first working day after the date the child is taken into possession

If the department files a suit affecting the parent-child relationship seeking termination of the parent-child relationship, the department shall file the suit no later than the 45th day after the date the department assumes the care, control, and custody of the child.

Immediately after assuming care, control, and custody of a child, the department shall report the child to the appropriate State and local law enforcement agencies as a potential missing child. A law enforcement agency that receives a report shall investigate whether the child is reported as missing.

The department is not required to conduct a search for the relatives of a child for whom the department assumes care, control, and custody under this subchapter.

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## Utah

*Current Through December 2016*

### Infant's Age

**Citation: Ann. Code § 62A-4a-801**

A newborn child may be relinquished. The term 'newborn child' means a child who is approximately 72 hours old or younger, as determined within a reasonable degree of medical certainty.

### Who May Relinquish the Infant

**Citation: Ann. Code § 62A-4a-802**

The parent or parent's designee may relinquish the child.

### Who May Receive the Infant

**Citation: Ann. Code §§ 62A-4a-801; 62A-4a-802**

A parent or a parent's designee may safely relinquish a newborn child at a hospital. The term 'hospital' means a general acute hospital that is:

- Equipped with an emergency room
- Open 24 hours a day, 7 days a week
- Staffed by full-time health-care professionals who have emergency medical services training

### Responsibilities of the Safe Haven Provider

**Citation: Ann. Code § 62A-4a-802**

Personnel employed by a hospital shall accept a newborn child who is relinquished and may presume that the person relinquishing is the child's parent or the parent's designee.

The person receiving the newborn child may request information regarding the parent and newborn child's medical histories and identifying information regarding the nonrelinquishing parent of the child. Personnel employed by a hospital shall provide any necessary medical care to the child and notify the Division of Child and Family Services as soon as possible but no later than 24 hours after receipt of the child.

### Immunity for the Provider

**Citation: Ann. Code § 62A-4a-802**

A hospital and personnel employed by a hospital are immune from any civil or criminal liability arising from accepting a newborn child if the personnel employed by the hospital substantially comply with the provisions of this part and medical treatment is administered according to standard medical practice.

### Protection for Relinquishing Parent

**Citation: Ann. Code § 62A-4a-802**

A parent or a parent's designee may safely relinquish a newborn child at a hospital and retain complete anonymity as long as the child has not been subject to abuse or neglect.

Safe relinquishment of a newborn child who has not otherwise been subject to abuse or neglect shall not, in and of itself, constitute neglect, and the child shall not be considered a neglected child as long as the relinquishment is carried out in substantial compliance with these provisions.

As long as the person relinquishing a newborn child is the child's parent or the parent's designee and there is no abuse or neglect, safe relinquishment of a newborn child in substantial compliance with these provisions is an affirmative defense to any potential criminal liability for abandonment or neglect relating to that relinquishment.



**Effect on Parental Rights****Citation: Ann. Code § 62A-4a-802**

The division shall assume care and custody of the child immediately upon notice from the hospital. Unless identifying information relating to the nonrelinquishing parent of the newborn child has been provided:

- The division shall work with local law enforcement and the Bureau of Criminal Identification in an effort to ensure that the newborn child has not been identified as a missing child.
- The division shall immediately place the child in a potential adoptive home and, within 10 days after receipt of the child, file a petition for termination of parental rights.
- The division shall direct the Office of Vital Records and Statistics to conduct a search for a birth certificate for the child and an Initiation of Proceedings to Establish Paternity Registry for unmarried biological fathers maintained by the Office of Vital Records and Statistics within the Department of Health and provide notice to each potential father identified on the registry. Notice of termination of parental rights proceedings shall be provided in the same manner as is utilized for any other termination proceeding in which the identity of the child's parents is unknown.
- If no person has affirmatively identified himself or herself within 2 weeks after notice is complete and established paternity by scientific testing within as expeditious a timeframe as practicable, a hearing on the petition for termination of parental rights shall be scheduled.
- If a nonrelinquishing parent is not identified, relinquishment of a newborn child shall be considered grounds for termination of parental rights of both the relinquishing and nonrelinquishing parents.

**Vermont**

*Current Through December 2016*

**Infant's Age****Citation: Ann. Stat. Tit. 13, § 1303**

A child who is no more than 30 days old may be relinquished.

**Who May Relinquish the Infant****Citation: Ann. Stat. Tit. 13, § 1303**

A person may legally relinquish an infant under this section.

**Who May Receive the Infant****Citation: Ann. Stat. Tit. 13, § 1303**

The child may be delivered to:

- An employee, staff member, or volunteer at a health-care facility
- An employee, staff member, or volunteer at a fire station, police station, place of worship, or an entity that is licensed or authorized in this State to place minors for adoption
- A 911 emergency responder at a location where the responder and the person have agreed to transfer the child

**Responsibilities of the Safe Haven Provider****Citation: Ann. Stat. Tit. 13, § 1303**

A person or facility to whom a child is delivered shall:

- Take temporary custody of the child and ensure that he or she receives any necessary medical care
- Provide notice to a law enforcement agency that the person or facility has taken temporary custody of the child
- Provide notice to the Department for Children and Families that the person or facility has taken temporary custody of the child

**Immunity for the Provider****Citation: Ann. Stat. Tit. 13, § 1303**

A person or facility to whom a child is delivered shall be immune from civil or criminal liability for any action taken.

**Protection for Relinquishing Parent****Citation: Ann. Stat. Tit. 13, § 1303**

A person who abandons or exposes a child under the age of 2 years whereby the life or health of such child is endangered shall be imprisoned not more than 10 years or fined not more than \$10,000, or both. It is not a violation of this section if a person voluntarily delivers a child not more than 30 days of age to a safe haven.

A person voluntarily delivering a child under this subsection shall not be required to reveal any personally identifiable information, but may be offered the opportunity to provide information concerning the child's or family's medical history.

**Effect on Parental Rights****Citation: Ann. Stat. Tit. 13, § 1303**

Upon receiving notice that a child has been relinquished, the Department for Children and Families shall take custody of the child as soon as practicable.

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**Virgin Islands***Current Through December 2016*

These issues are not addressed in the statutes reviewed.

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**Virginia***Current Through December 2016***Infant's Age****Citation: Ann. Code §§ 18.2-371.1; 40.1-103**

A child may be relinquished within the first 14 days after his or her birth.

**Who May Relinquish the Infant****Citation: Ann. Code §§ 18.2-371.1; 40.1-103**

The child may be relinquished by his or her parent.

**Who May Receive the Infant****Citation: Ann. Code §§ 18.2-371.1; 40.1-103**

The child may be delivered to:

- A hospital that provides 24-hour emergency services
- An emergency medical services agency

**Responsibilities of the Safe Haven Provider**

This issue is not addressed in the statutes reviewed.

**Immunity for the Provider****Citation: Ann. Code § 8.01-226.5:2**

Any personnel of a hospital or emergency medical services agency receiving a child who has been voluntarily relinquished by his or her parent shall be immune from civil liability or criminal prosecution for injury or other damage to the child unless such injury or other damage is the result of gross negligence or willful misconduct by such personnel.

**Protection for Relinquishing Parent****Citation: Ann. Code §§ 18.2-371.1; 40.1-103**

Relinquishment of the child shall be an affirmative defense to prosecution of a parent for abuse or neglect of children, cruelty to children, or endangering a child. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

**Effect on Parental Rights****Citation: Ann. Code § 63.2-910.1**

A local department shall have authority to:

- Take custody of the child
- Arrange an appropriate placement
- Institute proceedings to terminate parental rights

**Washington***Current Through December 2016***Infant's Age****Citation: Rev. Code § 13.34.360**

A newborn may be relinquished. The term 'newborn' means a live human being who is younger than 72 hours old.

**Who May Relinquish the Infant****Citation: Rev. Code § 13.34.360**

The newborn may be relinquished by his or her parent.

**Who May Receive the Infant****Citation: Rev. Code § 13.34.360**

The parent may leave the infant with a qualified person at an appropriate location. An appropriate location includes:

- The emergency department of a licensed hospital during the hours the hospital is in operation
- A fire station during its hours of operation and while fire personnel are present
- A federally designated rural health clinic during its hours of operation

A qualified person includes:

- Any person that the parent transferring the newborn reasonably believes is a bona fide employee, volunteer, or medical staff member of the hospital who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs
- A firefighter, volunteer, or emergency medical technician at a fire station who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs

A federally designated rural health clinic is not required to provide ongoing medical care of a transferred newborn beyond that already required by law and may transfer the newborn to a licensed hospital. The federally designated rural health clinic shall notify child protective services of the transfer of the newborn to the hospital.

**Responsibilities of the Safe Haven Provider****Citation: Rev. Code § 13.34.360**

The qualified person at an appropriate location shall:

- Attempt to protect the anonymity of the parent who transfers the newborn
- Provide an opportunity for the parent to anonymously give such information as the parent knows about the family medical history of the parents and the newborn
- Provide referral information about adoption options, counseling, appropriate medical and emotional aftercare services, domestic violence, and legal rights to the parent seeking to transfer the newborn
- Notify child protective services within 24 hours after receipt of the newborn

**Immunity for the Provider****Citation: Rev. Code § 13.34.360**

A hospital, federally designated rural health clinic, or fire station and its employees, volunteers, and medical staff are immune from any criminal or civil liability for accepting or receiving a newborn under this section.

**Protection for Relinquishing Parent****Citation: Rev. Code § 13.34.360**

A parent of a newborn who transfers the newborn to a qualified person at an appropriate location is not subject to criminal liability for abandonment of a child.

The qualified person at an appropriate location shall not require the parent to provide any identifying information in order to transfer the newborn.

**Effect on Parental Rights****Citation: Rev. Code § 13.34.360**

Child protective services shall assume custody of the newborn within 24 hours after receipt of notification.

**West Virginia***Current Through December 2016***Infant's Age****Citation: Ann. Code § 49-4-201**

A child who is younger than 30 days old may be relinquished.

**Who May Relinquish the Infant****Citation: Ann. Code § 49-4-201**

The child may be relinquished by his or her parent.

**Who May Receive the Infant****Citation: Ann. Code § 49-4-201**

The child may be left at a hospital or health-care facility.

**Responsibilities of the Safe Haven Provider****Citation: Ann. Code §§ 49-4-201; 49-4-202**

The hospital or health-care facility shall, without a court order, take possession of a child if the child is voluntarily delivered to the hospital or health-care facility by the child's parent within 30 days of the child's birth, and the parent did not express an intent to return for the child. A hospital or health-care facility that takes possession of a child shall perform any act necessary to protect the physical health or safety of the child.

The hospital or health-care facility shall notify the Child Protective Services Division of the Department of Health and Human Resources that it has taken possession of the child no later than the close of the first business day after the hospital or health-care facility takes possession of a child and shall provide to the department any information provided by the parent delivering the child. The hospital or health-care facility shall refer any inquiries about the child to the Department of Health and Human Resources' protective services division.

**Immunity for the Provider**

This issue is not addressed in the statutes reviewed.

**Protection for Relinquishing Parent****Citation: Ann. Code §§ 49-4-201; 49-4-203; 49-4-204**

In accepting possession of the child, the hospital or health-care facility may not require the person to identify him or herself and shall otherwise respect the person's desire to remain anonymous.

The department and county prosecuting attorney may not identify in a dependency petition the parent(s) who utilized this article to relinquish his or her child.

A parent who relinquishes his or her child in good faith within 30 days of the child's birth under this article is immune from prosecution under § 61-8D-4(a).

**Effect on Parental Rights****Citation: Ann. Code §§ 49-4-202; 49-4-203; 49-4-205**

The Department of Health and Human Resources shall assume the care, control, and custody of the child at the time of delivery of the child to the hospital or health-care facility and may contract with a private child care agency for the care and placement of the child after the child leaves the hospital or health-care facility.

A child of whom the department assumes care, control and custody under this article is a relinquished child and to be treated in all respects as a child taken into emergency custody pursuant to § 49-4-303. Upon taking custody of a child under this article, the department, with the cooperation of the county prosecuting attorney, shall cause a petition pursuant to § 49-4-602 to obtain court-ordered custody of the child. Thereafter, the department shall initiate dependency proceedings in compliance with § 49-4-601, et seq.

The child shall be eligible for adoption as an abandoned child under chapter 48.

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## **Wisconsin**

*Current Through December 2016*

### **Infant's Age**

**Citation: Ann. Stat. § 48.195**

A child who is 72 hours old or younger may be relinquished.

### **Who May Relinquish the Infant**

**Citation: Ann. Stat. § 48.195**

The child may be relinquished by his or her parent.

### **Who May Receive the Infant**

**Citation: Ann. Stat. § 48.195**

The child may be left at a sheriff's office, police station, fire station, hospital, or other place where a law enforcement officer, emergency medical technician, or hospital staff member is located.

### **Responsibilities of the Safe Haven Provider**

**Citation: Ann. Stat. § 48.195**

The safe haven provider shall:

- Take custody of a child the provider reasonably believes to be 72 hours old or younger who is left by a parent who does not express an intent to return for the child
- Take any action necessary to protect the health and safety of the child
- Deliver the child to an intake worker under § 48.20 within 24 hours after taking the child into custody
- Make available to the parent the maternal and child health toll-free telephone number maintained by the department

The decision whether to accept the information made available is entirely voluntary on the part of the parent. No person may induce, coerce, or attempt to induce or coerce any parent into accepting that information.

If a parent who wishes to relinquish custody of his or her child is unable to travel to a safe haven provider, the parent may dial the telephone number.

### **Immunity for the Provider**

**Citation: Ann. Stat. § 48.195**

Any law enforcement officer, emergency medical technician, or hospital staff member who takes a child into custody is immune from any civil liability to the child's parents or any criminal liability for any good-faith act or omission occurring solely in connection with the act of receiving custody of the child from the child's parents, but is not immune from any civil or criminal liability for any act or omission occurring in subsequently providing care for the child.

In any civil or criminal proceeding, the good faith of a person specified above is presumed. This presumption may be overcome only by clear and convincing evidence.

### **Protection for Relinquishing Parent**

**Citation: Ann. Stat. § 48.195**

The parent and any person who assists the parent have the right to remain anonymous. No person may induce, coerce, or attempt to induce or coerce a parent who wishes to remain anonymous into revealing his or her identity, unless the person has reasonable cause to suspect that the child has been the victim of abuse or neglect or that the person assisting the parent is coercing the parent into relinquishing custody of the child.

A parent who relinquishes a child and any person who assists the parent may leave the presence of the safe haven provider at any time, and no person may follow or pursue the parent or person assisting the parent, unless the person has reasonable cause to suspect that the child has been the victim of abuse or neglect or that the person assisting the parent has coerced the parent into relinquishing custody of the child.

No officer, employee, or agent of this State may attempt to locate or ascertain the identity of a parent who relinquishes a child, unless the officer, employee, or agent has reasonable cause to suspect that the child has been the victim of abuse or neglect or that the person assisting the parent has coerced the parent into relinquishing the child.

Any person who obtains any information relating to the relinquishment of a child shall keep that information confidential and may not disclose that information, except as specified in statute.

Any parent who relinquishes his or her child and any person who assists the parent are immune from any civil or criminal liability for any good-faith act or omission in connection with that relinquishment. The immunity granted under this paragraph includes immunity for exercising the right to remain anonymous, the right to leave at any time, and the right not to accept any information and immunity from prosecution for abandonment of a child or for neglecting a child.

### **Effect on Parental Rights**

**Citation: Ann. Stat. §§ 48.195; 48.415**

The department shall promulgate rules to implement this section. The rules shall include rules prescribing a means by which a parent who relinquishes custody of his or her child may, until the granting of an order terminating parental rights, choose to be identified as the child's parent.

The court may grant involuntary termination of parental rights on the grounds that custody has been relinquished.

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## **Wyoming**

*Current Through December 2016*

### **Infant's Age**

**Citation: Ann. Stat. § 14-11-102**

A newborn child may be relinquished. The term 'newborn child' means a child who is 14 days old or younger, as determined within a reasonable degree of medical certainty.

### **Who May Relinquish the Infant**

**Citation: Ann. Stat. § 14-11-103**

A parent or a parent's designee may relinquish a newborn child to a safe haven provider in accordance with the provisions of this act and retain complete anonymity.

### **Who May Receive the Infant**

**Citation: Ann. Stat. §§14-11-102; 14-11-103**

The child may be left at any safe haven provider. A safe haven provider may be any of the following that is staffed 24 hours a day, 7 days a week:

- A fire station
- A hospital
- A police department or sheriff's office
- Any other place of shelter and safety identified by the Department of Family Services that meets the requirements of rules and regulations

The term 'fire station' means a fire station that is open and operating 24 hours a day, 7 days a week, and that is continually staffed with full-time, paid firefighters who have emergency medical services training.

The term 'hospital' means a general acute hospital that is:

- Equipped with an emergency room
- Open 24 hours a day, 7 days a week
- Employs full-time health-care professionals who have emergency medical services training

**Responsibilities of the Safe Haven Provider****Citation: Ann. Stat. § 14-11-103**

A safe haven provider shall accept a newborn child who is relinquished pursuant to the provisions of this act and may presume that the person relinquishing is the child's parent or parent's designee.

The parent or parent's designee may provide information regarding the parent and newborn child's medical histories and identifying information regarding the nonrelinquishing parent of the child, but the safe haven provider may not require that any information be given.

A safe haven provider may provide any necessary emergency medical care to the newborn child and shall deliver custody of the newborn child to the nearest hospital as soon as possible.

A hospital receiving a relinquished newborn child may provide any necessary medical care to the child and shall notify the local child protective agency as soon as possible but no later than 24 hours after receiving the child.

**Immunity for the Provider****Citation: Ann. Stat. § 14-11-108**

Any person, official, institution, or agency participating in good faith in any act required or permitted by this act is immune from any civil or criminal liability that might otherwise result by reason of the action. For the purpose of any civil or criminal proceeding, the good faith of any person, official, institution, or agency participating in any act permitted or required by this act shall be presumed.

**Protection for Relinquishing Parent****Citation: Ann. Stat. §§ 14-11-103; 14-11-106**

A parent or a parent's designee relinquishing a newborn child may retain complete anonymity. The safe haven provider may not require that any information be given.

Relinquishment of a newborn child shall not, in and of itself, constitute abuse or neglect and the child shall not be considered an abused or neglected child, as long as the relinquishment is carried out in substantial compliance with provisions of this act.

If the person relinquishing a newborn child is the child's parent or the parent's designee, relinquishment of a newborn child in substantial compliance with the provisions of this act is an affirmative defense to any potential criminal liability for abandonment or neglect relating to that relinquishment.

**Effect on Parental Rights****Citation: Ann. Stat. §§ 14-11-103; 14-11-104; 14-11-105**

The local child protective agency shall assume care and custody of the child immediately upon notice from the hospital. After receiving custody, the local child protective agency shall assist in placement of the newborn child.

Unless reliable and sufficient identifying information relating to the newborn child has been provided, the Department of Family Services shall work with law enforcement agencies in an effort to ensure that the newborn child has not been identified as a missing child.

The Department of Family Services shall immediately place or contract for placement of the newborn child in a potential adoptive home. If neither parent of the newborn child affirmatively seeks the return of the child within 3 months after the date of delivery to a safe haven provider, the department shall file a petition for the termination of the parent-child legal relationship. Prior to filing a petition for termination, the department shall conduct a search of the putative father registry for unmarried biological fathers, and if the putative father is identified, he shall be given notice of the petition.



U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Children, Youth and Families  
Children's Bureau

