

Safe Haven Act of 2004

An Act Relative to the Safe Placement of Newborn Infants

Frequently Asked Questions for Safe Havens

What is the Safe Haven Act?

The Safe Haven Act of Massachusetts (2004) allows a parent or guardian to legally abandon newborn infants 7 days old or younger at a hospital, police station, or manned fire station without facing criminal prosecution. The Safe Haven Act is an amendment to Chapter 119 of the Massachusetts General Laws, section 39½. The law becomes effective on October 29, 2004.

How does the Safe Haven Act define the following terms?

- *Newborn infant:* a baby 7 days old or younger.
- *Voluntary placed, voluntary placement or voluntary abandonment:* voluntarily leaving the newborn infant with an appropriate person at a designated facility.
- *Designated Facility:* hospital (*it is preferred that the newborns specifically be taken to an acute care hospital emergency department*), police department or manned fire station; the locations stipulated by the Safe Haven Law.
- *Appropriate person:* someone at a designated facility who is able to ensure that the newborn infant is safe; for example, the triage person in a hospital emergency department or duty officer in a police station.
- *Notification:* An immediate notice to be filed with the Department of Social Services (DSS) on the voluntary abandonment of the newborn infant.

When is the Safe Haven Act applicable?

When a parent or guardian voluntarily leaves a newborn infant 7 days of age or younger with an appropriate person at a hospital, police department or manned fire station **and** there are no signs of abuse or neglect of the infant.

I work in a Designated Facility: What should I do if an infant is left at a Safe Haven?

1. If the Safe Haven site is not an Acute Care Hospital with an Emergency Department, it is recommended that you immediately contact your local Emergency Medical Services (EMS) provider to respond and assess the child's condition on site and then transport the infant to the closest acute care hospital emergency department.
2. **Notify DSS.** Notification is accomplished by following the standard 51A process and filing a Mandated Reporter form. DSS will work with you and any involved medical professionals to ensure that the child's needs are met and any subsequent transitions of care are coordinated.



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3. If one or more of the parents is available:

- Thank them for bringing the infant to a safe place.
- Ask if they would be willing to provide any information that would assist in planning for the future care of the child. Inform them that situations often arise, or children have questions as they grow older, that only they as parents can address. You are required to encourage the parent to provide the information but *the parent shall not be required to provide such information*. The person accepting a newborn infant at a designated facility shall make every effort to solicit the following information from the parent placing the newborn infant:
 - a. the name of the newborn infant;
 - b. the name and address of the parent placing the newborn infant;
 - c. the location of the newborn infant's birthplace;
 - d. information relative to the newborn infant's medical history;
 - e. his or her biological family's medical history, if available; and
 - f. any other information that might reasonably assist the department in determining the best interest of the child, including whether the parent or guardian plans on returning to seek future custody of the child.
- Ask if they have a safe place for themselves and/or a way to get home and offer assistance if needed and available.
- If it is available, offer information on local services such as crisis support, counseling or teen parent support services.

What are the procedures for notification to DSS?

- The designated facility receiving a newborn infant shall immediately notify DSS, by telephone. The phone number for your local DSS office is located at www.babysafehaven.com. To simplify the written reporting process, designated facilities are requested to use the current 51A *Mandated Reporter Form*. This form is available at www.babysafehaven.com. The 51A reporting process and associated form should be used regardless of whether the designated facility suspects child abuse and neglect. All information relevant to the circumstances of the abandonment and condition of the infant should be included in the report.



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- If child abuse or neglect **that is not based solely on the newborn infant having been left at the facility is suspected**, then the report will be screened in by DSS. DSS will then conduct an investigation in accordance with the Massachusetts General Laws Chapter 119, section 51B and DSS Regulations 110CMR 4.00 et. seq.
- If child abuse is **not suspected**, the report will be screened out and the case will continue as a Safe Haven Voluntary Application for Services.

Which Area Office should be notified of a Safe Haven baby?

- The Area Office that covers the location in which the child is found. If information exists about the parent(s) location, then it will be the Area Office that covers the parent's location. A listing of DSS Area Offices by town can be found at www.babysafehaven.com.
- After 5:00 p.m., on weekends, and holidays, notify DSS via the Child at Risk Hotline at (800) 792-5200.

What is the Intake Procedure at DSS when notification is received about a Safe Haven baby?

- DSS will take immediate custody of the baby once they are notified by phone.
- The DSS screener will obtain as much information as possible about the parents, the medical condition of the infant, the name and location of the Safe Haven, and person who received the infant.
- DSS will send a social worker to the location of the newborn or the location where the newborn was transported.
- Upon notification, DSS will coordinate health care coverage for the newborn through MassHealth or other public assistance programs.

Where will the newborn be placed after DSS Assumes custody?

After the newborn is medically screened, the DSS will place the newborn in a DSS approved foster or pre-adoptive home.



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Are parental rights automatically terminated after such a placement?

No. If the parents are not known, or whereabouts unknown, DSS will use reasonable efforts to locate the parents. Concurrently, DSS will place the infant as quickly as possible in a pre-adoptive home and initiate court proceedings to free the infant for adoption.

What if the parent is or becomes known to DSS?

DSS will gather as much identifying information on the infant's mother, father and kin. DSS will conduct an assessment of the family and determine whether the parent or guardian plans on returning to seek future custody of the child. If the parent does not intend to seek future custody, DSS will proceed to find a permanent home for the infant.

What if an infant is older than 7 days and placed at a designated facility? Does the Safe Haven Act still apply?

If the infant is determined by authorized medical personnel to be older than 7 days, the Safe Haven Act does not apply and, as with any abandoned child, a 51A should be filed by the designated facility.



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