

Truro Police Department

SAFE PLACEMENT OF INFANTS “SAFE HAVEN POLICY”

Policy Number: OPS-6.27

REFERENCE:

Effective Date: Mar 1, 2005

Revised Date:

Accreditation Standards:

Mass. Gen. Law Chap. 119, Sec.39; Chap. 90 Sec. 391/2

Other:

I. PURPOSE

Recent nationwide statistics have revealed that newborns aged 7 days or less are in the greatest risk class of being abandoned by “desperate” parents and subjected to serious injuries including death. As a result, 40 states have enacted statutes to prevent these types of tragic situations from occurring. In order to provide a “safe haven” for newborns, this Commonwealth has enacted MGL Chapter 119 §39 ½, which provides parents of newborns the ability to voluntarily place their infants [7 days of age or less] at a designated facility such as a POLICE STATION without fear of prosecution for abandonment.

The Department of Social Services [DSS] shall accept for placement into foster care any newborn infant 7 days of age or less that is voluntarily placed with a hospital, police department or manned fire station, hereinafter "*designated facility*" by a parent of said newborn infant. Such a voluntary placement under this section 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 of Social Services 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. See MGL Chp 119 §39.

Voluntary abandonment of a newborn infant 7 days of age or younger to an appropriate person at a hospital, POLICE DEPARTMENT or manned fire station 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. See MGL Chp 119 §39.

Important Note: If child abuse or neglect, that is not based solely on the newborn infant having been left in the hospital, police department or manned fire station is suspected, hospital, POLICE or fire department personnel who are mandated reporters under section 51A shall report the abuse or neglect. See MGL Chp 119 §39 ½; 51A Report.

II. PROCEDURE

If the situation should occur where an individual (presumably a parent) presents an infant for placement at Police Department, the following procedure shall be followed:

Please Note: This policy in no way prohibits the Police Department from temporarily accepting for eventual placement with DSS an infant or child that is believed to be greater in age than 7 days. Rather, its primary purpose is to provide guidance and direction to Truro Police Officers in accordance with the enacted “*safe haven*” statute, which allows parents of newborns aged 7 days or less not to be prosecuted for abandonment provided there are no other signs of abuse.

Caveat: If an infant or child is reasonably believed to be greater than 7 days old the same procedures shall apply, **however**, the exemption from prosecution for abandonment provided in MGL Chapter 119 §39 ½ shall not be available and the parent shall be required to provide the information outlined below. In addition, the procedures set forth in MGL Chapter 119 51A shall apply. See 51A Report.

- A. The Police Officer receiving a newborn infant shall immediately notify the Department of Social Services of the placement of the newborn infant at Police Department.
- B. The Officer accepting the newborn shall notify the Officer in Charge immediately of the situation who [OIC] shall in turn inform the Lieutenant and the Chief of Police.
- C. Emergency Medical Services shall be activated to check on the newborn’s medical status.
- D. If recommended by EMS personnel, the newborn shall be transported via Ambulance to a Hospital for further evaluation and treatment if necessary.
- E. If the newborn is to remain in the ***temporary custody*** of the Police Department pending the arrival of DSS personnel, the OIC shall ensure that the infant is placed in safe and comfortable location and is monitored continuously. To facilitate this purpose, solicit the assistance of rescue personnel who may be able to help.
- F. In addition, the Officer accepting a newborn infant at Police Department shall make every reasonable effort to solicit the following information from the parent placing the newborn infant:

Note: The Officer receiving the newborn infant shall *encourage* the parent to provide the information but the parent shall not be required to provide such information, *unless* there are obvious signs of physical abuse or neglect. If signs of physical abuse or neglect are present, the child will be handled in accordance with the procedures set forth in MGL Chapter 119 51A.

1. the name of the newborn infant;
 2. the name and address of the parent placing the newborn infant;
 3. the newborn's date of birth;
 4. the location of the newborn infant's birthplace;
 5. information relative to the newborn infant's medical history and his or her biological family's medical history, if available; and
 6. any other information that might reasonably assist DSS 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.
 7. the Officer shall document the incident and all relevant information that is collected by way of a Truro Police Department Incident Report.
- G. Upon receipt of such aforementioned notice, DSS shall respond and take immediate custody of the newborn infant, whether from Police Headquarters or the Hospital if applicable, and shall initiate all actions authorized by law to achieve the safety and permanent placement of the newborn infant in a manner consistent with the *best interests of the child*.
- H. Officers involved in this incident shall submit a complete incident report prior to the end of the officer's tour of duty.