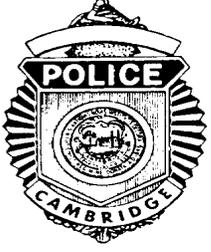


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|  <p>Cambridge Police Department</p> | POLICY & PROCEDURES | | No. 522 |
| | Subject/Title: Voluntary Abandonment of Infants: SAFE Haven | | |
| | Issuing Authority:  Robert C. Haas Police Commissioner | Review Date: March 5, 2012 | Issue Date: July 16, 2012 |
| | | Effective Date: July 30, 2012 | Rescinds: |
| References/ Attachments: M.G.L. c. 119, §§ 39 & 39 ½ | Accreditation Standards: | | |

I. PURPOSE:

The purpose of this policy and set of procedures is to provide guidance to officers who encounter a situation involving the voluntary abandonment an infant. This guideline does not in any way prohibit police from accepting an infant or child believed to be older than seven days.

II. POLICY:

It is the policy of this department to ensure that infants voluntarily abandoned are received, cared for, and transferred to the appropriate social services agency.

III. GENERAL CONSIDERATIONS & GUIDELINES:

Recent nationwide statistics have revealed that newborns aged 7 days or less are in the greatest risk class of being abandoned out of desperation of a parent and as a result are at the gravest risk of serious injury or death. As a result of this issue, every state has now adopted to some form of legislation in response to this issue.

In order to provide a “safe haven” for newborns, the Commonwealth had enacted M.G.L. Chapter 119, § 39 ½, which provides parents of newborns the ability to place their infants (7 days old or younger) at a hospital, police station, or manned fire station without fear of prosecution for abandonment.

The Department of Children and Family Services (formerly known as DSS) shall accept for placement into foster care any newborn 7 days of age or less that is voluntarily placed with a hospital, police department, or manned fire station by a parent of said newborn infant. Such a voluntary placement under this section of the law does

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 Children and Family Services (DCFS) 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.¹

Voluntary abandonment of a newborn infant to an appropriate person at a hospital, police department, or manned fire station, where there are no signs of abuse or neglect, 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.²

IV. DEFINITIONS:

- A. **Newborn Infant:** a baby seven (7) days old or younger.
- B. **Voluntary Abandonment:** Voluntarily leaving the newborn infant with an appropriate person at a designated facility.
- C. **Designated Facility:** A hospital, police department or manned fire station (the locations stipulated by the Safe Haven Law).
- D. **Appropriate Person:** A person at a designated facility who is able to ensure that the newborn infant is safe (i.e., the triage person in a hospital emergency department or duty officer in a police station).
- E. **Notification:** An immediate notice to be filed with the Department of Children and Family Services (DCFS) on the voluntary surrender of the newborn infant.

¹ Refer to M.G.L. c. 119, § 39

² Refer to M.G.L. c. 119, § 39

V. PROCEDURES:

A. Caretaker Exemptions: The law provides certain exemptions to a parent from criminal charges, if:

1. The act of abandonment in and of itself shall not constitute abuse or neglect provided that the newborn infant is:³
 - a. Seven (7) days of age or less;
 - b. Delivered to an appropriate person;
 - c. Delivered to a designated facility, defined as:
 - 1) A hospital;
 - 2) A police department; or
 - 3) A manned fire station.
2. Other acts of abuse or neglect are not exempted under this statute.
3. If an infant or child is obviously more than seven days old, this procedure shall be followed, and in addition:
 - a. The officer shall attempt to identify the abandoning parent;
 - b. A investigation shall be conducted and a report prepared; and
 - c. The District Attorney's Office should be consulted before any criminal charges are sought.

B. Responding to a Voluntary Abandonment: Whenever an officer is presented with or responds to a situation which might involve the voluntary abandonment of an infant, it will be the responsibility of that officer to accomplish the following:

1. *Immediate Response:*
 - a. Any department member may accept a child for voluntary abandonment. It is preferred that a police officer receive the infant from the caretaker.

³ Refer to M.G.L. c. 119, § 39 ½

- b. Upon receiving a request for voluntary abandonment, the ECC is notified of an abandonment of an infant, the dispatcher shall immediately:
 - 1) Notify the Sector Sergeant in addition to dispatching the appropriate sector unit(s).
 - 2) The officer assigned to a call of an abandonment of an infant will meet the parent(s) and take custody of the infant (even if a non-sworn employee takes custody of the infant).
 - 3) Request EMS to respond to:
 - a) Check the medical condition of the infant; and
 - b) Transport the infant to an acute care hospital emergency department, if available.
2. *Investigative Guidelines:* Once the immediate needs of the infant have been addressed, specifically obtaining medical and custody issues, the officer assigned to investigate will take the following steps as part of his/her investigative responsibilities:
 - a. In every instance involving the abandonment of an infant, the investigating officer will secure a file number, initiate and complete an investigative police report.
 - b. Verify that there are no obvious signs of physical abuse or neglect, and if there is a suspicion of physical abuse or neglect, the officer shall initiate a report of Neglect and Abuse to DCFS.⁴
 - c. If the investigating officer makes contact with one or more of the parents and the officer is satisfied that the situation is a voluntary abandonment of an infant not involving any physical abuse or neglect, the officer should:
 - 1) Thank the parent(s) for bringing the infant to a safe place, and reassure him/her there will be no further legal consequences for deciding to surrender the care of their infant, and check on the parent(s) welfare to be sure that they are not in need of any immediate medical or social service intervention (keeping in mind that the mother may not have sought proper medical attention at the

⁴ Refer to M.G.L. c. 119, § 39 ½

time of the birth, and may also be experiencing psychological issues that may compromise her wellbeing).

- 2) Ask if the parent(s) would be willing to provide any information that would assist in planning for the future care of the child. Inform the parent(s) that situations often arise, or children have questions as they grow older, that only they as parents can address.
- 3) Encourage the parent to provide the information, but the parent shall not be required to provide such information. Make every effort to solicit the following information:⁵
 - 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;
 - f) Any other information that might reasonably assist the department in determining the best interest of the child; and
 - g) Whether the parent plans on returning to seek future custody of the infant.
- d. The investigating officer should collect the information on the department's Infant Safe Haven form (see attached form), which will be made part of the police report to ensure that this information is requested.
- e. Take custody of any food, clothing, blankets, or other items turned over by the parent.
- f. Officer(s) should inquire as to the parent(s') needs for intervention services, including domestic violence assistance, and provide the following number: Baby Safe Haven Hotline: 1-866-814-SAFE (7233).

⁵ Refer to M.G.L. c. 119, § 39 ½

3. *Caring for the Infant:*

- a. An employee with an infant or very young child may be very helpful in immediately caring for the infant until additional assistance arrives.
- b. An employee or other appropriate person shall be assigned to care for the infant until such time as custody is transferred to another appropriate person.
- c. The infant shall be kept in a safe and comfortable place with the temporary caretaker and never left unattended.
- d. The infant shall be turned over to EMS personnel upon their arrival, along with any food, clothing, or other items.
- e. A copy of the information volunteered by the parent should accompany the infant.

4. *Notification to the Department of Children and Family Services (DCFS):*

- a. DCFS will be immediately notified and advised of the voluntary abandonment.
- b. When notifying DCFS, the following information should be furnished at the time of the notification, if available:
 - 1) The infant's name and any other information volunteered by the parent;
 - 2) Any items left with the infant (food, clothing, blankets, etc.); and
 - 3) The location where the social worker can take custody of the infant (police station, hospital, etc.).

C. Reports:

1. The officer assigned as the principal investigator, will complete an incident report, even if other employees are involved in assisting with the care of the infant during the course of the transfer, and submit said report by the end of the officer's tour of duty. The officer should also complete the department's Infant Safe Haven form (see attached).

2. Any investigative personnel who may be assigned will be required to complete a supplemental report on any other relevant information or circumstances.
3. If neglect or abuse is suspected, the officer shall submit an Abuse or Neglect Report to DCFS.⁶
4. A copy of the Infant Safe Haven form and of the officer's incident report shall be provided to DCFS as soon as practical to do so.

⁶ Refer to M.G.L. c. 119, § 39 ½