



BABY SAFE HAVEN

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I. GENERAL CONSIDERATIONS AND GUIDELINES

In 2004 the Massachusetts Legislature passed Chapter 227, An Act Relative to the Placement of Newborn Infants, a temporary law which provided a mechanism for parents to voluntarily abandon newborn infants, within seven days of birth, without the abandonment itself constituting criminal neglect. The law was made permanent with passage of Chapter 86 of the Acts of 2007.

The purpose of this policy is to provide guidance to officers faced with a voluntary abandonment. This policy 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. 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 Social Services (DSS) on the voluntary surrender of the newborn infant.

IV. PROCEDURES

A. *Caretaker Exemptions*

- 1. The act of abandonment in and of itself shall not constitute abuse or neglect provided that the newborn infant is:¹
 - 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*

- 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.
 - b. Upon receiving a request for voluntary abandonment, the dispatcher shall immediately:
 - 1) Notify a supervisor.
 - 2) Dispatch an officer to 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:

1.19 BABY SAFE HAVEN

- a) Check the medical condition of the infant; and
- b) Transport the infant to an acute care hospital emergency department, if available.

2. ADDRESSING THE CARETAKER

- a. If there are obvious signs of physical abuse or neglect, the officer shall initiate a preliminary investigation and submit a report of Neglect and Abuse to DCF.²
- b. If one or more of the parents is available:
 - 1) Thank them for bringing the infant to a safe place.
 - 2) 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.
 - 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:
 - 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 child.
 - c. Employees should collect the information on the department's Baby Safe Haven form to ensure that this information is requested.
 - d. Take custody of any food, clothing, blankets, or other items turned over by the parent.
 - e. 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).

1.19 BABY SAFE HAVEN

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. DEPARTMENT OF CHILDREN AND FAMILIES

- a. DCF shall be notified and advised of the voluntary abandonment.
- b. The caller shall also advise DCF of what information is available about the infant, including:
 - 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.).

5. REPORTS

- a. Officers or employees taking custody of a voluntarily abandoned infant shall submit an incident report prior to the end of their tour of duty.
- b. If neglect or abuse is suspected, the officer shall submit an Abuse or Neglect Report to DCF.³
- c. A copy of the Baby Safe Haven form and of the officer's incident report shall be provided to DCF as soon as they are available.

¹ M.G.L. c. 119, §39 1/2.

² M.G.L. c. 119, §51A.

³ M.G.L. c. 119, §51A.