

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

LOUISIANA SAFE HAVEN LAW

SAFE BABY SITE



CALL 911 IF SITE IS CLOSED

History of Louisiana's Safe Haven Law

- A series of high-profile infant abandonment cases across the country prompted the Louisiana Legislature to combat the problem of infants being abandoned by their parents. In 2000, Louisiana enacted the Safe Haven Law, amending the Children's Code Articles 1101 and 1193 and Title XVII of the Children's Code, Articles 1701-1706, to provide for the Safe Haven relinquishment of newborns.
- The LA Children's Code was later re-organized, and the entire Safe Haven Law is contained in Chapter 13, Articles 1149-1160, which can be found via the internet at <https://legis.la.gov/Legis/Law.aspx?d=180647>.

Purpose of Legislation

- The purpose of the legislation is to provide a mechanism whereby any parent may relinquish the care of an infant to the state in safety, anonymity, and without fear of prosecution(Article 1149).
- The state agency with the responsibility for implementing Safe Haven laws is the Department of Children and Family Services (DCFS).

Relinquishment of Infants

- “Infant” means a child not previously subjected to abuse or neglect, who is not more than 60 days old as determined by an examining physician.
- A parent may relinquish his/her infant to the care of any employee of a designated emergency care facility.
- If the parent is unable to travel to such a facility, he/she may call “911” and a law enforcement officer, fireman and/or **Emergency Medical Service (EMS)** provider shall be dispatched, confirm the Safe Haven Relinquishment and transport the child to a hospital.
- Relinquishment of an infant, if done in accordance with the Safe Haven Law, is not considered a criminal act of neglect, abandonment, cruelty, or a crime against the child.

Immunity from Civil or Criminal Liability

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

Emergency Care Facilities

(Safe Haven Sites)

Designated Emergency Care facilities include:

- Any hospital licensed in the State of Louisiana;
- The following medical clinics during normal and customary hours of operation: local or parish public health units, licensed rural health clinics, licensed ambulatory surgical centers, and Federally Qualified Health Centers;
- Any manned fire station;
- Any manned law enforcement station; and
- Any Child Advocacy Center accredited by the National Children's Alliance, during normal and customary hours of operation.

Designated Emergency Care Facilities Responsibilities

(Establishing and Maintaining a Safe Haven Site)

- Appoint designated employees to be available on duty during regular business hours who are knowledgeable about the Safe Haven requirements;
- Outside of business hours, designate a representative who can be reached in case of an emergency and/or post notification to contact 911 for Safe Haven Relinquishment;
- If a Safe Haven site is not a hospital the-infant shall immediately be transferred to a hospital for a physical examination;

Responsibilities of Designated Emergency Care Facilities, Emergency Medical Services Providers (EMS), Fire Stations and Law Enforcement Personnel

- Ensure policies and procedures are in place to assure the confidentiality of both the mother and infant impacted by a Safe Haven relinquishment;
- Provide, on a periodic basis, instruction regarding safe haven relinquishment procedures to all employees who work in the facility or as an EMS provider, Fireman or Law Enforcement Officer.

Responsibilities of Designated Emergency Care Facilities, Emergency Medical Services Providers (EMS), Fire Stations and Law Enforcement Personnel

- Maintain supply of available publications through either printing directly from the DCFS website, or requesting copies through DCFS via <http://www.dss.state.la.us/index.cfm?md=form&tmp=home&fmid=3&emaillist=0>

Publications available include:

- Safe Haven Brochures – Brochures for mothers expressing interest in the Safe Haven Law
- Safe Haven Posters – Posters can be used for display at Safe Haven sites
- Safe Haven Window Decals – Decals to be displayed prominently at Safe Haven sites

Responsibilities of Designated Emergency Care Facilities, Emergency Medical Services Providers (EMS), Fire Stations and Law Enforcement Personnel

Publications available include:

- Safe Haven Downloadable Symbol – To be used for display purposes
- Emergency Care Facility Contact Card – cards, which shall be provided to the individual relinquishing an infant into the care of the facility. The card shall contain the contact information for DCFS, (1-855-4LA-KIDS (1-855-452-5437), and the toll free number 1-800-CHILDREN (1-800-244-5373)
- Medical and Genetic forms – Forms used to capture medical and genetic background on the infant from mothers who are willing to do so

Responsibilities of Designated Emergency Care Facilities, Emergency Medical Services Providers (EMS), Fire Stations and Law Enforcement Personnel

- Ensure that information is available, in writing, for a relinquishing parent regarding: the availability of counseling services; the right of the parent to use the services of the Louisiana Voluntary Registry; the right of the parent to file a claim to regain their parental rights; and how to contact DCFS in order to both provide information regarding their child, and receive information regarding their parental rights.

Responsibilities of Designated Emergency Care Facilities, Emergency Medical Services Providers (EMS), Fire Stations and Law Enforcement Personnel

Responsibilities with the Relinquishing Parent

- ✓ Request that the mother complete a medical/genetic form regarding the infant's background; This is strictly voluntary.
- ✓ Inquire if the mother would like to provide information about the identity of the other parent or if any prenatal care was received; Providing this information is strictly voluntary.
- ✓ Present the parent/caretaker with the DCFS provided card that contains the contact information for the Safe Haven Facility, DCFS, and the toll free numbers of 1-855-4LA-KIDS and 1-800-CHILDREN; Inform the parent of the ability to contact DCFS to provide additional information about the infant, and also inquire about their parental rights.

Responsibilities of Designated Emergency Care Facilities, Emergency Medical Services Providers (EMS), Fire Stations and Law Enforcement Personnel

Responsibilities with the Relinquishing Parent continued:

- ✓ Assurance that confidentiality of both parent and child will be maintained by all employees of the designated emergency care facility.

Responsibilities of Designated Emergency Care Facilities, Emergency Medical Services Providers (EMS), Fire Stations and Law Enforcement Personnel

Responsibilities with the infant being relinquished

- ✓ For facilities other than hospitals, immediately transfer the infant to a hospital for a medical evaluation.
- ✓ Immediately contact DCFS at (1-855-452-5437) to inform DCFS of the Safe Haven Relinquishment.

DCFS Responsibilities

(What Happens Next With the Infant)

- ✓ DCFS will request an oral instanter order, immediately after notification that an infant has been relinquished. This court order provides that legal custody of the infant is given to DCFS.
- ✓ DCFS shall take physical custody of the infant within twelve hours of notice that infant is ready to be discharged from the hospital.

Hospital Responsibilities

(What Happens Next With the Infant Cont.)

- ✓ The hospital is to issue an estimated date of birth if the birth date cannot be determined.
- ✓ The hospital is to forward birth information to Bureau of Vital Statistics. Unless otherwise known, the infant shall be presumed to have been born in Louisiana.
- ✓ The hospital is to provide the parent with the contact information for DCFS at (1-855-452-5437) or 1-800-CHILDREN to provide additional information or to inquire about their parental rights.

Hospital Responsibilities

(What Happens Next With the Infant Cont.)

- A physician shall conduct a medical examination with tests and provide a written report, to determine presence of HIV or hepatitis, if suspected, exposure to alcohol/drugs, and any evidence of abuse or neglect.
- **Note:** The act of relinquishment constitutes parental consent for the purposes of examining and testing procedures, and necessary treatment, conducted by hospital staff.

What Happens Next With the Parent

A parent who has relinquished an infant, may seek to reclaim parental rights within thirty (30) days by filing a motion in the court in the parish in which the relinquishment occurred, declaring his/her intention to retain parental rights.

More Information Regarding
The Safe Haven Law Is Available

by calling toll-free to:

1-855-4LA-KIDS (1-855-452-5437)

or

1-800-CHILDREN (1-800-244-5373)

Safe Haven Window Decal



CALL 911 IF SITE IS CLOSED

DCFS Safe Haven Website

<http://www.dcfsl.a.gov/SafeHaven>

Training Packet for Designated Emergency Care Facilities

<http://www.dcfsl.a.gov/SafeHavenTrainingPacket>

Safe Haven Card

<http://www.dcfsl.a.gov/SafeHavenCard>

Poster

<http://www.dcfslouisiana.gov/SafeHavenPoster>

Brochures

<http://www.dcfslouisiana.gov/SafeHavenBrochure>