

Rhode Island Department of Children, Youth and Families Department Operating Procedure			
	DOP Number: 500.0130	Effective Date: January 10, 2018	Page 1 of 3
	Version #:3	Revision History: February 3, 2003 V.1 December 9, 2011 V.2	Director:
Section: Child Abuse/Neglect Investigations		Title: Safe Haven for Infants Act	
Legal Authority:			
<ul style="list-style-type: none"> • Rhode Island General Law §40-11-2 • Rhode Island General Law §40-11-7 			
Related DOPs:			
<ul style="list-style-type: none"> • Removal of a Child from the Home, DOP: 500.0075 			
Related Forms:			
<ul style="list-style-type: none"> • n/a 			

I. PURPOSE

To ensure the safety and well being of infants at risk of abandonment, the "Safe Haven for Infants Act" (Rhode Island General Law 23-13.1) allows a parent to anonymously relinquish an infant without facing prosecution. This Act requires every hospital, open medical emergency facility, fire station or police station operating in Rhode Island to take, without court order, temporary physical custody of an infant appearing to be age 30 days or younger, who is voluntarily left with a staff member of the facility by a parent of the infant or a person acting on behalf of the parent when that person does not express an intent to return for the infant and circumstances give rise to a reasonable belief that the person does not intend to return for the infant.

A parent or a person acting at the direction of the parent who leaves a child at one of these facilities is immune from prosecution for the act of abandonment if the infant is left in the physical custody of a staff member of the hospital or one of the other facilities and a comprehensive medical examination determines the infant has not been harmed or been the victim of physical neglect or abuse. The person leaving the infant may leave information regarding the identity of the infant, the parent or other family member but is not required to do so. It is the responsibility of the hospital or other facility to offer the person written information provided by the Department concerning the legal effect of leaving the infant and the rights and immunity of the parents. The Department is responsible to develop an awareness program that includes, in part, the issuing of pamphlets and other literature to disseminate information regarding the rights and immunity established under this law.

The hospital or other designated facility must immediately contact the Department regarding the infant. The Department responds immediately to the hospital or other facility, place the child on a child protective hold and make arrangements for the child to undergo a comprehensive medical examination by a physician or a licensed nurse practitioner in accordance with RIGL 40-11-5. Thereafter, the Department petitions the Family Court for an Ex Parte order to place the child in the temporary custody of the Department pursuant to RIGL 40-11-7. If no person has asserted a claim to be the parent of the infant within ninety days after the Department has obtained temporary

custody of the infant, the Department must initiate proceedings to terminate the parental rights of the parents on the legal basis of abandonment.

II. TERMS DEFINED

n/a

III. PROCEDURE

- A. The Safe Haven for Infants Act provides immunity to the parent or person acting for the parent under the following circumstances:
1. Newborn child who is surrendered is thirty days old or younger.
 2. The infant is left in the physical custody of staff at a hospital, open medical emergency facility, police station or fire station.
 3. The person leaving the infant must be a parent or acting at the direction of the parent.
 4. A comprehensive physical examination determines the infant is not a victim of abuse or neglect. Injuries and/or conditions resulting from childbirth are not considered abuse or neglect.
- B. The role and responsibilities of the hospital or other designated facility:
1. Take physical custody when an infant is left by a person who does not express an intent to return for the infant and the circumstances give rise to a reasonable belief that a person does not intend to return for the infant.
 2. Provide the parent or agent of the parent written information concerning the legal effect of leaving the infant and the rights and immunity of the parents.
 3. Keep confidential, except to share with the Director of the Department or designee, any identifying information about the person leaving the infant, the infant, the parents or other family member of the infant obtained from the person leaving the infant.
 4. Obtain any necessary medical care and treatment for an infant left at a hospital or other facility that the attending physician believes necessary for the infant's well being, including testing for the human immunodeficiency virus and hepatitis.
 5. Immediately notify the Child Abuse Hotline after taking physical possession of the infant.
 6. If the court determines that immunity provisions do not apply and issues an order of the court, the hospital or designated facility must disclose available information relating to the identity of the person, the infant, the parents of the infant or other family member of the infant to the Office of the Attorney General.
 7. The hospital or designated facility and/or any staff person associated with the hospital or facility shall be immune from criminal or civil liability arising from actions taken related to, but not limited to, determining the age of, receiving, examining or otherwise treating the infant. This immunity does not apply to acts or omissions constituting negligence or reckless, wanton or intentional misconduct.
- C. The role/responsibilities of the Department
1. Accept report made to the Child Abuse Hotline regarding infant left at the hospital or designated facility. This report is accepted as an Intake Services Referral and assigned to an investigator as a Safe Haven Report/Task.

- a. Immediately obtain a 72-hour hold from physician/nurse practitioner if infant was left at hospital or medical facility or a 48-hour child protective hold (law enforcement or DCYF) if infant was left at fire or police station. Refer to [DCYF Policy 500.0075, Removal of Child from Home](#).
 - b. Arrange for a comprehensive medical examination of the infant by a licensed physician or registered nurse practitioner, if not already completed.
 - c. Make arrangements to place the infant in foster care until a permanent home is identified.
 - d. File an Ex Parte Petition with the Family Court to seek custody of the infant.
 - e. Initiate proceedings to terminate the parental rights of the parents of the infant on the legal basis of abandonment if no person comes forward to assert a claim to be the parent of the infant within ninety days after the Department has obtained temporary custody.
2. If it is determined, through the comprehensive medical examination of the infant by a physician or a licensed nurse practitioner, that the infant has been harmed or has been the victim of any physical neglect or abuse, the matter is classified as an investigation of child abuse and/or neglect and investigated in accordance with standard Departmental investigative procedures.