

## TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



<b>TITLE: Safe Haven</b>		<b>Number: 805</b>	
<b>Effective Date: November 15, 2005</b>		<b>Review Date:</b>	
X New	Amends	Rescinds	
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**01 Purpose:** To give officers and staff appropriate guidelines and procedures to comply with the Maryland Safe Haven Act, Courts and Judicial Proceedings Article §5-641, including protection of the newborn and the immunity from liability of the mother and/or responsible adult making the relinquishment.

**02 Policy:** The Safe Haven law permits a birth mother, or a selected responsible adult, to relinquish a newborn within 72 hours of birth to a designated agency without civil liability or criminal prosecution. The law and regulations, COMAR 07.02.27 (2004), provides immunity from civil liability or criminal prosecution to the accepting agency and its agents for good faith actions taken related to the acceptance of a newborn under the law.

All members of this Department will comply with the Safe Haven provision and the spirit of the law, which is intended to protect children from potentially dangerous abandonment.

**03 Definition:**

1. Newborn: a child from birth through 3 days, or 72 hours, old, whichever is later.
2. Responsible Adult: an individual 18 years old or older who may reasonably be expected to provide proper care to a newborn left in the individual's care and who is willing and able to immediately take the newborn to a designated facility.
3. Designated facility: a hospital, State Police barracks, or local police department.

**04 Procedures:**

**A. Acceptance of an Infant:**

1. All police department employees, whether sworn or civilian, may find themselves called upon to receive an infant. If a person approaches the employee with a newborn (reasonably believed to be 3 days old or younger) and indicates an intent to surrender it to the police, the employee should:

a. Determine with as much certainty as possible if the infant is to be surrendered. The employee should receive an affirmative answer to a question such as: "Did you bring the baby here for Safe Haven?" The employee should receive a negative response to a question such as: "Does the birth mother have a plan to come back for the baby."

- b. The employee should explain the newborn will be taken to the Washington Adventist Hospital and should ask “Would you like to accompany the baby to the hospital? Has the baby’s mother had medical care or would she like medical assistance?” If the answer is yes, arrange for transport through County Fire Rescue Services.
- c. The employee should explain that the baby’s long term medical care will be assisted by having some medical history. Provide the Safe Haven Medical Information Request, (available in Communications) with the TPPD case number written at the top. The relinquishing party may fill it out at this time or it may be returned by mail. Obtaining the information at this time is preferable but no questions or acts should discourage the person from turning the infant over to the Department, which could have dire consequences for the infant.
- d. This Medical Information Request will be provided to Child Welfare Services, along with the infant. Whether the form was completed should be noted in the officer’s event report narrative.
- e. At the point at which the relinquishing adult leaves, provide a business card with the Takoma Park case number and a Safe Haven packet, which includes a copy of this General Order and information about adoption and what will happen to the infant.

## **B. Preliminary Investigation**

1. Three factors are required to accept a newborn under the Safe Haven provisions:
  - a. With a reasonable degree of certainty, the newborn must be less than three days, or 72 hours, old
  - b. The newborn must be unharmed, meaning no evidence of physical injury or failure to give proper care and attention
  - c. The mother, with no intent to recover the child, brings the newborn or left the newborn with a responsible adult, who brought it to the Department with the mother’s approval.
2. The first responding officer should request a detective or the on-call investigator to respond but may initiate inquiries.
3. Obtain identification of the relinquishing party. In an event that relinquishment is not by the birth mother:
  - a. If the relinquishing party is not a responsible adult (i.e., under 18 years of age or otherwise incompetent), accept the infant and detain the relinquishing party for questioning.
  - b. For any relinquishing party, determine the circumstances by which he/she received the newborn and for his/her belief the birth mother does not intend to recover the child.
  - c. If there are no obvious signs of neglect or abuse, the relinquishing party may leave after providing identification and contact information.
4. The Shift Supervisor will respond to the relinquishment. If the relinquishment is made away from the Police Station, the Shift Supervisor will assure that a Safe Haven packet and items necessary to complete processing are delivered to the scene.

5. A full profile of photographs of the infant should be taken to document its physical condition upon relinquishment to the Department. These should be taken at the site where the newborn was received, unless conditions are unsafe for the infant. The photography should be noted in the narrative report along with a description of the infant's condition, making notice of the umbilical cord, and other features.

Absence of an umbilical cord may suggest the child is older than 14 days, indicating an abandonment case may be warranted. A moist and not scabby umbilical cord may indicate an age of 72 hours or less.

6. Montgomery County Fire Rescue will be requested to transport the infant to Washington Adventist Hospital (WAH). The officer or Watch Commander will accompany the transport.

7. The officer will prepare a Custody Log for include the infant and a Property impound for any associated property (clothes, blankets, towel, etc.).

8. The infant will be delivered to the Emergency Room duty nurse, who will accept the infant and Medical Information Request. The receiving party's name will be documented, with signature, on the custody log.

a. The officer will provide the TPPD case number to the nurse for the WAH Newborn Identification Form, to be inserted in lieu of "mother's name" if that is unknown.

b. The officer will receive from the nurse, a large ID band, which will match ID bands placed on the baby's ankles.

c. The ID band will be impounded and submitted to property.

9. All associated property of evidentiary value will be recovered from the hospital as soon as practical for impound.

10. Upon completion of a medical examination to assess the infant's condition, the investigator will interview the medical staff to determine the baby's approximate age, condition, and whether abuse/neglect appears to have occurred.

11. If abuse, neglect, abandonment, or signs of another crime are indicated, the CIS investigator will follow procedures and investigate and make any notifications.

### **C. Reports and Follow-up**

1. In a Safe Haven Relinquishment, the officer will complete a Form 108, using a clearance code of 2011, dash 2, citing the incident as "Safe Haven Relinquishment." If the name of the child and mother is unknown, the victim will be identified as Doe, Baby Boy/Girl, and the relinquishing party as complainant and the nurse as witness. The Form 108 and supplement, at a minimum, should include:

a. the name of the WAH Social Worker to whom the infant was assigned

b. the number from the infant's ID bands, received at the hospital

c. Narrative including a physical description of the infant and its condition, photographs taken, identification and a comprehensive physical description of the relinquishing adult, the status of the Medical Information Request,

d. When received, a supplement will be filed containing the name and contact information for the Child Welfare Service social worker assigned.

2. The investigator will contact Montgomery County Child Welfare Services no later than 24 hours from receiving the infant; WAH staff will also be making this contact. The officer will provide the TPPD case number and name of the WAH Social Worker, and will obtain the name and contact information of the Child Welfare Service social worker assigned to the newborn.

3. A search of the NCIC file, NCMEC database online, and missing children's fliers will be commenced to determine whether a missing infant has been reported. The search will be noted on the event report.

a. If the identity of the mother is unknown, the Investigating officer will attempt to confirm that the mother has intended to relinquish the infant via Safe Haven; any contact should be attempted and conducted with sensitivity to the privacy of the mother.

4. A teletype will be sent to police agencies in the Metropolitan Region, advising a Safe Haven relinquishment and the description of the child and its attire to ascertain whether any missing person, abduction or other report matches his/her description.

An entry into NCIC may be made at the discretion of the Support Services commander based on the circumstances of the relinquishment.

#### **D. FOLLOW-UP**

1. Montgomery County Child Welfare will accept the newborn under an Order for Shelter Care, when it is cleared for medical release from the WAH. It will initiate a CINA petition and will be responsible for termination of parental rights. The investigator will confirm completion of these proceedings.

2. Impounded property will be provided to Child Welfare after a determination that no criminal charges are warranted.

3. If a parent or relative returns to reclaim the child, he/she will be referred to Montgomery County Child Welfare Services, with contact information to include the CWS worker assigned and Child Welfare will conduct a Child Protective Services investigation.

4. If the mother or relinquishing party returns within 48 hours, they will be referred to the assigned WAH social worker, with appropriate contact information.

Addendum: Safe Haven Law, COMAR 07.02.27 (2004) and WAH Collaborative Standard, Safe Haven.