

“Safe Haven” Suggested Guidelines Kansas Hospitals

Kansas Statue – Chapter 38, Article 2282

Newborn Infant Protection Act 2006

Purpose:

To protect newborn children from injury and death caused by abandonment by a parent and to **provide safe and secure alternatives** to such abandonment.

The Law:

A parent shall not be prosecuted for voluntary relinquishment of a child if:

- The person purporting to be the parent voluntarily delivers the child to the physical custody of any on duty Hospital, Fire Rescue/EMS or Health Department personnel.
- The child is forty five (45) days old or younger.
- No physical signs of abuse or neglect are suspected.

The Hospital, Fire Rescue/EMS and Health Department personnel shall remain immune from civil, criminal and administrative liability for accepting physical custody of a child if such persons accept custody in good faith.

Safe Haven expenses are eligible for coverage under Medicaid, subject to federal rules.

Parental rights are terminated 3 months after the child is relinquished.

The Law does not require that personal information be obtained.

“Safe Haven” Process:

- Recognize that a “Safe Haven” event is occurring and **make every effort to maintain anonymity** of the surrender process.
- A mother may leave a “Safe Haven Baby” by: birth at hospital, birth elsewhere and newborn brought to hospital, newborn arrives by Fire Rescue or Law Enforcement.
- **Unless there is evidence of abuse or neglect**, neither a child protective investigation nor a criminal investigation may be initiated solely because a newborn infant is relinquished under the provision of the Newborn Infant Protection Act of 2006. If abuse or neglect is suspected, following existing state abuse procedures.
- Provide medical care to the newborn infant. Surrender period is forty five (45) days or younger. **Physician to make the final determination.**
- Offer medical care and counseling to the mother or other assistance available from the hospital system. Provide her with the “Getting Help” letter and medical history questionnaire. She is not required to answer any questions or complete the questionnaire.
- Billing staff should recognize that any “Safe Haven” birth related expenses are eligible for Medicaid benefits.
- Notify Law Enforcement to begin coordination of custody of the “Safe Haven” newborn.
- If parent(s) return to reclaim the newborn, instruct them to contact Kansas Social and Rehabilitative Services.
- Notify your agency Public Information Officer to handle Media Inquiries.

To report a Safe Haven baby: Please go to http://mchc.net/programs/safe_havens.aspx when a baby is relinquished under the Safe Haven program. Statistics are maintained such as:

- Number of newborns saved under “Safe Haven” Law.
- Those abandoned in dangerous places.
- Geographic and Demographic information regarding the newborn child.