



Safe Haven

FROM YOUR ARMS TO OURS.

What is the Safe Haven Law?

Safe Haven, also known as Protection of Children from Abuse and Neglect (NRS 432B.630), is a Nevada law passed in 2001 that allows parents to safely surrender their baby if they can no longer care for him or her. As long as the baby is younger than 30 days old and has not been abused, the parents may surrender him or her at a designated location without arrest or prosecution.

The purpose of the Safe Haven Law is to protect newborn babies from being injured or otherwise harmed due to unsafe and illegal abandonment by providing distressed parents a safe, anonymous option for surrender of their newborn baby. Illegal abandonment puts the baby's life at risk, and as a result, the parents are held legally responsible. The goal of the Safe Haven Law is to prevent babies from being harmed and to provide parents with a safe and legal option to surrender their baby if they cannot care for him or her.

In the event that parents bring a baby to a Safe Haven site and wish to remain anonymous, the law requires the Safe Haven site to take possession of the baby, no questions asked. The Safe Haven site should then ensure the receipt of immediate medical care, report the baby's surrender to law enforcement (if the Safe Haven site is not a law enforcement agency), and then report the surrender to the local Child Welfare Agency. The Child Welfare Agency then completes its protocol for surrendered infants with no information on the parents. Once the Child Welfare Agency determines it to be a Safe Haven surrender, they will proceed with termination of parental rights in order to prepare the baby for adoption. In accordance with the law, proper notification of the hearing for the termination of parental rights must be provided. When names of the birth parents are known, they are included in a public notice. However, if parents have surrendered their baby anonymously (i.e. do not provide a name or any other identifying information at the time of surrender) there is no identifying information to publish, thus protecting the identities of the biological parents throughout the process.

Clarifying the Current Law Based on Its Original Intent

Parents' Anonymity When Giving Birth in a Hospital

Currently, the language of NRS 432B.630 does not explicitly protect a mother's anonymity if she gives birth in a hospital and immediately surrenders the baby at the hospital under the Safe Haven Law.

Upon the mother's admission to the hospital for delivery, identifying information for medical and billing purposes is collected. If the mother decides to surrender her baby under the protection of the Safe Haven Law, custody of the baby is transferred to the Child Welfare Agency and, as the legal custodian of the baby, all medical records for the baby are given to the Child Welfare Agency. These records also include identifying information for the mother because information on her pregnancy and delivery are pertinent to the health care of the newborn. This identifying information of the mother is provided to the Child Welfare Agency regardless of the mother's intent to anonymously surrender the baby under the Safe Haven Law. Once the identity of the mother is known to the Child Welfare Agency, they are required to contact and notify her and any other named biological parent (father) regarding all proceedings to terminate parental rights, if they have not already completed paperwork to do so voluntarily. This can be problematic for a parent if the reason they are surrendering under the Safe

Haven Law, as opposed to working with an adoption agency, is because they need to remain anonymous. This may be in an effort to protect their own safety or the safety of the baby from violence or other repercussions if their identity is known, particularly in small communities.

The newly introduced language offers protections for biological fathers as well, if their identity is known. If a father is not present or did not participate in the delivery of the baby, but his identity is known, he will be publicly notified of the hearing to terminate parental rights. This affords protection to biological fathers who may be unaware of the decision of the mother to surrender the baby under the Safe Haven Law.

Clarifying the language of this law would better protect the mother's anonymity by prohibiting the release of any identifying information acquired by a hospital or EMS service for the purpose of medical care or billing to the Child Welfare Agency upon surrender under the Safe Haven Law.

This clarification in the law provides additional protection for parents and will ensure that parents in crisis feel comfortable using this law knowing that no matter which type of Safe Haven location they choose to surrender with, their identities will be protected if they so wish. This change will eliminate a potential barrier for parents in using this law and will further protect babies from unsafe and illegal abandonment.

No Intent to Return

One additional change to the language will also clarify that a baby voluntarily delivered to a Safe Haven provider, *including after the birth of a child within a hospital*, by a parent of the baby who does not express an intent to return and fulfills all other Safe Haven criteria, (less than 30 days old, free of obvious abuse, etc.) will also be considered a Safe Haven surrender and processed as such. This proposed change will ensure that parents who responsibly leave their baby with the hospital under the assumption of the baby's safety, without invoking the Safe Haven Law specifically, are not charged with illegal abandonment.

Impact of Changes

Hospitals, hospital social workers, nurses, and doctors will be impacted by these proposed law changes as they slightly change protocol and criteria when calling upon the Child Welfare Agency after a baby has been surrendered at the hospital. The Safe Haven Workgroup is willing to work with all Nevada hospitals in developing or amending any protocols to reflect these changes.

**For more information on Safe Haven, please contact Tara Phebus, MA
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