

# SPECIALIZED CHILD WELFARE SUBJECT MATTER

## Safe Havens for Newborns

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### Policy

The Department of Children and Families shall assume care and control of any infant who is aged 30 days or younger and who is voluntarily surrendered by his or her parent or a parent's lawful agent at a hospital Emergency Department pursuant to the Connecticut Safe Havens Act. DCF shall take any action authorized under state law to achieve safety and permanency for the infant.

**Legal reference:** Conn. Gen. Stat. §17a-57 through §17a-60.

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### Definitions

**Foster parent** means a person who is licensed by DCF or approved by a child-placing agency to care for a child in a private home.

**Lawful agent** means a person authorized by a biological parent to surrender an infant to a hospital Emergency Department pursuant to the Safe Havens Act.

**Prospective adoptive parent** means a foster parent who is awaiting the placement of, or who has, a child placed in his or her home for purposes of adoption.

**Removal hearing** means an administrative proceeding conducted by DCF to determine if the removal of a child from a prospective adoptive parent is in a child's best interest.

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### Role of the Hospital

In Safe Havens cases, the designated hospital employee shall:

- take physical custody of the infant unless the parent or lawful agent clearly expresses an intent to return for the infant;
- provide the parent or lawful agent with a numbered identification bracelet to link the infant with the parent or lawful agent should the parent or lawful agent change his or her mind about the surrender;
- provide the parent or lawful agent with information regarding the Safe Havens process;
- ask the parent or lawful agent for medical history;
- follow the usual hospital procedures to screen and stabilize the infant;
- within 24 hours, notify the DCF Careline that a Safe Havens infant has been surrendered at the hospital; and
- keep the infant at the hospital until the assigned DCF Social Worker arrives to take custody of the child.

**Note:** In cases in which the mother has given birth to the child in the hospital and wishes to surrender the child before the mother is discharged, the mother shall notify the hospital in writing.

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### Confidentiality and Disclosable Information

DCF staff shall not disclose any information concerning the parentage of an infant surrendered pursuant to the Safe Havens Act to a prospective adoptive or foster parent. Although the hospital staff may ask for the names of the parents or lawful agent and information about the infant and parents, neither the parents nor the lawful agent are required to provide their identities or other information.

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#### **Confidentiality and Disclosable Information** (Continued)

Pursuant to state law, the hospital contacting DCF to report a Safe Havens case shall not disclose information:

- about the facts and circumstances of the surrender;
- about the parents or lawful agent, including their identities; or
- given to hospital staff voluntarily by the parent or lawful agent, except medical history information about the child

unless there is reasonable cause to suspect abuse or neglect of the child or the parent or lawful agency consents.

If the parent or lawful agent provides medical history, or if the hospital obtains medical history by other means, the hospital is required to disclose that information to DCF.

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#### **DCF Careline Procedures**

Upon receipt of a Safe Havens report from a hospital, the DCF Careline shall take the following actions:

- accept the report and assign it for same day response;
- immediately invoke a 96-hour hold and fax a copy to the hospital;
- call the State Police to notify it of the Safe Havens report and determine if there are any current reports of missing infants;
- during regular hours, forward the Careline report to the appropriate DCF Area Office for assignment to an investigator; and
- during after-hours, assign the report to a Careline investigator.

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#### **DCF Investigation Procedure**

The assigned DCF Social Worker (Area Office or Careline) shall:

- begin the investigation of a Safe Havens case and report to the hospital the same day in which the report is received and in accordance with the usual DCF investigation policies and procedures;
- if there are indications that the child has been abused or neglected, notify the investigating law enforcement agency;
- obtain an affidavit from the hospital employee who took physical custody of the infant and, if necessary, from other involved hospital personnel;
- consult with DCF legal counsel regarding a motion for order of temporary custody and coterminal petition;
- provide notice to any biological parent, including service of process of court filings, if that parent's identity is known to DCF; and
- expedite the court documentation in a manner consistent with other legal cases, including the service of process on one or both parents if known.

**Note:** Hospital personnel, first responders and other "Good Samaritans" who have not previously had a relationship with a child are not eligible as placement resources unless they have previously been licensed as foster parents.

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#### **Request for Reunification**

Prior to termination of parental rights, a person claiming to be the parent or lawful agent may submit a request to DCF for reunification with the child.

If the request for reunification is received by DCF within 30 days of the date of surrender, DCF may require that such person and the infant submit to DNA testing. The person requesting reunification shall be responsible for the cost of any DNA test, except that DCF shall pay the cost if the person is determined by DCF to be indigent.

**Note:** If no request for reunification is received within 30 days of the date of surrender, DCF shall not subject the infant to DNA testing to determine parentage except upon order of the Superior Court.

The parent or lawful agent shall be advised by DCF to contact the Superior Court for Juvenile Matters and apply for a court-appointed attorney if he or she cannot afford an attorney. The parent or lawful agent shall further be advised that time is of the essence and he or she must act immediately.

The Social Worker shall ensure that the Assistant Attorney General representing DCF in the court case is informed that a parent or lawful agent may be interested in reunification.

DCF shall identify, investigate and contact the parent or lawful agent to determine if such reunification is appropriate or if parental rights should be terminated.

**Note:** Possession of the bracelet given to the parent or lawful agent by the hospital at the time of surrender does not authorize the parent or lawful agent to resume custody of the infant on demand. If parental rights have not been terminated, possession of a bracelet creates a presumption that the parent or lawful agent has standing to participate in a legal proceeding but does not create a presumption of maternity, paternity or custody.

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#### **Removal of Infant from Prospective Adoptive Home**

A Safe Havens infant placed in a prospective adoptive home for 30 consecutive days or more shall not be removed from that home unless:

- DCF has reasonable cause to suspect serious physical illness of or injury to the child or that the child is in immediate physical danger, and immediate removal is necessary to ensure the infant's safety;
- the prospective adoptive parent consents to the removal;
- the prospective adoptive parent has had the benefit of a removal hearing and all appeals are exhausted; or
- a biological parent of the infant has been identified and a reunification request has been granted by the Superior Court.

**Note:** A prospective adoptive parent who objects to the removal of a child who has been in his or her home for 30 consecutive days or more shall be entitled to a removal hearing during which time the child shall not be removed from that home unless there is reasonable cause to suspect serious physical illness of or injury to the child or that the child is in immediate physical danger, and immediate removal is necessary to ensure the infant's safety.

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