

0512.0 Safe Haven Response

0512.1 Policy Approval Clearance Record

<input checked="" type="checkbox"/> Collaborative Policy	This policy supersedes: N/A	Number of pages in Policy: 6
Date Effective: 11-15-2013		
PART Review & Approval	N/A	Policy Lead: D. Flowers
DMG Approval	08/16/13, 11/15/13	Policy Lead: D. Flowers
DCFS Administrator Approval:	08/16/13, 11/15/13	Signature: N/A
Review by Representative from the Office of the Attorney General:	07/12/13, 8/16/13	Signature: N/A

0512.2 Statement of Purpose

0512.2.1 Policy Statement: NRS 432B.630 "Delivery of newborn child to provider of emergency services" is intended to allow a parent to leave an unwanted infant under 30 days old with a provider of emergency services rather than disposing of the child in a location where the child may be placed at risk of death or physical harm. The statute is referred to as the "Safe Haven" law.

0512.2.2 Purpose: Safe Haven law establishes a safe process for parents to leave an infant with an emergency care provider without an obligation to return to care for the child and without an obligation to disclose identifying information, background information, and medical information unless the parent voluntarily chooses to do so. The Safe Haven Law also establishes immunity from civil and criminal liability for persons who take possession of an abandoned infant. A parent who delivers their child in accordance with the Safe Haven law is not considered to have abused or neglect their child pursuant to NRS 432B.020 but the child is considered to be in need of protection pursuant to NRS 432B.330. A parent will be notified of a hearing held on a petition to find the child in need of protection if the parent provides identifying information. A parent who delivers their child in accordance with the Safe Haven Law may not be criminally prosecuted for child abuse or neglect for the sole fact that the parent delivered or allowed the child to be delivered in accordance with the Safe Haven law.

0512.3 Authority

NRS 128.097; 432B .020, 140, .160, .330, .393 (3) (f), .470, .510, .520 (4) (c), .540(1) (b), .550, .560, .580 (3), .630

0512.4 Definitions

0512.4.1 Abuse or Neglect of a Child:

- A. "Abuse or neglect of a child" means, except as otherwise provided in subsection 2 of NRS432B.020:
1. Physical or mental injury of a non-accidental nature;
 2. Sexual abuse or sexual exploitation; or

3. Negligent treatment or maltreatment as set forth in NRS 432B.140, of a child caused or allowed by a person responsible for his welfare under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.
- B. A child is not abused or neglected, nor is his health or welfare harmed or threatened for the sole reason that his:
 1. Parent delivers the child to a provider of emergency services pursuant to NRS 432B.630, if the parent complies with the requirements of paragraph (a) of subsection 3 of that section; or
 2. Parent or guardian, in good faith, selects and depends upon non-medical remedial treatment for such child, if such treatment is recognized and permitted under the laws of this State in lieu of medical treatment. This paragraph does not limit the court in ensuring that a child receive a medical examination and treatment pursuant to NRS 62E.280.
 3. As used in this section, "allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.

0512.4.2 Agency which provides child welfares services:

- A. In a county whose population is less than 100,000, the local office of the Divisions of Child and Family Services: or
- B. In a county whose population is 100,000 or more, the agency of the county which provides or arranges for necessary child welfare services.
- C. May also be referred to as "Agency" or "Child Welfare Agency."

0512.4.3 Child Welfare Services: As defined by NRS 432B.044, includes, without limitation: 1. Protective Services, investigations of abuse or neglect and assessments; 2. Foster care services, as defined in NRS 432.010; and 3. Services related to adoption.

0512.4.4 Intake worker: The state/county child welfare agency worker who takes the report. This does not refer to a dispatch or an Emergency Response Team Worker.

0512.4.5 Provider of Emergency Services (ESP) means:

1. A hospital, an obstetric center or an independent emergency medical care licensed pursuant to chapter 449 of NRS;
2. A public fire-fighting agency, including without limitation, volunteer fire departments;
3. A law enforcement agency; or
4. An ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS.

0512.4.6 Safe Haven Report: A Safe Haven referral becomes a report upon the child welfare agencies determination that a child is delivered to a provider of emergency services pursuant to NRS 432B.630 and is in need of protection. Safe Haven reports are then forwarded to a supervisor or supervisory-level designee for review and assignment to a social worker/case worker/agency designee.

0512.5 Procedures

0512.5.1 A parent who delivers a **child up to 30 days old** to an ESP shall leave the child:

1. In the physical possession of a person who the parent has reasonable cause to believe is an employee of an ESP.
2. Shall be deemed to have given consent to the performance of all necessary emergency services and care for the child.

3. **Must not be required** to provide any background or medical information regarding the child; however, they should be encouraged to voluntarily do so.
4. **Must be allowed** to leave at any time and must not be pursued or followed unless there is reasonable cause to believe that the child has been abused or neglected, ***excluding the mere fact that the parent has delivered the child to the ESP.***

0512.5.2 Role of the Emergency Services Providers (ESP)

- Providers of Emergency Services have been directed to notify their local agency which provides child welfare services when an **infant not more than 30 days old** has been delivered to the Emergency Services Provider (ESP) pursuant to NRS 432.630.
- If the ESP is not a law enforcement entity, the ESP should contact their local law enforcement agency.
- The law enforcement agency shall notify the Clearinghouse (Nevada State Advocate for Missing and Exploited Children, National Center for Missing and Exploited Children) and investigate further, if necessary, using any other resources to determine whether the child has been reported as a missing child.

0512.5.3 Role of the Child Welfare Agency

A child is in need of protection if the child is delivered to a provider of emergency services pursuant to NRS 432B.630. Child welfare agencies must immediately place a child in protective custody upon receipt of a report of child abandonment pursuant to the Safe Haven law. Upon receipt of a Safe Haven Response report from an ESP, the agency shall:

- A. Determine whether there is any information to suspect that the child was subjected to abuse or neglect and if so, report such information to law enforcement.
- B. Take action to attain safety and permanency for the child.
- C. The child welfare agency will follow-up with their local law enforcement agency and/or clearinghouse to ensure the child is not reported as a missing child.

0512.5.4 Child Welfare Agency Intake Process

The Intake Worker should assess the following:

1. What is the condition of the child and does the child require immediate medical treatment? Did the parent provide a birth date? Does the child appear to under 30 days of age?
2. Does the child appear to be abused or neglected? If yes, the intake worker should request the ESP to describe the situation, as law enforcement will need to be contacted immediately. If the child appears to be a victim of abuse or neglect, Safe Haven law does not pertain; abuse and neglect protocol should be followed.
3. Did the parent express intent to return for the child?
4. If available, is the delivering parent willing to provide additional information to the child welfare agency?

5. If so, ask the parent if they are willing to speak with a child welfare agency social worker/case manager/designated staff to provide information about themselves and the other natural parent or would they prefer to provide the information to the reporting party.
6. If the parent is willing to meet with agency staff, the intake worker shall inform the ESP (and delivering parent) that a social worker/case manager/designated staff will be in contact with the parent either by phone call and/or travel to the parent's current location.

0512.5.5 When Responding to the Delivering Parent, Agency Staff Shall:

7. Communicate the child welfare agency's intentions of placing the child into protective custody **and** provide the parent with a *Parent's Guide to Child Protective Services*.
8. Encourage the parent to provide family medical history, demographic information, and information regarding the non-delivering parent.
9. May offer the parent the opportunity to participate in adoption or voluntary relinquishment services at the discretion of the agency.

0512.5.6 Responding to the Non-Delivering Parent (when the non-delivering natural parent is identified):

10. Upon determining parentage, the agency should assess his/her ability to care for the child. If deemed appropriate, the agency may provide services to the non-delivering parent.
11. In situations where the father is the non-delivering parent and he is considered for possible placement, the agency should consult with the AG and/or DA in their jurisdiction to determine if/when paternity should be established prior to placement.

0512.5.7 When Identity/Location of Parent(s) is Unknown

In accordance with NRS 432B.520 (c), when a child is delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent(s) is unknown, a summons **MUST** be served on the parent(s) by publication at least once a week for 3 consecutive weeks in a newspaper published in the county and if no such newspaper is published, then a newspaper published in this state that has a general circulation in the county. The failure of the parent(s) to appear in the action shall be deemed to constitute a waiver by the parent of any further notice of the proceedings that would otherwise be required pursuant to NRS 432B.520.

0512.5.8 Court Process - If parent(s) are known or unknown

NRS 432B.630.2 (a) provides that by failing or refusing to provide an address where the parent can be located, the parent waives any notice of the 72-hour hearing to be conducted pursuant to NRS 432B.470; and unless the parent contacts the local agency which provides child welfare services, action will be taken to terminate his or her parental rights regarding the child.

When filing a petition:

1. The parent(s) should be notified and may participate in all 432B hearings and they may be provided a court report regarding the initial hearing if his/her location is known. The agency should consult with the parents to determine if they choose to participate in court actions including receiving court reports.
2. The judicial finding being sought is a child in need of protection (NRS 432B.330). In situations where a parent fails to appear for a hearing after publication notice pursuant to 432B.520, the agency should pursue:
 - A finding of abandonment on the parent;
 - Request a waiver of reasonable efforts pursuant to NRS432B.393(3)(f); and
 - Proceed with TPR actions.

Note: If at any time the child is suspected of being Native American, then the ICWA steps must be followed.

0512.6 Development of Internal Policies: N/A

0512.6.1 Timelines:

Table 0512.1: Timelines for Jurisdictional Response to Policy Development

Requirement	Deadline	Starting Date	Responsible Party	Actions to be Taken
Assume the care and control of Safe Haven infant	N/A	Immediately	Designated Staff	Place infant in licensed foster care home and/or adoptive placement

0512.6.2 Tools & Forms: N/A

0512.6.3 Documentation:

A. Case File Documentation (paper): N/A

B. UNITY Documentation (electronic):

Table 0512.2: UNITY Documentation for Safe Haven Response Policy

Applicable UNITY Screen	Data Required
CFS7212	Safe Haven Referral Detail
CFS713	Safe Haven Directory
CFS113	Supervisory Actions – Assignment Transfer/Re-Assign

0512.7 Child Welfare Agency Policy Compliance Requirements

0512.7.1 Development of Internal Policies: Child welfare agencies are expected to follow this policy as written.

0512.7.2 Forms and Report Requirements: N/A

0512.8 Record Retention

In accordance with NRS 432B.630 agencies which provides child welfare services shall maintain information for statistical and research purposes for no less than three (3) calendar years from the close of the case.

0512.9 Child Welfare Agencies Public Education and Information Dissemination regarding the Safe Haven Law:

The Division of Child and Family Services, Clark County Department of Family Services, and Washoe County Department of Social Services shall provide public education and information regarding the agencies process for Safe Haven Infants. The information shall include the following information and be updated as necessary:

- An explanation of the agencies' Safe Haven Process
- Agency contact information
- Other relevant information as needed

0512.10 State Responsibilities

0512.10.1 Participants in Policy Development

- A. FPO Staff: Social Services Specialists and Social Services Chiefs
- A. Child Welfare Agency Representatives: WCDSS, CCDFS, DCFS Rural Region
- B. External Stakeholders: N/A
- C. Office of the Attorney General

0512.10.2 Technical Assistance

- D. Requesting Technical Assistance (TA): N/A
- E. Resources: N/A

0512.10.3 Policy Impact: N/A

0512.11 Policy Cross Reference

0506 Intake and Response Time