



INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY

Chapter 4: Assessment

Section 49: Safe Haven Infants

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Version: 1

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POLICY OVERVIEW

Indiana law requires the Indiana Department of Child Services (DCS) to assume the care, control, and custody of a safe haven infant (see Definition) if DCS is contacted regarding a safe haven infant.

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PROCEDURE

The Indiana Safe Haven Law allows a parent to surrender their newborn child to an emergency medical services provider or place the child in a newborn safety device (e.g. a Safe Haven Baby Box). This law allows the emergency medical services provider (see Definition), who takes custody of a safe haven infant, to contact a licensed child placing agency (LCPA) or DCS. The parent's identity is protected; and the parent will not receive a substantiation for abandonment or neglect regarding the relinquishment if the parent acts within 30 calendar days of the child's birth, and the child is not harmed.

Note: If there are other allegations of child abuse or neglect, those allegations must be assessed on the merits. Even if there are other allegations, an infant who has been surrendered will still be treated as a safe haven infant.

When contacted by an emergency medical services provider, DCS will assume the care, control, and custody of a safe haven infant, who is or who appears to be no more than 30 days old, immediately after receiving notice that:

1. A parent has knowingly or intentionally left the infant with an emergency medical services provider;
2. An individual has left the infant with medical staff after delivery and the parent notified staff of the surrender;
3. An individual dialed 911 due to extenuating circumstances and remained with the infant until an emergency medical services provider took custody of the infant; or
4. An individual placed the infant in a newborn safety device and the parent did not express an intent to return for the infant.

Note: Unless prohibited by federal law, a safe haven infant in the custody of DCS is presumed eligible for Medicaid until a court grants a petition for adoption of the safe haven infant.

For safe haven infants, the Family Case Manager (FCM) will:

1. Arrange for emergency placement of the child in foster care;

Note: The initial placement may not be considered a long-term or adoptive placement for the child, unless approved by the Deputy Director of Field Operations or ordered by the court.

2. Complete the Taking Custody of a Child without Verbal Consent or Written Court Order: Description of Circumstances form;
3. Contact the Indiana Clearinghouse and the National Center for Missing and Exploited Children (NCMEC) within 48 hours of assuming care, control, and custody of the safe haven infant to determine if the safe haven infant has been reported missing (see policy 5.22 Missing and Runaway Children);

Note: NCMEC must be contacted a second time 15 calendar days after taking custody of the safe haven infant to determine if the safe haven infant has been reported missing.

4. Immediately notify the DCS Staff Attorney of the safe haven infant and work with DCS legal staff to complete and file all documents necessary for court proceedings (see policy 6.02 Filing a Child in Need of Services (CHINS) Petition);
5. Forward a copy of the Preliminary Inquiry (PI) to the FCM Supervisor for review and approval;
6. Attend the scheduled Detention/Initial Hearing;

Note: The Detention/Initial Hearing must be scheduled no later than the next business day from the day the child is taken into custody.

7. Meet with the Safe Haven Review Committee within five (5) business days of the child's emergency placement to determine the appropriate placement and Permanency Plan for the child (see policy 6.10 Permanency Plan). The committee should include, but not limited to, the following members:
 - a. Court Appointed Special Advocate (CASA) or Guardian Ad Litem (GAL),
 - b. DCS Local Office Director (LOD) or designee,
 - c. Regional Manager (RM),
 - d. FCM Supervisor,
 - e. Adoption Liaison (if appropriate),
 - f. FCM, and
 - g. Regional Foster Care Specialist (RFCS).
8. Provide the Safe Haven Review Committee's recommendation to the DCS LOD (if not included in the committee) and the DCS Staff Attorney;
9. Document the placement and all information gathered during the assessment in the case management system; and
10. If a person contacts DCS and claims to be a parent of the safe haven infant, immediately notify the DCS Staff Attorney.

The FCM Supervisor will:

1. Assist the FCM with completing the required court documents, as necessary;
2. Confirm the Indiana Clearinghouse and NCMEC has been contacted within 48 hours and contacted again at 15 days for the safe haven infant;
3. Attend the Safe Haven Review Committee meeting for the safe haven infant; and

4. Ensure all actions taken and any deviation from best practice is documented in the case management system.

The DCS Staff Attorney will:

1. Ensure the DCS Chief Counsel is aware of the safe haven infant;
2. File a petition alleging that the safe haven infant is a CHINS and ask the court to hold a Detention/Initial Hearing no later than the next business day after the child is taken into custody;

Note: The CHINS petition must include a request for the court to make findings of Best Interests/Contrary to the Welfare (BI/CW), Reasonable Efforts to Prevent Removal (RE), and Placement and Care (PC) responsibility to DCS.

3. Request that a CASA/GAL be appointed for the safe haven infant;
4. Ensure the juvenile court receives the recommendation of the Safe Haven Review Committee regarding placement for a safe haven infant;
5. Request a finding of No Reasonable Efforts to Reunify regarding the safe haven infant;
6. File a verified petition for termination of the parent-child relationship not more than 15 calendar days after taking custody of the safe haven infant (see policy 6.12 Involuntary Termination of Parental Rights [TPR]);
7. File for publication in the Child in Need of Services proceeding and publish in the county of surrender.
8. File for publication as required for the Termination of Parental Rights proceeding in the county where the safe haven infant was surrendered and in each contiguous county including out of state counties that are contiguous to the county of surrender; and
9. Immediately notify the DCS Chief Counsel, if informed that a person has contacted DCS and claims to be a parent of the safe haven infant.

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RELEVANT INFORMATION

Definitions

Emergency Medical Services Provider

IC 16-41-10-1 defines an emergency medical services provider as:

1. Firefighter;
2. Law Enforcement Officer;
3. Paramedic;
4. Emergency Medical Technician;
5. Physician;
6. Nurse; or
7. Other person who provides emergency medical services in the course of their employment.

Safe Haven Infant

Per IC 31-9-2-113.1, a safe haven infant is a child:

1. Who is, or appears to be, not more than 30 days old; and
2. Who has been voluntarily left:
 - a. By a parent with an emergency medical services provider, or
 - b. In a newborn safety device.

Forms and Tools

- Assessment of Alleged Child Abuse or Neglect (SF 113) (311) – available in the case management system
- [Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults \(Indiana Clearinghouse\) website](#)
- Indiana Clearinghouse phone number: 1-800-831-8953
- [National Center for Missing and Exploited Children \(NCMEC\) website](#)
- NCMEC phone number: 1-800-843-5678 (1-800-THE-LOST)
- Preliminary Report of Child Abuse or Neglect (SF 114) (310) – available in the case management system
- [Taking Custody of a Child Without Verbal Consent or Written Court Order: Description of Circumstances \(SF 49584\)](#)

Related Policies

- [5.22 Missing and Runaway Children](#)
- [6.02 Filing a CHINS Petition](#)
- [6.10 Permanency Plan](#)
- [6.12 Involuntary Termination of Parental Rights \(TPR\)](#)

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LEGAL REFERENCES

- [IC 10-13-5: Chapter 5. Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults](#)
- [IC 16-41-10-1: "Emergency medical services provider" defined](#)
- [IC 31-9-2-113.1: "Safe haven infant"](#)
- [IC 31-14-7-1: Presumptions; child's biological father](#)
- [IC 31-19-2.5-6: Provision of notice of petition for adoption or petition for termination of parent-child relationship of safe haven infant](#)
- [IC 31-21-2-2: "Abandoned"](#)
- [IC 31-25-3-2: Duties of bureau; access to information](#)
- [IC 31-34-2.5: Chapter 2.5. Emergency Custody of Certain Abandoned Children](#)
- [IC 31-34-21-5.6\(b\)\(6\): Exceptions to requirement to make reasonable efforts to preserve and reunify families](#)
- [IC 31-35-1.5: Chapter 1.5. Termination of Parent-Child Relationship Involving Safe Haven Infants](#)
- [45 CFR 1356.21 Foster care maintenance payments program implementation requirements](#)

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PRACTICE GUIDANCE- DCS POLICY 4.49

Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.

N/A

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