

Safe Haven, also known as Protection of Children from Abuse and Neglect (NRS 432B.630), allows parents to safely surrender their baby if they can no longer care for him/her. This law protects infants from being injured or otherwise harmed due to unsafe and illegal abandonment by providing distressed parents a safe, anonymous option for surrender of their infant.

In the event that parents bring a child to a Safe Haven site and wish to remain anonymous:

- The law requires that the Safe Haven site to take possession of the child, no questions asked.
- The Safe Haven site should then ensure the receipt of immediate medical care needed, report the child'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 this to be a Safe Haven surrender, they will proceed with termination of parental rights in order to prepare the infant 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 the public notice. However, if parents have surrendered their child anonymously (i.e. does not provide a name or any other identifying information at the time of surrender) there is no identifying information to publish, thus protecting the identity of the biological parents throughout the process.

Recently, parental anonymity has been an issue for mothers who give birth in a hospital and immediately surrender the child at the hospital under the Safe Haven Law; as the language of NRS 432B.60 does not explicitly protect a mother's anonymity. This is due to the identifying information for medical and billing purposes that is collected from the mother during her admission to the hospital for delivery. Currently when Safe Haven is invoked:

- Custody of the child is transferred to the Child Welfare Agency and as the legal custodian of the child, 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 infant.**
- This identifying information on the mother is provided to the Child Welfare Agency regardless of the mother's intent to anonymously surrender the child under the Safe Haven Law.

Safe Haven

The Safe Haven Infant Protection Act allows a parent to surrender his or her infant with no fear of arrest or prosecution. No names or records are required.

- 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 parent (father) regarding all proceedings to terminate parental rights, if they have not already completed paperwork to voluntarily terminate their rights.

This can be problematic for mothers who invoke Safe Haven with a wish or need to remain anonymous in an effort to protect their own safety or the safety of the child from violence or other repercussions if their identity is known – going against the purpose of the law. Safe Haven is intended to prevent parents from “dumping” infants unsafely, so they can remain anonymous while ensuring the infant is in a safe place – no questions asked. This should also apply to parents who choose to deliver safely, in a hospital.

Recommendations:

The Children’s Advocacy Alliance recommends the following amendments to the Safe Haven law to ensure our children are being properly protected:

- Clarify the language of this law to better protect the mother’s anonymity by prohibiting the release of any identifying information on the mother acquired by a hospital or EMS service for the purpose of medical care or billing to the Child Welfare Agency upon surrender under Safe Haven.
 - 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.
- 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.
- Ensure that any other biological parents, who are not present or did not participate in the delivery of the baby but their identity is known, is afforded due process and is publicly notified of the hearing to terminate parental rights.
 - This affords protection to biological parents who may be unaware of the decision of the mother to surrender the baby under the Safe Haven Law.



Children’s Advocacy
ALLIANCE

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