



BABY SAFE HAVEN LAW: SURRENDERING A BABY BEFORE ONE YEAR

The North Dakota Baby Safe Haven Law (North Dakota Century Code, Chapter 50-25.1-15) allows a parent or a parent's agent (another person acting with the parent's consent) who feels they are unable to take care of their infant, to surrender the infant without facing prosecution for abandonment. To be protected by the Baby Safe Haven Law, the child must be *unharm*ed, *under one year of age*, and surrendered to an *on-duty staff person* working for a Baby Safe Haven *approved location*.

Where can a parent or a parent's agent surrender an infant and be protected by the Baby Safe Haven Law?

There are two types of approved locations where an infant can be surrendered:

- 1. *At the hospital where the infant was born:*** A parent who gives birth in a hospital can leave the infant at the hospital, without risking legal charges of abandonment. When an infant who no longer requires hospital care is left at the hospital after birth, the parent has left without saying they will return, and the parent cannot be located, a social service agency will be called to take custody of the infant. If no parent is located for ten days, the infant will be brought under the Baby Safe Haven law.
- 2. *At another approved location:*** A parent, or an agent of the parent with the parent's consent, may surrender an infant to an on-duty employee of one of these approved locations:
 - Hospital/emergency Rooms
 - Local Public Health Units (city/county public health: <http://www.ndhealth.gov/localhd/>)
 - Human Service Zones (county social services: <https://www.nd.gov/dhs/locations/countysocialserv/>)
 - Regional Human Service Centers (ND Department of Human Services: <https://www.nd.gov/dhs/locations/regionalhsc/>)
 - Long term care nursing facilities (nursing homes)
 - Children's Advocacy Centers (CACs: www.cacnd.org)
 - Emergency medical services operations (911 or ambulance)
 - Criminal Justice Agencies (for example: police station or sheriff's office)

When does the Baby Safe Haven Law not protect the parent or parent's agent surrendering the infant?

If an infant is left anywhere other than with an on-duty employee of an approved safe location, the Baby Safe Haven Law does not apply, and law enforcement will be called. If the infant shows signs of harm, the Baby Safe Haven Law does not apply and there will be an investigation to determine how the infant was harmed.

Will the parent or parent's agent surrendering the infant be anonymous?

If a parent chooses to leave the infant in the hospital after giving birth there, the Baby Safe Haven Law cannot assure complete anonymity because the hospital will have some information about the infant and family. If an infant is taken to an approved location after the birth, the Baby Safe Haven Law protects the parent/agent's anonymity.

What information should be provided when an infant is left at an approved location?

No information is required when an infant is surrendered. If the infant was born at the hospital and then left there, some information may already be known. However, if the infant is surrendered at any of the other approved locations, the parent/agent will be given a Medical History form and asked some questions about the infant. The parent/agent is not required to answer the questions or complete the form. The parent/agent may choose to complete any of the questions voluntarily. The information will be kept confidential and will help in obtaining a new birth certificate for the infant. The information requested will be:

- *The city/State/time/place of the birth of the infant*
- *Does either parent have an Indian tribal affiliation? If yes, what tribe? (If the infant's tribal affiliation is known, the Indian Child Welfare Act will apply, and the tribe will be contacted about possible tribal membership.)*
- *Whether a birth certificate was issued and the first name on the birth certificate*
- *Any health problems the parents may have*
- *Any other information about the infant's medical, social and family history*

What will happen to the infant after it is surrendered?

A healthcare provider's visit will take place to make sure the infant is healthy and has not been harmed. The social service agency will be called to care for the infant and to start looking for a safe and permanent home. When an infant is left at a hospital following a birth, the hospital may already have some information, such as the names of other relatives including the other parent; these people will be contacted to try to find a permanent home for the infant. By law, the social service agency cannot contact or try to find the parent or the person who surrendered the infant.

If there are no suitable or willing relatives to adopt the infant, the social service agency will look for another permanent family. A court hearing will be scheduled to terminate the legal rights of both birth parents so the child can be adopted. Notice of these hearings is published in the county's newspaper. Once parental rights are terminated, birth parents will no longer be the legal parents. This means that they will not be able to make decisions about the infant and the infant can be adopted.

What if someone decides later, they want their infant back?

Contact the Human Service Zone Offices (county social services) in your area:

<http://www.nd.gov/dhs/locations/countysocialserv/> or call the Safe Haven Hotline, 24/7 at **1-888-510-BABY (2229) or Text SAFEHAVEN to 313131**. It is important to contact one of these entities as soon as possible, because after legal rights are terminated, re-unification may not be possible.

Is there help to decide what to do?

- The national Safe Haven Hotline is available 24/7 at 1-888-510-BABY (2229) to provide referrals for local help.
- If someone is considering adoption, adoption agencies are available to discuss options <http://www.nd.gov/dhs/services/childfamily/adoption/agencies.html>.
- For someone experiencing a crisis pregnancy, help is available by calling the Women's Care Center at 1-877-908-2341 or by visiting: <https://www.womenscarecenter.org/>.
- Additional community resources are available by calling 2-1-1 or at First Link: <https://myfirstlink.org/>.

Pregnant person's health

Even if a person is not sure they will be able to care for their infant after it is born, getting medical care is still important for the pregnant person's health. Someone who is pregnant and who may want to consider using the Baby Safe Haven law should continue to see a medical provider during the pregnancy.

For more specific information on the North Dakota Baby Safe Haven Law please visit our resource page at www.health.nd.gov/safehaven and the Baby Safe Haven Training at: <https://babysafehaven.pcand.org/nd-safe-haven-law/>

For questions or more information about the NDDoH Baby Safe Haven Training Program and Baby Safe Haven educational materials, contact Alicia Belay at: abelay@nd.gov



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