



Safe Haven Policy

STATE of Maine
OFFICE OF CHILD AND FAMILY SERVICES POLICY

Section

Subsection

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OCFS Director

IV

C-3

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I. SUBJECT

Safe Haven Policy

II. STATUTORY AUTHORITY

22 M.R.S. [§4018](#)

III. DEFINITIONS

A medical services provider: An individual certified, registered, or licensed in the healing arts, including but not limited to, a physician, nurse, podiatrist, optometrist, chiropractor, physical therapist, dentist, psychologist, a physician’s assistant, or emergency medical services person.

A safe haven provider: A law enforcement officer, a staff at a medical emergency room, a medical services provider, or a hospital staff member at a hospital.

IV. POLICY

When a person voluntarily delivers a child less than 31 days old to a safe haven provider and expresses no intent to return for the child, there is legislation enacted into Maine law which allows this population of safe haven providers to accept the child and requires the Department of Health and Human Services to establish guidelines to assist safe haven providers. A person or entity who accepts a child under [22 M.R.S §4018](#) is not subject to civil, criminal, or administrative liability for accepting the child or providing temporary custody of the child in the good faith belief that the action is required or authorized by this section. When an infant is delivered to a safe haven provider, the provider shall promptly notify the Department of Health and Human Services, Office of Child and Family Services (OCFS). The Department will provide for the safety, permanency, and well-being of the child.

V. PROCEDURES

OCFS Staff: Upon receipt of a report from a safe haven provider, the OCFS intake caseworker will immediately contact the intake supervisor; the intake supervisor will review the report and will immediately notify the appropriate district office supervisor of the report.

- a. The receiving district office supervisor will assign the report for immediate response by a caseworker.
 - i. If the report is made to the Department after regular business hours or on a weekend, the Intake unit will immediately contact the on-call Children's Emergency Services (CES) caseworker in the district in which the baby was placed with the safe haven provider. The CES caseworker, after consultation with the CES supervisor, will immediately respond to this report by going to meet with the safe haven provider.
- b. The assigned caseworker will immediately contact their Assistant Attorney General (AAG) to notify them that the Department has received a report of a safe haven baby. If information regarding the identity of either of the safe haven parents is discovered at any time the caseworker will immediately notify the AAG.
- c. The assigned caseworker will meet with the safe haven provider. The Department's caseworker may not attempt to initiate contact with the safe haven parent for any purpose.
- d. The caseworker is not expected to conduct an investigation and will immediately seek a Preliminary Protection Order. In the Petition for Child Protection Order, the Department will identify the baby as safe haven baby and will identify the parents as safe haven mother and safe haven father. The Affidavit in Support of Preliminary Protection Order will include the Petitioner's statement of belief that the infant is in immediate risk of serious harm to their health and welfare, as evidenced by the abandonment of the child or absence of any person responsible for the child which creates a threat of serious harm.

- e. After the Preliminary Protection Order is signed, the Department will provide a copy of the Order to the hospital and will authorize any medical care of the infant.

Naming of a Safe Haven Baby: If the baby was not given a name by the parent, the Department will need to provide a name for the baby's birth certificate. The OCFS Director or designee is responsible for naming the baby. When naming the baby, the OCFS Director or designee will not use the name Safe Haven, Haven, Doe, Unknown, nor shall the child's last name be the same as the resource family with whom the child is placed. At any time within the first 90 days after the date of filing the birth certificate information, the first and middle name of the infant may be changed without seeking a legal name change. The Department shall immediately report to the Office of Data, Research and Vital Statistics in writing the following, in accordance with [22 M.R.S. §2763](#):

- a. Date and place of finding (the date and place of finding or assumption of custody);
- b. Sex, color, age (based upon observation and approximate age of child);
- c. Name and address of safe haven provider (the person or institution with whom the child has been relinquished);
- d. Name (name given to the child by safe haven parent or the Department).

Confidentiality: All personally identifiable information provided by the person delivering the child to a safe haven provider is confidential and may not be disclosed by the safe haven provider to anyone except to the extent necessary to provide temporary custody of the child until the child is transferred to the Department and except as otherwise provided by court order. All healthcare or other information obtained by a safe haven provider in providing temporary custody of the child may be provided to the Department upon request.

- a. The Department may not attempt to contact the person who relinquished the baby, for the purpose of eliciting more information from that person.
- b. The Department will not facilitate contact between the safe haven parent and any potential resource parents, in an effort to maintain the anonymity of the safe haven parent.

Notification of Hearings: The Department will publish notifications about hearings relating to this child in newspapers which serve the area in which the child was born and/or the area in which the child was relinquished into the care of the safe haven provider. The published notification will identify the infant who is the subject of the hearings as safe haven baby.

Permanency Planning: The Department will follow permanency planning procedures and will make a diligent effort to place the infant with a resource family who, if the parent comes forward and expresses intent to reunify with the infant, will be willing to work closely with the birth parent on reunification efforts. The resource family should also be willing to provide a permanent, legal home to the child, if a termination of parental rights is granted by the court in the future.

- a. If the infant's parent does not appear for the Summary Preliminary Hearing or for the hearing on the Jeopardy Petition, the Department will petition for termination of parental rights in the quickest possible timeframe.
- b. The assigned caseworker and supervisor will arrange for transfer of the safe haven baby to an adoption caseworker at the earliest possible opportunity so that the child may be adopted.

VI. POLICY SUPERSEDES

IV.C-3 Procedural Guidelines to Assist Safe Haven Providers, Effective November 23, 2015

VII. LINKS TO RELATED POLICIES

[III.A. Indian Child Welfare Policy](#)

[VIII.A. Family Standards Foster and Adoptive Care](#)

[VIII.B. Termination of Parental Rights and Placement, Supervision](#)

[VIII.B-1 Adoption Recruitment, Placement, and Supervision](#)

[VIII.C. Adoption Assistance](#)

[VIII.D. Confidentiality of Access of and Access to Department Adoption Records](#)

VIII. APPENDICES

Appendix A: Safe Haven Baby Fact Sheet

Appendix B: Guidelines for Safe Haven Providers

Note: The hyperlinks to these documents only work on DHHS issued computers. If you would like to request a copy of these documents, please email your request to:

OCFSPolicyTraining.DHHS@maine.gov