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|  | <b>INDIANA DEPARTMENT OF CHILD SERVICES<br/>CHILD WELFARE POLICY</b> |                                     |
|   | <b>Chapter 4: Assessment</b>   | <b>Effective Date: July 1, 2017</b> |
|   | <b>Section 34: Safe Haven and Abandoned Infants</b>                  | <b>Version: 5</b>                   |

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| <b>STATEMENTS OF PURPOSE</b> |
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**Safe Haven**

The Indiana Department of Child Services (DCS) will assume the care, control, and custody of a child<sup>1</sup> immediately after receiving notice that the parent:

1. Has knowingly and intentionally left the child with an emergency medical services provider or in a newborn safety device; and
2. Did not express an intent to return for the child.

The Safe Haven Law allows a parent to surrender their newborn child to an [emergency medical services provider](#). The [emergency medical services provider](#) will, without a court order:

1. Take custody of a child from any person who voluntarily leaves their child with them;
2. Perform any act necessary to protect the child's physical health or safety; and
3. Notify DCS that the child has been taken into temporary custody.

The parent's identity is protected and he or she will not be prosecuted for abandonment or neglect if he or she acts within 30 days of the birth, and the child is not harmed. The [emergency medical services provider](#) is not obligated to disclose their name or the parent's name.

No later than 48 hours after taking custody of the child, DCS will contact the [Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults](#) to determine if the child has been reported missing.

DCS will file a petition alleging that the child is a Child in Need of Services (CHINS), and ask the court to hold an Initial Hearing no later than the next business day after the child is taken into custody.

DCS will place the child in emergency foster care. This initial placement may not be considered as a long-term or adoptive placement for the child. ([See Practice Guidance](#)).

**Abandoned Infants**

DCS will assume the care, control, and custody of a child<sup>2</sup> whose parent, guardian, or custodian has knowingly or intentionally left a child in:

1. An environment that endangers the child's life or health; or
2. A hospital or medical facility; and has no reasonable plan to assume the care, custody, and control of the child.

No later than 48 hours after taking custody of the child, DCS will contact the [Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults](#) to determine if the child has been reported missing.

<sup>1</sup> Who is or who appears to be no more than 30 days old. (Safe Haven)

<sup>2</sup> Who is less than 12 months of age. (Abandoned Infants)

DCS will place the child in emergency foster care, file a petition alleging that the child is a CHINS, and petition the court for an Initial Hearing to be held no later than the next business day after the child is taken into custody.

#### Code References

1. [IC 31-34-2.5: Emergency custody of certain abandoned children](#)
2. [IC 10-13-5: Indiana Clearinghouse for Information on Missing Children](#)
3. [IC 16-41-10-1 "Emergency services provider" defined](#)

### **PROCEDURE**

For Safe Haven infants, the Family Case Manager (FCM) will:

1. Arrange for emergency placement of the child. (See [Practice Guidance](#) for Emergency Placement of Safe Haven babies);
2. Submit an [Preliminary Inquiry](#) and a Probable Cause Affidavit;
3. Attend the scheduled hearing;
4. Convene a committee within five (5) business days to determine the appropriate placement and permanency plan for the child. The committee should consist of 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.
5. Contact the [Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults](#) within 48 hours.

For Abandoned infants, the FCM will:

1. Arrange for emergency placement of the child. (See [Related Information](#) for Emergency Placement of Abandoned Infants);
2. Contact the [Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults](#) within 48 hours.
3. Conduct a diligent search [Affidavit of Diligent Inquiry \(SF 54778\) \(ADI\)](#) to locate either of a child's parents or other family members. See separate policy, [5.6 Locating Absent Parents](#);
4. Ensure that the CHINS petition includes a request for the court to make findings of Best Interests/Contrary to the Welfare, Reasonable Efforts to prevent placement, and Placement and Care responsibility to DCS;

**Note:** The FCM must be prepared to submit an [ADI](#) or an update as to the progress toward completion of the [Affidavit of Diligent Inquiry \(SF 54778\)](#) to the court at the time of the Detention/Initial Hearing. See separate policy [5.6 Locating Absent Parents](#).

5. Work with the DCS Staff Attorney to complete and file all documents necessary for court proceedings. See separate policy, [6.4 Providing Notice](#); and
6. Forward a copy of the report to the FCM Supervisor for review and approval.

The FCM Supervisor will:

1. Assist the FCM, when necessary, with completing the required CHINS documents;

2. Ensure the FCM or designated staff contacts the [Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults](#) within 48 hours; and
3. Attend the placement staffing.

## **PRACTICE GUIDANCE**

### **Emergency Placement of Safe Haven**

The FCM will initially place the child in emergency foster care if the team cannot convene prior to the child's need for out-of-home care. The recommendation for prospective adoptive placement cannot be the emergency foster care home, unless otherwise approved by the Deputy Director or ordered by the court.

In order to determine the final recommendation of placement for the child, the FCM will convene a multi-disciplinary team comprised of the following team members:

1. CASA or GAL;
2. DCS LOD or designee;
3. RM;
4. FCM Supervisor;
5. Adoption Liaison (if appropriate); and
6. Regional Foster Care Specialist.

The team will make a recommendation for placement documenting the best interests of the child and the reasoning used to determine the most appropriate placement for the child. This recommendation and report shall first be submitted to the DCS LOD, then to the juvenile court for review.

## **FORMS AND TOOLS**

1. [Service Request Intake Report](#) – Available in the case management system
2. [Preliminary Inquiry](#) – Available in the case management system
3. [Affidavit of Diligent Inquiry \(SF 54778\)](#) – Available in the case management system

## **RELATED INFORMATION**

### **Emergency Medical Services Provider**

[IC 16-41-10-1](#) defines 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 the other person's employment.

**Indiana Missing Children Clearinghouse**

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[Indiana Clearinghouse for Missing Children and Missing Endangered Adults](#)