



Columbia Fire Department

Standard Operating Guideline ADM-043

Safe Haven for Abandon Babies Act Procedures

Effective: January 11, 2010

Issued by Wm. Bradley Anderson, Fire Chief

Rescinds: No Previous

Purpose: In June 2006, The Safe Haven for Abandoned Babies Act / Daniel's Law was amended to include multiple facilities as Safe Havens, including Fire Stations. This procedure has been developed to help with compliance with this law. This Procedure is to be kept in the station's Standard Operating Guideline book.

At no time will we turn a child away; however, if at anytime you feel that The Safe Haven for Abandoned Babies Act / Daniel's Law does not apply, please call law enforcement officials immediately.

Scope: This Procedure applies to all members of the Columbia Fire Department

It is important to remember that this law applies only to infants 30 days or younger. The immunity only applies if the infant does not show any signs of abuse.

Procedure: Multiple copies of brochures and "Safe Haven Packets" are to be kept in the Captain's Office of each Fire Station.

Packet inventory:

1. Your rights and responsibilities under the law according to the Safe Haven for Abandoned Babies Act
 2. Form 3082 (complete instructions are on the back of the form)
 3. Daniel's Law brochure
- **There are three situations outlined in this Procedure, but if at any time there is a doubt, our first concern is the infant. Appropriate steps should always be taken to ensure the safety and well-being of the infant. In all situations care should be given and EMS and Law Enforcement should be summoned.**

I. A person comes to the station inquiring about the Safe Havens Act.

- Step 1:** Provide the person with the 2-page brochure titled “Daniel’s Law”. These brochures are to be kept in the station’s Captain’s Office. **See Appendix A.**
- Step 2:** After their departure, record the incident in the station logbook, located in the Captain’s office, ensuring that no personal identifying information is recorded.
- Step 3:** Then take steps to replace the brochure if needed.

II. A person tries to turn custody of a child over to you while you are away from the station and in uniform, on or off duty.

Important to know: You are not a Safe Haven when away from the Fire station. The Fire station itself, when manned, is the Safe Haven.

- Step 1:** After explaining to them that for the law to apply, custody must be exchanged at the station, kindly ask the person to follow you to a Fire Station or give them directions to the nearest Safe Haven. **See attached law; Appendix B.**

If the person is insistent on you taking the child, take custody of the child go to Step 2.

- Step 2:** Notify Central dispatch that you are in custody of an abandoned infant and have Law Enforcement dispatched to your location. **“The Safe Haven for Abandoned Babies Act or “Daniel’s Law”** does not protect the person under this circumstance. In this situation, you are allowed to relay identification specifics to law enforcement to assist in apprehending the person giving you the child.
- Step 3:** Notify Central dispatch to send EMS to your location so they can take custody of the child.
- Step 4:** Administer any first responder care to the child if necessary.
- Step 5:** Notify your Battalion Chief immediately.
- Step 6:** Have Central assign an incident number and complete an incident report in Firehouse

III. If a person comes to the fire station seeking a Safe Haven for an infant apparently under 30 days old, please follow the proceeding steps.

- Step 1:** Accept custody of the child.
- Step 2** Retrieve the Safe Haven packet from the Captain's office.
- Step 3:** From the packet, offer the person a copy of the "Daniels's Law" brochure; **(See Appendix A)**. Also, give them the 1 page document titled "**Your rights and responsibilities under the law according to the Safe Haven for Abandoned Babies Act**"; **(See Appendix C)**
- Step 4:** Ask the person to identify any parent(s) other than the person leaving the child. Record this information to provide to Law Enforcement, DSS or the Hospital later.
- Step 5:** Attempt to ascertain the information on Form 3082 and then complete it using the instructions provided on the back of the form; **See Appendix D, which includes information concerning the infant's background, medical history and information about the possible use of controlled substances by the infant's mother.** There are multiple copies of this form provided. Please provide a copy to the relinquishing party and retain the rest of the copies.
- Step 6:** If the person does wish to provide any of the requested information, then provide them with a copy of Form 3082, (Appendix A) and a prepaid envelope for mailing to DSS. Ask them to please complete the form and use the envelope provided and mail it in as soon as possible.
- Step 7:** Notify Central dispatches that you are in custody of an infant under the Safe Haven's Act and have EMS and Law Enforcement dispatched to your station.
- Step 8:** Notify your Battalion Chief.
- Step 9:** Turn custody over to EMS and give them all but one copy of the completed DSS form 3082. Retain a copy of the form to forward to the Fire Chief.
- Step 10:** Replenish the supply of forms if needed.
- Step 11:** Record all that has transpired in the station's Log book, ask Central Dispatch to assign an incident number and complete Fire report.

**For more information contact the DSS Children's Helpline at
1-888-722-2580.**

Also more information can be retrieved on line at

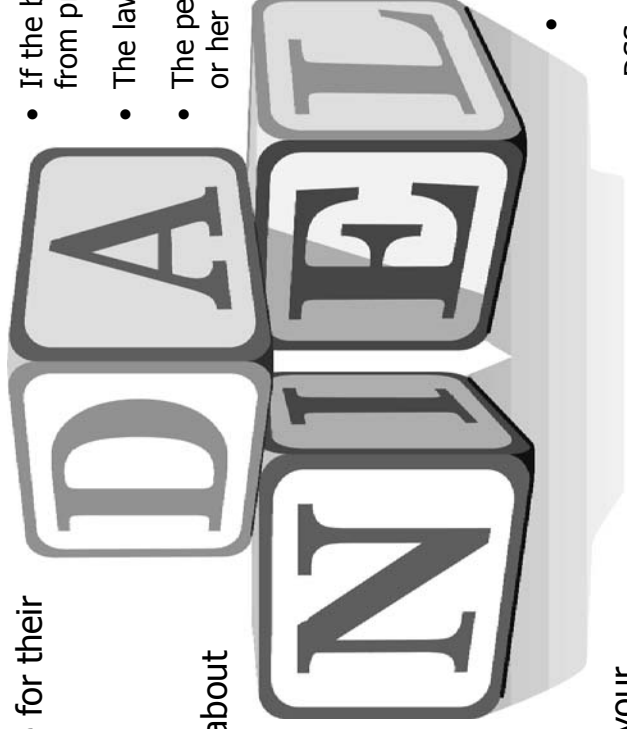
<http://www.state.sc.us/dss/daniel/index.html>

Daniel's Law

Daniel's Law is a law designed to provide a safe haven for abandoned babies. It is named for an infant boy who survived after being buried in a landfill soon after his birth. Nurses named him **Daniel** as he recovered at a hospital.

Like Daniel, other babies are born to women in **crisis**. Some of these babies are left alone, abandoned by mothers who don't plan to return or provide for their care.

If you are pregnant and confused or frightened about what to do with your baby or know someone who is pregnant and in crisis – **there are people who can help** – the Department of Social Services, your local health department and your local hospital.



What does Daniel's Law do?

Daniel's Law is intended to save babies. It is not intended to hurt or punish anyone. It provides a **safe option for mother and baby**.

- A person who abandons a newborn cannot be prosecuted for abandonment if he or she takes the unharmed baby to staff or an employee of a Safe Haven. Safe Havens are defined as a hospital or hospital outpatient facility, law enforcement agencies, fire stations, emergency medical services (EMS) stations, or a house of worship during the time the church or synagogue is staffed.
- If the baby has been harmed in some way, the immunity from prosecution may not apply.
- The law applies to infants up to 30 days old.
- The person leaving the child does not have to reveal his or her identity.
 - The person leaving the child will be asked to provide medical information about the baby's parents, and if possible, the name of the baby's parents. This will help the medical personnel treat the baby for any health problems.
 - The hospital will provide medical care and contact DSS.
- DSS will have legal custody of the child and will place the child in a foster home.
- DSS will immediately pursue family court action to free the child for adoption.

THE SAFE HAVEN for ABANDONED BABIES ACT

Enacted June 2000, Amended June 2006

OR

DANIEL'S LAW

HERE ARE SOME KEY POINTS THAT SAFE HAVENS STAFF SHOULD KNOW ABOUT THE LAW and IMPACT OF 2006 AMENDMENT:

Hospitals are required to:

- Accept temporary physical custody of an abandoned infant less than thirty days of age who is voluntarily left by a person who does not express intent to return for the infant.
- Accept infants from another Safe Haven within 6 hours of child being left with the Safe Haven. Other Safe Havens defined by statute are a law enforcement agency, fire station, emergency medical services station, or any staffed house of worship during hours when the facility is staffed.
- Perform any act necessary to protect the physical health or safety of the infant. This includes full compliance with EMTALA (Emergency Medical Treatment and Active Labor Act) rules and regulations.
- Hospitals and hospital outpatient facilities and its agents and other safe havens are immune from civil or criminal liability for any action authorized, so long as those involved are in compliance with the provisions of the law.

Other Safe Havens are required to:

- Accept temporary physical custody of an abandoned infant less than thirty days of age who is voluntarily left by a person who does not express intent to return for the infant.
- Deliver the infant to a hospital or hospital outpatient facility no later than six hours after receiving the infant.

The person leaving the hospital or other safe haven is not required to give his or her identity. The hospital or other safe haven must:

- Offer the person information on the legal effects of leaving the infant by providing them a copy of the information brochure*.
- Ask the person to identify any parent other than the person leaving the infant.
- Attempt to obtain information from the person on the infant's background and medical history (See DSS form 3082)**.
- Attempt to get any information concerning use of controlled substance by the infant's mother and other pertinent health information, which may determine the infant's medical care requirements.

If the person does not wish to provide any information or is unable to provide the information, the person must be offered the **Legal Responsibility** flier, the DSS medical information form along with a self addressed stamped envelope.

A person who abandons a newborn cannot be prosecuted for abandonment IF he or she takes the unharmed baby to a worker or staff at the hospital, law enforcement agency, fire station, emergency medical services station, or a house of worship during the hours it is staffed AND the following requirements are met.

- The law applies to infants up to 30 days old.
- The person leaving the child does not have to reveal his or her identity.
- The infant is unharmed.

The person leaving the child will be asked to provide medical information about the baby's parents, and the name of the baby's parents. This will help the medical personnel treat the baby for any health problems.

- The hospital will provide medical care and contact DSS.
- DSS will have legal custody of the child.

* Consult your packet for the information brochure on "Daniel's Law"

**Consult your packet for the DSS Form 3082.

Your rights and responsibility under the law according to the Safe Haven for Abandoned Babies Act.

In accordance with the law, this Safe Haven (defined as a hospital, law enforcement agency, fire station, emergency medical services station, and a house of worship during hours staff is there) and the South Carolina Department of Social Services are required to inform you about the legalities involved in your choice to place the infant in the care of the hospital facility. In accepting this document you understand the following:

- You are voluntarily placing this infant in the temporary care of the safe haven.
- The parent of this child did not express intent to return for the child.
- The child is thirty-days old or younger.
- The parent is granted immunity from prosecution for unlawful conduct or cruelty toward a child or any other violation for leaving the child if he or she is left unharmed with personnel or staff at a hospital or facility, law enforcement agency, fire station, emergency medical services station, and a house of worship during the hours that staff is there.
- Although your anonymity is guaranteed, you will be asked to provide any specific medical information regarding the infant and his or her parent(s) to help with the child's medical needs or treatment.
- The child has not sustained physical harm or injury. If the child has been harmed, you may not qualify for immunity under Daniel's Law.
- All information regarding the infant's health and medical history is confidential and will not be disclosed to anyone other than DSS.
- The South Carolina Department of Social Services (DSS) will be notified of this abandonment and will take custody of the child. Upon this notification, DSS assumes legal custody of the child.
- Within 48 hours after DSS has obtained legal custody of the infant, the department must file a petition with the local family court alleging the infants' abandonment.
- A hearing on the petition will take place no earlier than 30 and no later than 60 days of the petition. If there are any family members willing to claim custody of the infant, they must attend this hearing to assert their claim.
- DSS will publish notice of the abandonment in a local newspaper of general circulation and also send a news release to the broadcast and print media where the child was abandoned.

South Carolina Department of Social Services
ABANDONED INFANTS FORM
FOR SAFE HAVENS

For Use By Receiving Safe Haven			
Date and Time Infant Left:			
Name/Address of Safe Haven Where Infant Left:			
Name and Phone Number of Person Receiving Infant:			
Section I. Information On Infant			
Name:	Date of Birth:	Race:	Sex: Select Gender ...
Physical Description of Person Leaving Infant:			
Section II. Information On Parent/Caregiver			
Mother's Name:	DOB/Age:	Address:	
Physical Description of Mother:			
Father's Name:	DOB/Age:	Address:	
Physical Description of Father:			
Section III. Medical History/Health Status (This information is confidential.)			
1. Did the mother use any illegal substances or alcohol during the pregnancy? If yes, what? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know			
2. Did the mother have prenatal care? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know			
3. Is either parent HIV positive? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know			
4. Does either parent have AIDS? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know			
5. Is either parent mentally ill? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know			
6. Other Medical History: (i.e. heart disease, hypertension, diabetes, sickle cell, allergies, etc.) _____			

Section IV. Summary of Incident			
Details surrounding the abandonment of this infant: (Including location of birth, if known)			

Section V. Receipt of Infant by Hospital			
Name of Hospital Staff Receiving Infant:		Telephone Number:	
Name of Hospital Receiving Infant:			
Date and Time Received:			
Date and Time County DSS Called:		Name of DSS Person Taking Referral:	

DISTRIBUTION: White Copy (original) - DSS Yellow Copy - Safe Haven Pink Copy - Parent/Caregiver Blue Copy - Hospital

INSTRUCTIONS FOR DSS FORM 3082

Purpose

1. To record information provided by person leaving infant regarding infant's health.
2. To document a description of the parents in order to publish facts surrounding infant being left at a safe haven, defined as a hospital or hospital outpatient facility, law enforcement agency, a fire station, an emergency medical services station, or any staffed house of worship during hours when facility is staffed.
3. To identify person accepting infant and document follow-up contact with the hospital and DSS, Child Protective Services and/or Foster Care Unit.

General Instructions

This form should be completed as fully as possible on all infants under 30 days old left with safe haven staff when the caregiver expresses intent to leave the infant. If the person leaving the infant prefers to complete and mail in the form, a form and self-addressed, stamped envelope (SASE) should be provided. Form and SASE can be obtained from county DSS offices.

Specific Instructions

Section I. Information on Infant: Self-explanatory.

Complete name, date of birth, race and sex of infant; date and time infant left; and name and address of the safe haven where infant was left. Provide a physical description of person leaving infant.

Section II. Information on Parent/Caregiver: Self-explanatory.

Complete name, date of birth, address and physical descriptions of parents/caregiver (if provided by parent/caregiver).

Section III. Medical History/Health Status: Self-explanatory.

Obtain medical history/health status of parents. Parent is not required to give this information but it would help in treating infant.

Section IV. Summary of Incident: Document information regarding the circumstances leading to child's abandonment.

Section V. Receipt of Infant by Hospital: If safe haven is not hospital, complete Section V. to show name of hospital staff receiving infant, date and time received by hospital. Complete date, time and name of DSS staff taking referral.

Distribution

Original to DSS; copy retained by safe haven staff; copy to person leaving infant. Hospital where child taken makes a copy of original.