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IMPLEMENTATION OF NEW JERSEY SAFE HAVEN
INFANT PROTECTION ACT

1. Introduction

On July 7, 2000, *P.L. 2000, Ch. 58*, entitled the “New Jersey Safe Haven Infant Protection Act” was enacted. The Act provides anonymity and immunity from prosecution for abandonment to a parent who voluntarily leaves, or arranges for another person to leave, his or her child at a police station or a hospital emergency room. To qualify under the Act, the child must be or appear to be no more than 30 days old. The purpose of the Act is to encourage a parent who might otherwise have abandoned an infant in a life-threatening situation to leave the infant safely at a police station or hospital, thereby saving the life of the infant.

This Directive is intended to provide uniform procedures for law enforcement agencies in responding to cases falling within this Act. It should be noted that the Act provides immunity from civil or criminal liability for good faith acts or omissions on the part of law enforcement personnel as follows:

A State, county or municipal police officer and the governmental jurisdiction employing that officer or an employee of an emergency department of a licensed general hospital in this State and the hospital employing that person shall incur no civil or criminal liability for any good faith acts or omissions performed pursuant to this section. *P.L. 2000, Ch. 58, §4f.*

The procedures provided herein are divided into three Parts. Part 1 sets forth procedures to be followed by law enforcement agencies in the event that a parent, or person acting on behalf of a parent, leaves an infant at a police station and does not express an intent to return for the child. Part 2 sets forth procedures to be followed by law enforcement agencies regarding infants left at hospitals. Part 3 sets forth responsibilities of the Division of State Police Missing Persons Unit.

Generally, if an infant is left at a police station or hospital in circumstances that conform to the requirements of this Act, local law enforcement involvement should be minimal. The Missing Persons Unit of the Division of State Police will work with the Division of Youth and Family Services to confirm that the infant has not been reported missing as required by *P.L. 2000, Ch. 58, §4c.* of the Act. The legislature intended to provide parents with confidentiality and immunity from prosecution for abandonment. Additional investigations by local law enforcement will not be necessary in most cases. However, the immunity from prosecution provided by this Act is limited to the act of abandonment. The Act specifies that it "...shall not be construed to create a defense to any prosecution arising from any conduct other than the act of delivering the child as described herein, and this subsection specifically shall not constitute a defense to any prosecution arising from an act of abuse or neglect committed prior to the delivery of the child...." *P.L. 2000, Ch. 58, §4e.*

The procedures herein contain requirements that the Missing Persons Unit of the Division of State Police be contacted as soon as the infant's safety has been ensured. A member of this Unit may be contacted at any time of the day or night by calling the Division of State Police Headquarters at (609) 882-2000 and asking for the Missing Persons Unit. After hours, a member of the Unit will be contacted by pager.

The *Safe Haven for Infants Hotline*, operated by the Division of Youth and Family Services, may also be contacted at any time. The Hotline number is (877) 839-2339. Persons contacting the Police Department to request information may be referred to this number.

Part 1: Procedures to Be Followed in the Event That a Parent, or Person Acting on Behalf of a Parent, Leaves an Infant at a Police Station and Does Not Express an Intent to Return for the Infant.

1.1 General Principles

- 1.1.1 The first priority of the law enforcement officer or agency receiving an infant under the Act shall be to ensure the safety and well-being of the infant. All other procedures herein are subject to this priority. Law enforcement officers or agencies should not delay taking action necessary to ensure the safety and well-being of the infant in order to complete the additional procedures outlined below.
- 1.1.2 The term “State, county or municipal police station” is not defined in the statute. However, in order to carry out the intent of this act, this should be read broadly to include Division of State Police barracks, Campus Police headquarters, community policing substations, or any other law enforcement facility. No person attempting to deliver a child to a law enforcement facility should be turned away or directed to take the child to another law enforcement facility. If a person attempts to deliver a child to an officer on patrol, or to a facility where it is impractical to complete the procedures outlined herein, the child shall be taken immediately to a hospital emergency room, either by the law enforcement officer, or an ambulance or first aid squad. The decision of how to transport the child shall be within the law enforcement officer’s discretion.¹ In making this decision, the officer shall consider the physical condition of the infant, the availability of an infant car seat, and the potential need for haste in reaching the hospital.

1.2 Safe Haven Applicability Determination

- 1.2.1 A law enforcement officer should immediately make a visual assessment of the infant for readily apparent signs of abuse or neglect. Law enforcement officers are not obliged to remove the clothing of an otherwise apparently healthy infant in order to make this assessment. If signs of abuse or neglect are present, the person delivering the infant to the law enforcement agency should be detained and the local Division of Youth and Family Services District Office should be contacted. The Act does not provide a defense against child abuse or neglect prosecutions. *P.L. 2000, Ch. 58, §4e.* Under these circumstances, therefore, a child abuse or neglect investigation should be conducted in the normal course. However, the Act does not automatically exclude an abused or neglected infant from being left for placement. Consequently, the infant should be transported to a hospital, as described below. The State Police Missing Persons Unit should be contacted if the infant cannot be identified during the course of the ensuing investigation.

¹See § 1.3.5.

1.2.2 A law enforcement officer shall ask the person who delivers the infant to the police station or equivalent:

- < whether that person is the parent of the infant; and
- < whether the infant is no more than 30 days old; and
- < whether the infant is being delivered voluntarily; and
- < whether the parent intends to return for the infant.

The officer may not require proof of identification (see §1.3.1, below) if the case falls within the “New Jersey Safe Haven Infant Protection Act.” If the person who delivers the infant is not the parent, the officer shall ask whether the parent has voluntarily arranged for that person to leave the infant at the police station.

In the following circumstances, the “New Jersey Safe Haven Infant Protection Act” does not apply:

- < if the person delivering the infant is not the parent and indicates that the parent did not voluntarily arrange for that person to leave the infant at the police station; or
- < if the parent indicates that his or her actions are not voluntary (coerced); or
- < if the infant is more than 30 days old; or
- < if the parent or person delivering the infant expresses an intent to return for the infant.

If the “New Jersey Safe Haven Infant Protection Act” does not apply the law enforcement agency shall take steps to ensure the safety of the infant, notify the local Division of Youth and Family Services District Office and begin an investigation. The State Police Missing Persons Unit should be contacted if the infant cannot be identified during the course of the ensuing investigation.

1.2.3 The “New Jersey Safe Haven Infant Protection Act” applies only to infants who are or who appear to be no more than 30 days old. This rule should be interpreted generously and the person delivering the infant to the police station should be given the benefit of the doubt if the infant appears to be near 30 days old. However, if the law enforcement officer or agency has credible and reliable evidence that the infant is more than 30 days old, the “New Jersey Safe Haven Infant Protection Act” does not apply. *P.L. 2000, Ch. 58, §4a.* In such circumstances, the law enforcement agency should take steps to ensure the safety of the child, notify the local Division of Youth and Family Services District Office and begin an investigation. The State Police Missing Persons Unit should be contacted if the child cannot be identified during the course of the ensuing investigation.

1.2.4 If the infant appears to be no more than 30 days old, shows no signs of abuse or neglect, and is delivered voluntarily by a parent or a parent has voluntarily arranged for another person to leave the infant at a police station or equivalent and no intent to return for the infant is expressed, the case

falls within the “New Jersey Safe Haven Infant Protection Act” and the procedures set forth under § 1.3 below shall be followed.

1.3 Safe Haven Procedures

1.3.1 A law enforcement officer must inform any person who voluntarily delivers an infant pursuant to the ‘New Jersey Safe Haven Infant Protection Act’ that the person is not required to disclose:

- < the person’s name or other identifying information;
- < the name of the infant or the infant’s parent, if different from the person who delivers the infant to the hospital or police station; or
- < any background or medical information about the infant, or the infant’s parent(s).

However, the person who delivers the infant may voluntarily disclose this information. *P.L. 2000, Ch. 58, §4g.*

1.3.2 The person who voluntarily delivers the infant should be requested to supply any of the following information that the person is willing to disclose voluntarily:

- < any known medical history for the infant; or
- < any known medical history for the parent(s); or
- < any known background information about the infant; or
- < the name of the infant; or
- < the name of parent or parents; or
- < the name of the person delivering the infant if different from the parent.

The person delivering the infant shall not be compelled to disclose any portion of the requested information.²

1.3.3 The person delivering the infant shall be permitted to leave and shall not be detained while awaiting medical clearance regarding the condition of the infant. The person delivering the infant shall not be required to accompany the infant to the hospital.

1.3.4 A State, county or municipal police officer shall immediately take the infant to the emergency department of a licensed general hospital in this State. *P.L. 2000, Ch. 58, §4e.*

²It is anticipated that a form capturing this information will be developed by the Department of Human Services. Upon completion of this form, it will be distributed to law enforcement agencies for use in conjunction with these procedures.

- 1.3.5 If it would be safer for the infant to be transported to the hospital by other means, the law enforcement officer or agency receiving the infant may arrange for transportation of the infant to a hospital by an ambulance or first aid squad.³ However, a law enforcement officer should accompany the infant to the hospital in order to ensure that the hospital properly receives the infant and is informed that the infant has been left with the law enforcement agency pursuant to the “New Jersey Safe Haven Infant Protection Act,” unless no law enforcement officer is available for this detail.
- 1.3.6 The law enforcement agency must immediately inform both the Division of Youth and Family Services Safe Haven for Infants Hotline (1-877-839-2339) and the State Police Missing Persons Unit (1-609-882-2000) that an infant has been left with the law enforcement agency and is en route to a hospital.
- 1.3.7 The law enforcement officer transporting the infant may leave the hospital once the hospital has taken possession of the infant and the law enforcement agency has completed the notifications required in section 1.3.6.
- 1.3.8 The law enforcement agency shall record any information known regarding the infant and the circumstances of the delivery of the infant to the police station. This information shall be provided to the hospital receiving the infant.
- 1.3.9 On the next business day the law enforcement agency receiving the infant shall inform the Child Abuse Unit of the County Prosecutor’s Office of the receipt of the infant. No action is required by the County Prosecutor’s Office, absent evidence of abuse, neglect or some other violation of criminal statutes.
- 1.3.10 All press or other media inquiries pertaining to the handling of the Safe Haven infant shall be directed to the Department of Human Services, Office of Information Services at (609) 292-3703.

³In many circumstances, it may be a better practice to transport the infant in a vehicle other than a police vehicle. For example, this would be true if the law enforcement agency does not have an infant car seat readily available or if the infant appears to require medical attention.

Part 2: Procedures to Be Followed by Law Enforcement Agencies Regarding Infants Left at Hospitals.

2.1 The Division of State Police, Missing Persons Unit is Designated the Lead Law Enforcement Agency for the Investigation of “Safe Haven Infant Protection Act” Missing Persons Cases.

2.1.1 When an infant is left at a hospital pursuant to the “Safe Haven Infant Protection Act,” the Division of Youth and Family Services shall immediately notify both the Division of State Police Missing Persons Unit at (609) 882-2000, and the local law enforcement agency, in whose jurisdiction the hospital is located. If the Division of Youth and Family Services has information that the infant resides in another jurisdiction, it shall also notify the local law enforcement agency in that jurisdiction.

2.2 Responsibilities of Local Law Enforcement Agencies.

2.2.1 The purpose of the notification to the local law enforcement agency is to ensure that there is no ongoing search in that jurisdiction for a missing infant fitting the description of the Safe Haven infant. The primary responsibility for investigating whether the Safe Haven infant has been reported missing elsewhere rests with the Division of State Police, Missing Persons Unit.

2.2.2 Upon receiving a report of a Safe Haven infant within its jurisdiction, the local law enforcement agency shall determine whether any infant has been reported missing within its jurisdiction within the preceding 30 days. If so, the local law enforcement agency shall immediately notify the Division of State Police, Missing Persons Unit.

2.2.3 The local law enforcement agency is not required to conduct an independent missing persons investigation of the Safe Haven infant incident. Upon request by the Division of State Police, Missing Persons Unit, the local law enforcement agency shall assist in the investigation.

Part 3: Responsibilities of the Division of State Police, Missing Persons Unit

3.1 Initial Response

- 3.1.1 The Missing Persons Unit shall be the central law enforcement contact and lead law enforcement agency in all Safe Haven Infant Protection cases.⁴
- 3.1.2 At least one representative of the Missing Persons Unit shall be available by pager at all times. After hours contacts shall be made by calling State Police Headquarters at (609) 882-2000 and requesting the Missing Persons Unit.
- 3.1.3 Upon receiving notice of a Safe Haven Infant Protection case, the Missing Persons Unit shall immediately contact the local law enforcement agency. On the next business day the Missing Persons Unit shall inform the Child Abuse Unit of the County Prosecutor's Office of the receipt of an infant. No action is required by the County Prosecutor's Office, absent evidence of abuse, neglect or some other violation of criminal statutes.
- 3.1.4 If the infant is unidentified, the Missing Persons Unit shall immediately begin an investigation to determine whether the infant has been reported missing.⁵
- 3.1.5 All press or other media inquiries pertaining to a Safe Haven infant shall be directed to the Department of Human Services, Office of Information Services at (609) 292-3703.

3.2 Investigation Procedures

- 3.2.1 The National Crime Information Center (NCIC) Unidentified Persons File shall be utilized as soon as the individual identifying characteristics of the infant which are necessary for the basic file entry become available. An offline search shall be conducted and the infant shall be entered in the file.

⁴This does not include child abuse investigations or cases in which the Safe Haven Infant Protection Act does not apply. See § 1.2.

⁵The Act states: "The division shall commence a thorough search of all listings of missing children to ensure that the relinquished child has not been reported missing." *P.L. 2000, Ch. 58, §4c*. However, there are no official listings of missing children available that the Division of Youth and Family Services may search. Therefore, the assistance of the Missing Persons Unit is required to accomplish this task and effectuate the intent of the Act.

- 3.2.2 A File 25 (NJLETS) teletype messages with all available, pertinent information regarding the unidentified infant shall be broadcast concurrently with the entry into the National Crime Information Center Unidentified Persons File. The teletype will be broadcast on a statewide basis and expanded as the need arises.
- 3.2.3 A photograph of the infant and any available identifying information shall be posted on the website of the National Center for Missing and Exploited Children. This information shall be removed 21 days following the date upon which the Division of Youth and Family Services assumed the care, custody and control of the infant.⁶
- 3.2.4 If the Missing Persons Unit is contacted by another law enforcement agency regarding a possible match of the unidentified infant with a missing child, the Missing Persons Unit shall immediately notify the Division of Youth and Family Services.
- 3.2.5 Upon request, the Missing Persons Unit shall provide to the Division of Youth and Family Services an affidavit or certification, setting forth its efforts to determine whether the unidentified infant has been reported missing, and the results of its efforts.
- 3.2.6 The Division of Youth and Family Services shall notify the Missing Persons Unit of the entry of an order by the Family Court for termination of parental rights and adoption of the infant. Upon entry of such an order, the consent⁷ of the Division of Youth and Family Services to inclusion of the infant in the National Crime Information Center (NCIC) Unidentified Persons File shall be considered rescinded. The Missing Persons Unit shall remove all information regarding the infant from NCIC.

⁶This coincides with the obligation of the Division of Youth and Family Services to file for termination of parental rights within 21 days of assuming care, custody and control of the child. *P.L. 2000, Ch. 58, §3b(3).*

⁷The consent of the unidentified person is required for entry into the National Crime Information Center (NCIC) Unidentified Persons File. *SCIC/NCIC Operating Manual*, Part 11, Unidentified Person File, § 1.1.