



Colorado Springs Police Department Standard Operating Procedure

DL-1050-40 Response to Safe Haven Law Situations

Section 1000 – Patrol Functions

Effective Date: 11/22/2021

Supersedes Date: N/A

.01 Purpose

The purpose of the directive is to describe the processes for investigating child abuse situations involving Colorado's Safe Haven Law, CRS § 18-6-401(9).

.02 Cross Reference

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.03 Definitions

Hospital or Community Clinic Emergency Center: A community clinic licensed by the Department of Public Health and Environment pursuant to CRS § 25-3-101(2)(a)(I)(B) that:

- Delivers emergency services, and
- Provides emergency care 24-hours per day and seven days a week throughout the year, except if located in a rural or frontier area that does not have the demand to support 24-hour service or only operates each year during a specified time period due to seasonal population influx

Firefighter: An officer or member of a fire department or fire protection or fire-fighting agency of the state, or any municipal or quasi-municipal corporation in this state, whether that person is a volunteer or receives compensation for services rendered as such firefighter.

.04 Procedure

Colorado's Safe Haven Law, CRS § 18-6-401(9) provides an affirmative defense in situations where a child is unreasonably placed in a situation that poses a threat of injury to the child's life or health as long as the parent meets the requirements of the statute.

The Colorado Safe Haven Law allows a parent to hand over their newborn child safely, reasonably, and knowingly to an on-duty firefighter, who is at a fire station, or to an on-duty hospital staff member who engages in the admission, care, or treatment of patients at a hospital.

The following criteria must be met to receive protection from criminal prosecution:

- The child must be less than 72-hours old.
- There is no intent to reclaim custody of the child at a later time.

The child must be **personally** left with on-duty firefighter or on-duty hospital personnel who engage in the admission, care, or treatment of patients at a hospital.

If these conditions are not met, officers will initiate a criminal investigation titled Child Abuse, CRS § 18-6-401(1)(a). If there are questions about the newborn's age, officers should consult with medical professionals to assess the child's approximate age and use reasonable judgment to determine which course of reporting should take place.

In situations where a parent surrenders custody/abandons their newborn, hospital staff, and firefighters are required to perform all acts necessary to ensure the child's safety and to contact law enforcement within 24-hours to facilitate officers taking protective custody of the child. Upon arrival, officers will take protective custody of the child, and in doing so, will contact the child abuse hotline (844-CO-4-KIDS) to report the situation to representatives from the Department of Human Services (DHS) and to request they respond to take temporary custody of the newborn. Officers responding to such a situation will initiate an incident, non-criminal report and will maintain custody of the newborn until DHS personnel respond to take custody of the child.

Supervisors with our department's Crimes against Children Unit are available to assist should there be any questions about situations such as this.