



# Colorado Springs Police Department Standard Operating Procedure

## DL-1050-40 Response to Safe Haven Law Situations

### Section 1000 – Patrol Functions

Effective Date: 2/2/2026

Supersedes Date: 11/22/2021

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#### **.01 Purpose**

This directive describes the processes for investigating child abuse situations involving Colorado's Safe Haven Law, C.R.S. § 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 C.R.S. § 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, C.R.S. § 18-6-401(9), provides an affirmative defense **from prosecution** 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 parents to hand over their newborn child safely, reasonably, and knowingly to an on-duty firefighter who is present 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 act is voluntary.
- 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 **an on-duty firefighter or an on-duty hospital personnel member who engages** in the admission, care, or treatment of patients at a hospital.

### **Required Reporting**

Officers responding to such a situation will initiate an incident and non-criminal report.

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

### **Protective Custody Required**

In situations where a parent surrender 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.

Officers will maintain custody of the newborn until DHS personnel arrive to take the child into custody.

### **Referral Required**

Upon arrival, officers will take protective custody of the child, and in doing so, will contact the child abuse hotline to report the situation to the Department of Human Services (DHS) and to request they respond to take temporary custody of the child.

Crimes Against Children Unit supervisors are available to assist with any questions.