**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**

POLICY NUMBER	
OPR: 54	
EFFECTIVE DATE: 07/17/2013	**ORIGINAL ISSUED ON:** 07/17/2013
REVISION NO: ORIGINAL	

SUBJECT: SAFE HAVEN FOR INFANTS

1.0 PURPOSE

The purpose of this policy is to establish guidelines to be taken when someone has chosen to leave an infant child at a Department of Public Safety facility.

2.0 POLICY

It is the policy of the Department of Public Safety (DPS) to ensure that when an infant is left at a Safe Haven Site it is done so within the law, and procedures are followed to take proper care of that child.

3.0 APPLICABILITY

This policy is applicable to all employees of the Department of Public Safety.

4.0 REFERENCES

    A. § 24-22-1.1 to 24-22-8 – Safe Haven for Infants Act, NMSA 1978

    B. Indian Child Welfare Act of 1978

5.0 DEFINITIONS

    A. Commissioned Personnel – Those employees whose job specifications require that they maintain a Law Enforcement Officer certification from the New Mexico Law Enforcement Academy and who are commissioned as peace officers by the New Mexico Department of Public Safety (hereinafter referred to as "officer").

    B. Employee – For purposes of this policy, an employee is considered to be a commissioned officer, non-commissioned personnel, contractor, agent, or volunteer performing services as required and on behalf of the safe haven site.

    C. Indian Child – Any unmarried person who is under age eighteen (18) and is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe (25 U.S.C. § 1903). Under federal law, individual tribes have the right to determine eligibility, membership, or both.

    D. Infant – a child no more than ninety (90) days old, as determined within a reasonable degree of medical certainty.

    E. Law Enforcement Agency – a law enforcement agency of the state or a political subdivision of the state.

    F. Safe Haven Site – a hospital, law enforcement agency, or fire station that has staff on site at the time an infant is left at such a site.

G. **Staff –** an employee, contractor, agent, or volunteer performing services as required and on behalf of the safe haven site.

6.0 PROCEDURE

A. General Guidelines

1. A person may leave an infant with the staff of a safe haven site without being subject to criminal prosecution for abandonment or abuse if the infant was born within ninety (90) days of being left at the safe have site, as determined within a reasonable degree of medical certainty, and if the infant is left in a condition that would not constitute abandonment or abuse of a child pursuant to Section 30-6-1 NMSA 1978.

2. A safe haven site may ask the person leaving the infant for the name of the infant's biological father or biological mother, the infant's name, and the infant's medical history, but the person leaving the infant is not required to provide that information to the safe haven site.

3. The safe haven site is deemed to have received consent for medical services provided to an infant left at a safe haven site in accordance with the provisions of the Safe Haven for Infants Act or in accordance with procedures developed between the Children, Youth, and Families Department (CYFD) and the safe haven site.

4. A safe haven site and its staff are immune from criminal liability and civil liability for accepting an infant in compliance with the provisions of the Safe Haven Infants Act but not for subsequent negligent medical care or treatment of the infant.

B. The role of DPS employees upon receiving an infant

The following applies to all DPS employees. When a commissioned officer arrives, the officer will assume responsibility of the situation.

1. If an infant is left at a DPS facility, a DPS commissioned officer shall be contacted immediately.

2. The staff member will request of the person leaving the infant they remain there until an officer arrives.

3. The employee shall immediately contact and advise their direct supervisor.

4. The employee will immediately take over custody of the infant.

5. Prior to departing, the employee shall attempt to ask the person leaving the infant:

   a. Their name;

   b. The infants' biological father's and mother's names;

   c. The location of the parents, if they are not the parents;

   d. The address of the parents;

   e. The name of the child;

   f. The medical history of the infant; and

    g. If the child, or they, require medical attention, and for what do they require medical attention.

6. The employee shall request medical attention for the infant or person leaving the infant, if needed, or requested.

7. The employee shall provide the person leaving the child:

    a. Written information concerning public and private adoption services;

    b. Brochures or telephone numbers for agencies that provide adoption services or counseling services; and

    c. Written information regarding whom to contact at the CYFD if the parent decides to seek reunification with the infant.

8. The employee shall ask the person leaving the infant whether the infant has a parent who is either a member of an Indian tribe or is eligible for membership in an Indian tribe, but the person is not required to provide that information.

9. The employee shall contact CYFD, Statewide Central Intake, at 855-333-SAFE (7233) or #SAFE from a cell phone, immediately upon taking custody of an infant.

10. When contacting CYFD, the reporting person shall provide all available information regarding the child and the parents, including:

    a. The identity of the child and parents;

    b. The location of the parents; and

    c. The child's medical history.

C. If, when leaving the infant, the person responsible for the infant might be subject to prosecution for abandonment or abuse, the officer responding shall follow up appropriately.

7.0 ATTACHMENTS

NONE

8.0 APPROVAL

APPROVED BY:_____s/ Gorden E. Eden Jr._____DATE:__07/17/2013_____
                  DPS Cabinet Secretary