

Waltham Police Department

CHAPTER 50

SAFE HAVEN

Effective date: 02/2014, 05/2017, 03/2024, 10/2024
Accreditation Standard #: 41.2.6

POLICY:

Nationwide statistics have revealed that newborns aged 7 days or less are in the greatest risk class of being abandoned by “desperate” parents and subjected to serious injuries including death.

MASS GENERAL LAW CHAPTER 119, SECTION 39½:

Provides parents of newborns the ability to voluntarily place their infants [7 days of age or less] at a designated facility such as a police station without fear of prosecution for abandonment.

DEFINITIONS:

DESIGNATED FACILITY: A hospital, police department or manned fire station.

NEWBORN INFANT: Any infant seven days or less.

PARENT: The mother or father, unless a specified parent as defined under MGL Ch.118 § 1, which includes, in addition to the father and mother of the dependent child, the following: stepfather, stepmother, stepbrother, stepsister; any blood relative, including those of the half blood, except cousins who are more distantly related than first cousins; adoptive relative of equal propinquity to the foregoing; and spouses of any such persons.

VOLUNTARY ABANDONMENT: The voluntary placement with a designated facility of any newborn infant by a parent of said newborn infant.

PROCEDURES:

1. DEPARTMENT OF CHILDREN AND FAMILIES (DCF):

DCF shall accept for placement into foster care any newborn infant **7 days of age or less** that is voluntarily placed with a hospital, police department or manned fire station, hereinafter "*designated facility*" by a parent of said newborn infant.

Such a voluntary placement under this section shall not constitute, in and of itself, an automatic termination of parental rights or an abrogation of the parental rights or responsibilities but shall, for purposes of authorizing the DCF to initiate a

petition to terminate parental rights under chapter 210, be presumed to be an abandonment of the newborn infant that has been so placed. See MGL Ch. 119 §39.

2. VOLUNTARY ABANDONMENT:

Voluntary abandonment of a newborn infant 7 days of age or younger to an appropriate person at a hospital, police department or manned fire station shall not by itself constitute either a finding of abuse or neglect or a violation of any criminal statute for child abuse or neglect or for abandonment. See MGL Ch. 119 §39.

3. ABUSE/NEGLECT:

If child abuse or neglect, that is not based solely on the newborn infant having been left in the hospital, police department or manned fire station is suspected, hospital, POLICE or fire department personnel who are mandated reporters under section 51A shall report the abuse or neglect. See MGL Ch. 119 §39½; 51A Report.

4. GREATER THAN 7 DAYS:

If an infant or child is reasonably believed to be greater than 7 days old the same procedures shall apply, however, the exemption from prosecution for abandonment provided in MGL Ch. 119 §39½ shall not be available and the parent shall be required to provide the information outlined below. In addition, the procedures set forth in MGL Ch. 119, 51A shall apply.

5. POLICE DEPARTMENT PROCEDURE:

- a. Accept custody of the infant.
- b. Make a preliminary assessment of the infant, noting any indications of abuse or neglect.
- c. Make every effort to solicit the following information from the parent placing the infant:
 1. The name of the infant.
 2. The name and home address of the parent.
 3. The location of the infant's birth.
 4. Information relative to the infant's medical history and their biological family's medical history, if available.

5. Any other information that might reasonably assist DCF or the court in current or future determinations of the best interests of the child, including whether the parent or guardian plans on returning to seek future custody of the child.

All of the above should be noted in the police report.

- d. While the person receiving the infant shall encourage the parent to provide the information, the parent is not required to provide it.
 1. Request that the parent remain at the station until EMS and DCF arrive.
 2. Request rescue to the station for a medical assessment of the infant and, if they are available, the mother. Rescue will transport the infant to the Newton Wellesley Hospital.
 3. Contact DCF via the child at risk hotline as soon as possible to advise of the placement of the infant; upon such notice, DCF is required to take immediate custody of the infant.
 4. Attempt to determine if any incident of child abuse or neglect, not based solely on the voluntary abandonment, has been committed. File an incident report and a 51A.

6. FIRE DEPARTMENT PROCEDURES:

In the event that a newborn infant is voluntarily abandoned at a fire department within the city, the following procedures will be followed:

- a. The fire department may contact the Waltham Police Department for assistance in investigating the circumstances of a voluntary abandonment.
- b. When such assistance is requested, an officer will be assigned to assist the fire department in investigating the circumstances of the voluntary abandonment.
- c. The fire department will evaluate the infant, contact DCF and transport them to the Newton Wellesley Hospital.
- d. The investigating officer shall file an incident report and a 51A report.