

Safe Haven Act MGL CH 119

Supersedes:

Effective: 10-29-04

The “Safe Haven Act of Massachusetts”, allows a parent or guardian to legally abandon newborn infants 7 days old or younger at a hospital, police station, or manned fire station. The law became effective on October 29, 2004. The Safe Haven Act is an amendment to Chapter 119 of the General Laws, section 39.5

The statute allows the parent(s) of a newborn to be brought to a Police or Fire Station or a hospital and left in the custody a Police Officer, Firefighter or hospital staff **without question**. The City of Boston in complying with this new statute has crafted an MOU that spells out how the City’s public safety agencies will respond in the event of such an occurrence. The City has recognized that EMS has a major role in an incident such as this and believes that the statute should be amended to allow an infant to also be dropped at an EMS facility. However, at this time, as written EMS facilities are not mentioned as a potential drop off location. That said, it is quite likely that a member of the public would believe it safe to abandon an infant at an EMS facility without question.

If a parent decides to take advantage of this new law, several steps will occur. A BPD or BFD uniformed member would take custody of the infant. They in turn will notify EMS and we will dispatch to the disclosed location. The Officer or Firefighter will be required to try to collect information as outlined in the law using a form that will be supplied by DSS and he/she will notify DSS by calling the DSS Area Office or, after 5:00pm, on weekends, and holidays, the Child at Risk Hotline (800-792-5200). They must follow up in writing by filing a **51A form marked “Safe Havens” with DSS as is required**.

Boston EMS will respond to a Police or Fire station where an infant is left under the Safe Havens Law, evaluate, provide any necessary medical intervention and shall transport the infant to an appropriate hospital emergency room per protocol and point of entry. EMS Personnel will notify the receiving facility through C-MED of their impending arrival and nature of the incident. Information obtained by BPD or BFD personnel with respect to the infant’s history should be gathered when possible and shall be kept in strictest confidence and given only to appropriate ER staff and DSS staff.

If there is suspected abuse or neglect, personnel will file a 51A report as mandated with DSS. An abandoned infant with no suspicion of neglect or abuse shall not warrant a 51A report, as this new law allows this exception. As stated above there will be a separate 51A form marked “Safe Havens” that must be filed at this time by BPD or BFD.

Sharing of information among the 3 agencies with respect to an abandoned infant should occur to facilitate the best possible care and outcome for the infant. If relatives or others inquire with any department about custody of a newborn left under the Safe Havens Law or any other child they should be referred to the DSS Area Office.

No personnel involved in a given incident will engage in any inquiry/conversation with members of the media. Additional information and directives will follow as they become available.

Please keep in mind that the catalyst for this new law is to help prohibit a newborn from being left abandoned in an area/place where he/she may succumb to the elements and lack of medical attention. If you are confronted with an occurrence of this nature do not pressure the parent(s) to the point of them leaving and taking the infant, only to be abandoned elsewhere. If the parents co-operate garner as much information as possible. The law allows the parent(s) to do this and personal bias/beliefs must not intercede.