

CHAPTER 133K

NEW JERSEY SAFE HAVEN INFANT PROTECTION ACT PROCEDURES AND REQUIREMENTS

Authority

N.J.S.A. 30:4C-15.1, 15.5 et seq. and 30:4C-4(h).

Source and Effective Date

R.2002 d.72, effective March 4, 2002.
See: 33 N.J.R. 647(a), 34 N.J.R. 1016(a).

Chapter Expiration Date

Chapter 133K, New Jersey Safe Haven Infant Protection Act Procedures and Requirements, expires on March 4, 2007.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. PROCEDURES AND REQUIREMENTS

- 10:133K-1.1 Purpose
- 10:133K-1.2 Scope
- 10:133K-1.3 Definitions
- 10:133K-1.4 Hotline established by Department of Human Services, operated by Division of Youth and Family Services
- 10:133K-1.5 Leaving an infant at a police station or hospital emergency department considered an affirmative defense to prosecution for abandonment, unless the infant was abused or neglected
- 10:133K-1.6 Anonymity of the parent or person acting on behalf of the parent permitted, provision of information strictly voluntary
- 10:133K-1.7 Actions taken by police pursuant to the Act when infant brought to the police station
- 10:133K-1.8 Actions taken by hospital staff when infant brought to the hospital by the police pursuant to the Act
- 10:133K-1.9 Actions taken by hospital staff when safe haven infant brought directly to the hospital
- 10:133K-1.10 Police officers and hospital staff gather information, record in police incident report and infant's medical chart
- 10:133K-1.11 Action taken by the Division upon receipt of a report of a safe haven infant
- 10:133K-1.12 Division not required to search for or identify parents or reunify birth family
- 10:133K-1.13 Actions taken when identification of safe haven infant's parent or family is determined
- 10:133K-1.14 Police officers and hospital staff acting in good faith immune from liability

SUBCHAPTER 1. PROCEDURES AND REQUIREMENTS

10:133K-1.1 Purpose

The purpose of this chapter is to provide instruction and guidance for the implementation of the New Jersey Safe Haven Infant Protection Act, P.L. 2000, c.58. These rules ensure that a parent or parents who want to permanently give up parental rights to an infant will have a safe place to

leave the live infant, rather than abandoning the infant in a life-threatening situation where the infant could be harmed or die. These rules permit the parent to remain anonymous and provide the parent with an affirmative defense against prosecution for abandonment under specified circumstances.

10:133K-1.2 Scope

The provisions of this chapter shall apply to each safe haven infant, a parent who wishes to permanently give up parental rights to his or her infant, a person acting on behalf of the parent, police officers and hospital staff who have before them an infant who may be a safe haven infant, and employees of the Department of Human Services and the Division of Youth and Family Services.

10:133K-1.3 Definitions

The words and terms used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Act” means the New Jersey Safe Haven Infant Protection Act, P.L. 2000, c.58, amending N.J.S.A. 30:4C-15.1 et seq.

“Adoption Resource Center” or “ARC” means a field office of the Division of Youth and Family Services established to serve children for whom adoption is the permanent plan.

“Hospital” means a licensed general hospital or a medical center operating in the State of New Jersey under applicable State law.

“Infant” means a live child who is or appears to be no more than 30 days old.

“Non-identifying information” means information about an infant which is not intended to identify his or her parents or birth family.

“Parent” means an infant’s mother or father.

“Police station” means a manned State, county or municipal police station, State trooper barracks, campus police headquarters, housing police, or community policing substations operating within the State of New Jersey.

“Safe haven infant” means a live infant who is or appears to be no more than 30 days old, who was voluntarily given to an officer at a police station or an employee of a hospital emergency department by a parent wanting to permanently give up rights to the infant or a person acting on behalf of the parent, pursuant to the intent of the Act.

“Safe Haven for Infants Hotline” means the toll-free 24-hour hotline, established by the Department of Human Services pursuant to the Act at N.J.S.A. 30:4C-15.9, housed

within and operated by the Division of Youth and Family Services.

10:133K-1.4 Hotline established by Department of Human Services, operated by Division of Youth and Family Services

(a) The Department of Human Services shall establish and maintain a 24-hour, toll-free hotline pursuant to N.J.S.A. 30:4C-15.9.

(b) The hotline shall be known as the Safe Haven for Infants Hotline, and can be reached by dialing 1-877-839-2339.

(c) The hotline shall serve the following purposes:

1. To provide information, support and guidance to persons who may be considering giving up or abandoning a newborn or an unborn child;

2. To receive and process a referral from a hospital emergency department, when a live infant is brought there from a police station, or when a live infant is brought directly to the hospital emergency department by a parent or person acting on behalf of the parent pursuant to the Act:

i. Upon receipt of a referral from a hospital emergency department, a hotline representative shall write an incident report and shall forward information by telephone and in writing immediately to the appropriate Adoption Resource Center;

ii. The Division's response shall be handled by an emergency response worker of the Division, if the referral comes to the attention of the hotline after business hours, on a weekend or during a State holiday;

3. To provide education and information to the public to:

i. Promote safe placement alternatives for newborn infants;

ii. Explain procedures established by the Act, including the confidentiality offered to parents pursuant to N.J.S.A. 30:4C-15.7g, and that the Act provides for an affirmative defense to prosecution for abandonment pursuant to N.J.S.A. 30:4C-15.7e;

iii. Explain adoption procedures applicable under New Jersey State law; and

iv. Refer adoption inquiries to the appropriate office or agency in the Department of Human Services; and

4. To monitor the handling of safe haven infant inquiries and referrals.

10:133K-1.5 Leaving an infant at a police station or hospital emergency department considered an affirmative defense to prosecution for abandonment, unless the infant was abused or neglected

(a) Pursuant to N.J.S.A. 30:4C-15.7e, it shall be an affirmative defense to a charge of infant abandonment if a parent, or a person acting on behalf of the parent, voluntarily brought a live infant to, and left the infant with, an officer at a police station or an employee of a hospital emergency department, without expressing an intent to return for the infant.

(b) Nothing in this section shall be construed to create a defense to any prosecution arising from an act of abuse or neglect committed against the infant before he or she was brought to and left at a police station or hospital emergency department.

(c) Nothing in this section shall preclude the Division of Youth and Family Services or the police from conducting a child abuse or neglect investigation, if the Division or the police have reason to believe that the infant was abused or neglected.

(d) Nothing in this section shall be construed to create a defense to prosecution arising from any conduct other than the act of bringing a live infant to, and leaving the infant with, an officer at a police station or an employee of a hospital emergency department. A person who abandons an infant or an older child under circumstances not governed by this Act shall not have an affirmative defense against prosecution under the Act.

10:133K-1.6 Anonymity of the parent or person acting on behalf of the parent permitted, provision of information strictly voluntary

(a) A parent or person who brings an infant to, and leaves the infant at, a police station or hospital emergency department pursuant to N.J.S.A. 30:4C-15.7 shall not be required to disclose his or her name or the name of the parent, provide any identifying or non-identifying information about the infant or birth family, or provide any background or medical information about the infant or birth family.

(b) A parent or person who brings an infant to, and leaves the infant at, a police station or hospital emergency department pursuant to N.J.S.A. 30:4C-15.7 may voluntarily disclose identifying or non-identifying information to assist in planning for the infant's care and treatment pursuant to N.J.S.A. 30:4C-15.7g.

(c) A parent or person who brings an infant to, and leaves the infant at, a police station or hospital emergency department pursuant to N.J.S.A. 30:4C-15.7 shall be provided with the Safe Haven for Infants Hotline telephone number in case he or she wants to provide additional information about the infant at a later date or has any questions regarding the status of the infant.