

CHAPTER 133K

NEW JERSEY SAFE HAVEN INFANT PROTECTION ACT PROCEDURES AND REQUIREMENTS

Authority

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

Source and Effective Date

R.2007 d.287, effective August 10, 2007.
See: 39 N.J.R. 1224(a), 39 N.J.R. 3742(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 133K, New Jersey Safe Haven Infant Protection Act Procedures and Requirements, expires on August 10, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 133K, New Jersey Safe Haven Infant Protection Act Procedures and Requirements, was adopted as R.2002 d.72, effective March 4, 2002. See: 33 N.J.R. 647(a), 34 N.J.R. 1016(a).

Chapter 133K, New Jersey Safe Haven Infant Protection Act Procedures and Requirements, was readopted as R.2007 d.287, effective August 10, 2007. See: Source and Effective Date. See, also, section annotations.

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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, N.J.S.A. 30:4C-15.6 et seq. 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.

Amended by R.2007 d.287, effective September 4, 2007.
See: 39 N.J.R. 1224(a), 39 N.J.R. 3742(a).

Substituted “N.J.S.A. 30:4C-15.6 et seq.” for “P.L. 2000, c.58.”.

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 Children and Families and the Division of Youth and Family Services.

Amended by R.2007 d.287, effective September 4, 2007.
See: 39 N.J.R. 1224(a), 39 N.J.R. 3742(a).

Substituted “Children and Families” for “Human Services”.

10:133K-1.3 Definitions

(a) The definitions in N.J.A.C. 10:133-1.3, Definitions, are hereby incorporated into this chapter by reference. A definition in (b) below applies to this chapter if any word or term is defined in both (b) below and N.J.A.C. 10:133-1.3.

(b) 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.

“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.

Amended by R.2007 d.287, effective September 4, 2007.

See: 39 N.J.R. 1224(a), 39 N.J.R. 3742(a).

Added (a) and inserted designation (b); in (b), deleted definitions "Adoption Resource Center", "Hospital" and "Police Station"; in definition "Safe Haven for Infants Hotline", substituted "and operated in the State Central Registry of" for "by" and "Children and Families" for "Human Services", and deleted ", housed within and operated by the Division of Youth and Family Services".

Amended by R.2010 d.108, effective June 21, 2010.

See: 42 N.J.R. 120(a), 42 N.J.R. 1204(a).

In (b), deleted definitions "Infant", "Safe Haven infant" and "Safe Haven for Infants Hotline".

10:133K-1.4 Role of the State Central Registry for safe haven infants cases

(a) The State Central Registry maintains the 24-hour, toll-free hotline for accepting calls related to safe haven for infants 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 related to the Safe Haven Infant Protection Act:

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 call 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 other person acting on behalf of the parent pursuant to the Act. Upon receipt of the call from a hospital emergency department, a hotline representative shall document the incident in writing;

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 Children and Families; and

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

Amended by R.2007 d.287, effective September 4, 2007.

See: 39 N.J.R. 1224(a), 39 N.J.R. 3742(a).

Section was "Hotline established by Department of Human Services, operated by Division of Youth and Family Services". In (a), substituted "State Central Registry maintains the" for "Department of Human Services shall establish and maintain a" and inserted "for accepting calls related to safe haven for infants"; in the introductory paragraph of (c), inserted "related to the Safe Haven Infant Protection Act"; rewrote (c)2; in (c)3iv, substituted "Children and Families" for "Human Services"; and in (c)4, substituted "calls" for "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 brings a live infant, to, and leaves 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 protection 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.

Amended by R.2007 d.287, effective September 4, 2007.

See: 39 N.J.R. 1224(a), 39 N.J.R. 3742(a).

In (a), substituted "brings" for "brought" and "leaves" for "left"; in (c), substituted "protection" for "abuse and neglect".