

ELIZABETH POLICE DEPARTMENT GENERAL ORDERS



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SUBJECT: SAFE HAVEN INFANT PROTECTION

EFFECTIVE DATE:

October 6, 2020

ACCREDITATION STANDARDS:

4.5.7

BY THE ORDER OF:

Chief Giacomo Sacca

BY AUTHORITY OF:

Police Director Earl J. Graves

SUPERSEDES ORDER #:

PURPOSE The purpose of this general order is to maintain compliance with the *New Jersey Safe Haven Infant Protection Act*, N.J.S.A. 30: 4C-15, et seq.

POLICY It is the policy of the Elizabeth Police Department to adhere to the tenets of the *New Jersey Safe Haven Infant Protection Act*. The intent of this law is to save infant lives by decriminalizing abandonment, under certain narrow circumstances, and place it outside the realm of child abuse and child neglect. The first priority in receiving an infant under this act shall be to ensure the safety and wellbeing of the infant.

PROCEDURES

I. DEFINITIONS

- A. The Act means the *New Jersey Safe Haven Infant Protection Act*, NJSA 30: 4C-15 et seq.
- B. DCF means the [New Jersey Department of Children & Families](#).
- C. Hospital means a licensed general hospital or medical center operating within the State of New Jersey under applicable state law.
- D. Infant means a child no more than 30 days old or who appears to be no more than 30 days old. This definition should be interpreted generously. There are no guidelines to determine the exact age of an infant. Use common sense to arrive at a preliminary conclusion concerning the infant's age. Police officers and hospital staff workers, who act in good faith in the application of the Act, shall be immune from criminal and civil liability.
- E. Non-Identifying Information means information about an infant that is not intended to identify the parents or birth family.
- F. Parent means an infant's birth mother or birth father.
- G. Police station means the Elizabeth Police Department and a state, county or municipal police agency operating within the State of New Jersey, including substations.
- H. Safe Haven for Infants Hotline means the toll-free, 24-hour hotline established by the Department of Human Services pursuant to the Act and staffed by specially trained Department of Children and Families (DCF) employees **1-877-839-2339**. The Safe Haven for Infants Hotline serves the following purposes:
 - 1. To receive and process referrals from a hospital emergency room when an infant is brought there from a police department, or brought directly to the hospital pursuant to the Act;
 - 2. To provide support to persons who may be considering giving up, or abandoning a newborn infant or a child not yet born;
 - 3. To respond to inquiries from the public about the Act, safe placement alternatives for infants, and information about adoption proceedings in New Jersey.

II. GENERAL

- A. The Act provides procedures that are similar to the way in which foundlings have been historically handled in this state, except that the timeframe for adoption proceedings regarding these children has been substantially accelerated and the act of leaving a child has been decriminalized, provided that the child has not been abused or neglected before being left at a police station or hospital emergency room.

- B. Although the Act specifies that the child must be brought to a police station or hospital emergency room, parent(s) may bring the child to someone else, such as another family member or clergy member, who may then bring the child to a police department or hospital emergency room for protection under the Act.
 - 1. Note: N.J.S.A. 30: 4C-15 et seq., also permits a person to bring an infant to a fire station of a municipal, county, fire district, or volunteer fire department that is staffed 24 hours a day, seven days a week, and does not express an intent to return for the child; and
 - 2. Further note: N.J.S.A. 30: 4C-15 et seq., also permits a person to bring an infant to a public or private ambulance, first aid, or rescue squad that is staffed 24 hours a day, seven days a week.
- C. The Act provides that police officers and hospital staff members who act in good faith in the application of the Act shall be immune from criminal and civil liability.
- D. The Act permits parent(s) who want to permanently give up rights to an infant, or a person acting on parent(s)' behalf, to voluntarily deliver and subsequently leave an infant at a police station or a hospital emergency room.
- E. The 24-hour toll free Safe Haven for Infants Hotline number may be provided to the public to satisfy any inquiry about the Act. It can also serve as a basic investigative or support resource tool.
- F. This department is not required to conduct an independent missing/unidentified person investigation of an infant being surrendered in compliance with the Act, but shall assist the State Police Missing and Exploited Persons Unit or the Union County Prosecutor's Office upon request.
- G. On the next business day following the surrender of an infant, the detective assigned the case shall notify the Union County Prosecutor's Office of the incident.
- H. All press or other media inquiries pertaining to the handling of the Safe Haven infant shall be directed to the [Department of Children & Families, Office of State Haven Infant Protection](#) at (609) 292-0422.

III. INFANT INTAKE

- A. Upon any person(s) appearing at this department to surrender an infant:
 - 1. Under no circumstances shall the person with an infant be turned away or directed to take the child to another agency or a hospital.
 - 2. The receiving officer shall take physical custody of the infant, immediately notify the desk lieutenant, and take the appropriate steps to protect the infant's physical health and safety. These steps include, but are not limited to:
 - a. Make a visual assessment of the infant for readily apparent signs of abuse or neglect. There is no obligation to remove the clothing of an otherwise apparently healthy infant to make the assessment;

- b. Contact EMS to check on the health of the infant;
3. If signs of abuse or neglect are observed, the person delivering the infant shall be detained. Immediately contact a detective, who will contact the Union County Prosecutor's Office, and the [New Jersey Department of Children & Families](#) (1-877-652-2873).
4. Determine if any infant had been reported missing within the City of Elizabeth within the preceding 30 days.
5. Offer the parent(s) or person acting on behalf of the parent(s) literature provided by the Department of Children and Families.
6. Offer the parent(s) or person acting on behalf of the parent(s) medical services or inquire if they need medical care.
7. Contact EMS to transport the infant to a hospital emergency room. If EMS is unavailable, police personnel shall provide the transport. An approved car seat should be used, if available.
8. Ask the person who delivered the infant to the department the following questions and record the answers:
 - a. Whether that person is the parent of the infant; and
 - b. Whether the infant is no more than 30 days old; and
 - c. Whether the infant is being delivered voluntarily; and
 - d. Whether the parent intends to return for the infant.
9. Proof of identification is not required if the circumstances fall within the parameters of the Act. The Act does not apply in the following circumstances:
 - a. If the person delivering the infant is not the parent and indicates that the parent did not voluntarily arrange for that person to leave the infant at the police station; or
 - b. If the parent indicates that their actions are not voluntary (coerced); or
 - c. If the infant is more than 30 days old; or
 - d. If the parent or person delivering the infant expresses an intent to return for the infant; or
 - e. If signs of abuse or neglect are present. In this case, the incident will become a criminal investigation. The field supervisor or shift commander shall initiate the investigation.

10. If it appears that the Act does apply and, **if offered**, record basic, non-identifying information from the parent(s) or person who brought the infant here. Record this information as it is being given. *(Note: A parent or person who is delivering an infant is **not** required to disclose any information and cannot be compelled to disclose this information. They will most likely be nervous, anxious or distrusting. Be concerned and supportive. **Do not** be judgmental. Remember that the safety of the infant is the paramount concern.)* Although officers cannot compel the person to provide information, some information may be useful to the hospital or to DCF. This information can include but, is not limited to:
 - a. The infant's present health. Has the infant been sick since birth? Does the infant appear to have any handicap(s), physical or developmental problems?
 - b. The infant's race;
 - c. The composition of the infant's birth family;
 - d. The age of the parent(s);
 - e. Does the infant have a name?
 - f. The infant's date and place of birth, city/state/country (This particular piece of information may be invaluable in determining the infant's age);
 - g. The infant's pre-natal history. Did the birth mother receive medical care while pregnant? Did she deliver in a hospital or birthing center? Was the infant full-term? What was the infant's birth weight?
 - h. The physical and medical health history of each parent. Any hospitalizations?
 - i. Whether either parents has any serious medical problems?
 - j. Did the birth mother take/use drugs and/or abuse alcohol while pregnant?
 - k. Why is the infant being given up?
 - l. Is the father aware of the birth of the infant? Is the extended family aware of the birth?
11. If the Act applies, the person delivering the infant shall be permitted to leave and shall not be detained while awaiting medical clearance regarding the condition of the infant. The person delivering the infant shall not be required to accompany the infant to the hospital.

12. Provide known details to the hospital emergency room staff about the infant. Deliver any non-identifying information to the hospital staff that had been obtained from the parent(s) or person who delivered the infant. This information will be documented on the infant's medical chart.
13. The desk lieutenant or assigned detective shall ensure that the Safe Haven for Infants Hotline, the Union County Prosecutor's Office, and the New Jersey State Police Missing and Exploited Persons Unit are contacted and informed that an infant had been surrendered and is en route to a hospital.
14. Ensure that a case number is generated and an incident report is submitted documenting the details of the incident. Provide a copy of the incident report to the [New Jersey Department of Children & Families](#), upon request.
15. Provide reasonable assistance to the [New Jersey Department of Children & Families](#) upon request. This may include accessing computerized databases to determine if the infant had been reported missing.