

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 4: Assessment	Effective Date: February 1, 2012
	Section 34: Safe Haven	Version: 2

POLICY

The Indiana Department of Child Services (DCS) will assume the care, control, and custody of the child¹ immediately after receiving notice that the parent:

1. Has knowingly or intentionally left the child with an emergency medical services provider; and
2. Did not express an intent to return for the child.

Note: The Safe Haven Law allows the parent to surrender their newborn child to an emergency medical services provider. The emergency medical services provider will, without a court order:

1. Take custody of a child from any person who voluntarily leaves their child with them;
2. Perform any act necessary to protect the child's physical health or safety; and
3. Notify DCS that the provider has taken custody of the child.

The parent's identity is protected, and he or she will not be prosecuted for abandonment or neglect if he or she acts within 45 days of the birth, and the child is not harmed. The emergency medical service provider is not obligated to disclose the parent's name or their name.

DCS will contact the Indiana Clearinghouse for information on missing children to determine if the child has been reported missing, not later than 48 hours after taking custody of the child.

DCS will file a petition alleging that the child is a Child in Need of Services (CHINS), and hold an Initial Hearing not later than the next business day after the child is taken into custody.

Code References

1. [IC 31-34-2.5: Emergency custody of certain abandoned children](#)
2. [IC 10-13-5: Indiana Clearinghouse for Information on Missing Children](#)

PROCEDURE

The Family Case Manager (FCM) will:

1. Submit an [Intake Officer's Report of Preliminary Inquiry \(PI\) and Investigation \(PI-R1 070108\)](#) and a Probable Cause Affidavit;
2. Arrange for emergency placement of the child (See Related Information for Emergency Placement of Abandoned Infants);
3. Attend the scheduled hearing;

¹ Who is, or who appears to be, not more than 45 days old.

4. Convene a committee to determine the appropriate placement and permanency plan that will consist of the following members:
 - a. Court Appointed Special Advocate (CASA) or Guardian Ad Litem (GAL),
 - b. DCS Local Office Director or designee,
 - c. Regional Manager,
 - d. Supervisor,
 - e. Special Needs Adoption Program (SNAP) worker (if appropriate),
 - f. DCS Local Office FCM, and
 - g. Licensing FCM.

5. Contact the Indiana Clearinghouse within 48 hours.

The Supervisor will:

1. Review within 30 minutes of the conclusion of the initial call from the intake worker;
2. Assist the FCM, whenever necessary, to complete the required CHINS documents; and
3. Ensure the FCM or designated staff contacts the Indiana Clearinghouse within 48 hours.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Service Request Intake Report \(SF 49548/CW0310SR\)](#) – Available in the Indiana Child Welfare information System
2. [Intake Officer's Report of Preliminary Inquiry \(PI\) and Investigation \(PI-R1 070108\)](#) – Available in the Indiana Child Welfare Information System

RELATED INFORMATION

Emergency Medical Services Provider

Can consist of:

1. Fire-fighter;
2. Law-enforcement officer;
3. Paramedic;
4. Emergency medical technician;
5. Physician;
6. Nurse; or
7. Other person who provides emergency medical services in the course of their employment.

Taking Custody of a Child Without Court Order

A child for whom DCS assumes care, control, and custody, and will be treated as a child taken into custody without a court order, except that efforts to locate the child's parents or reunify the child's family are not necessary.

Duties of Attorney for DCS

Whenever a child is taken into custody without a court order, the DCS Local Office Attorney will, without unnecessary delay, request the juvenile court to:

1. Authorize the filing of a petition alleging that the child is a CHINS;
2. Hold an Initial Hearing under [IC 31-34-10](#) not later than the next business day after the child is taken into custody; and
3. Appoint a GAL or a CASA for the child.

Difference between an Abandoned Infant and Safe Haven

Abandoned Infant

A child who is less than 12 months of age and whose parent, guardian, or custodian has knowingly or intentionally left a child in:

1. An environment that endangers the child's life or health; or
2. A hospital or medical facility; and has no reasonable plan to assume the care, custody, and control of the child.

Safe Haven

A child who is, or appears to be, not more than 45 days of age and whose parent:

1. Has knowingly or intentionally left the child with an emergency medical services provider; and
2. Did not express an intent to return for the child.

Example: The mother was admitted to the hospital, decides to depart the hospital, and leave her child behind. If there was no harm to the child, then the mother will still be protected by the Safe Haven law.

Emergency Placement of Abandoned Infants

The DCS Local Office FCM who needs to place an abandoned infant in substitute care will initially place the child in emergency shelter care when the team cannot convene prior to the child's need for substitute care.

Note: This placement should be emergency shelter care only and should not be considered a long-term placement for the child.

In order to determine the final recommendation of placement for the child, the DCS Local Office FCM will convene a multi-disciplinary team comprised of the following team members:

1. CASA or GAL;
2. DCS Local Office Director or designee;
3. Regional Manager;
4. Supervisor;
5. SNAP worker (if appropriate); and
6. Licensing FCM.

The team will make a recommendation for placement, documenting the best interests of the child and the reasoning used in determining the most appropriate placement for the child. This recommendation and report on the interests served with this decision shall first be submitted to the DCS Director, then to the juvenile court for review.