

NUMBER

#18-68-10C

DATE

March 11, 2019

OF INTEREST TO

County and Tribal Directors
Social Services Supervisors and
Staff
Hospitals
Urgent Care Clients
Ambulance Service Providers
County Attorneys
Tribal Attorneys

ACTION/DUE DATE

Read information and use when
responding to cases that fall
under the Give Life a Chance;
Safe Place for Newborns law.

EXPIRATION DATE

March 11, 2021

Give Life a Chance; Safe Place for Newborns Law

TOPIC

Give Life a Chance; Safe Place for Newborns law.

PURPOSE

Provide guidance to county social service agencies on the Give Life a Chance; Safe Place for Newborns law.

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SIGNED

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Children and Families Administration

TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Overview of Give Life a Chance; Safe Place for Newborns law

The Give Life a Chance; Safe Place for Newborns law (Safe Place law) was established to provide a mechanism for a mother to voluntarily and anonymously leave her newborn with a “safe place” without fear of prosecution for abandonment.

[Minnesota Statutes, section 609.3785; Minnesota Statutes, section 145.902; Minnesota Statutes, section 260C.139]

Newborns left at a safe place must:

- Have been born within seven days, as determined within a reasonable degree of medical certainty
- Present unharmed at the time received by medical personnel
- Be left by the mother or a person with the mother’s permission.

The law defines a safe place as:

- A hospital licensed under Minnesota Statutes, sections 144.50 to 144.56
- A health care clinic that provides urgent care medical services
- An ambulance service dispatched in response to a 9-1-1 telephone call from a mother, or a person with the mother’s permission, to relinquish a newborn.

II. Situations covered by the Safe Place law

The law requires a newborn be received by an employee on the premises of a safe place during its hours of operation. If a newborn is being relinquished to a health care clinic that provides urgent care medical services, the provider must dial 9-1-1, inform the dispatcher of the Safe Place relinquishment, and request the dispatcher send an ambulance or take other appropriate action to transport the newborn to a hospital. If a newborn is being relinquished to ambulance service staff through a 9-1-1 call by a mother (or person with the mother’s permission), ambulance service staff must transport the newborn to a hospital for care.

[Minnesota Statutes, section 145.902, subdivision 1]

When a person is leaving a newborn under the Safe Place law, the safe place provider receiving the newborn must not inquire as to the identity of the mother or of a person leaving a newborn, or call the police, provided the newborn is unharmed when presented to a safe place provider. A safe place provider may ask the person leaving a newborn about the medical history of the mother or newborn, but they are not required to provide information. The safe place provider may give a person leaving a newborn information about how to contact relevant social service agencies.

[Minnesota Statutes, section 145.902, subdivision 1(c)]

Within 24 hours of receiving a newborn, hospital staff must inform the responsible social service agency that a newborn has been surrendered under the Safe Place law, but must not do so until the person leaving the

newborn leaves the premises. Hospitals must provide necessary care to newborns pending assumption of legal responsibility by the local social service agency.

[Minnesota Statutes, section 145.902, subdivision 2]

Mandated reporters at a safe place provider are immune from criminal or civil liability that otherwise might result from failure to make a report under Minnesota Statutes, section 626.556, if a person is acting in good faith in complying with the Safe Place law.

[Minnesota Statutes, section 145.902, subdivision 3]

A. Situations not covered by the Safe Place law

The Safe Place law does not apply to situations where a mother admits herself into a hospital for the birth and provides identifying information, even if she states that she wants to utilize provisions of the Safe Place law. An infant born in a hospital has an identity; documents regarding a birth are filed with the vital records department to issue a birth certificate.

In this situation, if it does not appear there are child protection concerns, a mother may be referred to a licensed private adoption agency or, if an infant is an Indian child, the child's tribe, to place the child in an adoptive home. A licensed private adoption agency and the mother may enter into an agreement conferring authority to an agency to place their child for adoption under Minnesota Statutes, section 259.25. The mother may also file an affidavit with the agency under Minnesota Statutes, section 259.83, subdivision 3, objecting to the release of her information to her child when her child is an adult.

If a mother abandons her newborn at the hospital, and the Safe Place law does not apply, hospital staff should make a child protection report to the local social services agency.

III. Local child welfare agency response

Minnesota Statutes, section 260C.139, permits responsible social service agencies to plan for the immediate safety and adoption of newborns surrendered to a safe place. The responsible social service agency should verify information received by the safe place regarding the circumstances surrounding a newborn left at a safe place. If circumstances fall within the provisions of the Safe Place law, the newborn is considered an abandoned child under Minnesota Statutes, section 260C.007, subdivision 6 (1), and section 260C.301, subdivision 1 (b)(1). The responsible social service agency has legal responsibility for placement of the newborn in foster care for 72 hours, during which time the agency must file a petition under Minnesota Statutes, section 260C.141, asking the court to order continued placement of the child in foster care, with care, custody, and control of the child ordered to the agency.

If neither the agency nor hospital has information about the identity of a child, their mother or father, a newborn may be placed immediately for adoption, without attempting to locate the parents or other relatives. If an agency receives identifying information about a child, their mother or father, the Safe Place law provisions do not apply, and an agency must proceed under child protection provisions.

[Minnesota Statutes, section 260C.139; Minnesota Statutes, section 260C.150, subdivision 8]

A. Possible American Indian newborn

If an agency has questions about the Indian Child Welfare Act (ICWA) and the Safe Place for Newborns law, please contact DHS at 651-431-4661 or DHS.ICWA.MIFPA@state.mn.us.

B. Placing a newborn for immediate adoption

After the responsible social service agency determines that circumstances fall under provisions of the Safe Place law, and an infant has been ordered into foster care under the legal responsibility of the agency, the agency must begin planning for the immediate adoptive placement of the child. This includes:

- Asking the county attorney's office to file a Termination of Parental Rights (TPR) petition, which may be the basis for the court to find the child abandoned under Safe Place provisions, and request the court to order the child under guardianship of the commissioner of Human Services
- Locate and place the infant with a prospective adoptive family
- Work with the commissioner of Human Services to determine whether the infant is eligible for Northstar Adoption Assistance
- Assist the prospective adoptive family with filing an adoption petition and obtaining an adoption decree, as appropriate.

When an infant is placed under Safe Place law provisions, an agency is not required to search for the identification of the birth parents or conduct a relative search. This includes a search of the Fathers Adoption Registry. Additionally, notice or serving a summons on either parent is not required.

[Minnesota Statutes, section 260C.139, subdivision 1; Minnesota Statutes, section 260C.150, subdivision 8]

C. Entering data into the Social Service Information System

Cases that fall under the Safe Place law should be opened in the Social Service Information System (SSIS) as a child welfare workgroup, with a presenting problem of "other." An infant's legal name should be entered into SSIS as it appears on the birth certificate. This may include generic names such as Baby Boy, Unknown Girl, Newborn, Abandoned, or other generic names for an infant. It is important that the entered name in SSIS matches exactly the name on the infant's birth certificate. If the Safe Place newborn is dropped off at a hospital, hospital staff should complete the [Birth Registration for Foundlings and Newborns Left at the Hospital](#) form and the [Documentation of Birth](#) worksheet.

The responsible social service agency often requests that the foster family or pre-adoptive family choose a temporary name for the infant. In instances where the first placement will be an infant's permanent home, the temporary name becomes the final legal name. When assigning a temporary name, enter this as a nickname name in SSIS.

The left screenshot shows a file tree on the left with 'Name/Race' selected. The right screenshot shows a 'Type' dropdown menu with 'Nickname' selected, and a form below with fields for Prefix, First name, Middle name, Last name, and Suffix.

The Removal Condition entered into SSIS must be “Safe Place for Newborns Relinquishment of Parental Rights” on the Removal Conditions tab on the Continuous Placement entry. This Removal Condition must not be used when the Safe Place law does not apply.

The screenshot shows the 'Removal Conditions' tab. On the left, a list of removal conditions is shown with checkboxes. The condition 'Safe Place for Newborns relinquishment of parental rights' is checked. On the right, the 'Primary removal condition' dropdown is set to 'Safe Place for Newborns relinquishment of parental rights'.

D. Mother requests return of a child

If, prior to an order terminating parental rights, a person presents herself as the mother of a newborn that was surrendered under the Safe Place law and wants the infant returned to her care, the

responsible social service agency should open the matter as a child maltreatment case and conduct a Family Investigation according to requirements of Minnesota Statutes, section 626.556.

The responsible social service agency should assess a request for return of an infant by verifying the person's identity as the biological mother, assess safety issues a child may face in the care of the mother, and assess the need for child protective services.

A new child maltreatment report should be entered into SSIS, and the child protection investigation process completed. While a child maltreatment investigation should take place, the responsible social service agency staff should not determine that maltreatment has occurred based solely on the mother's decision to utilize the provisions of the Safe Place law.

If an agency's assessment documents conditions indicating a newborn is at significant risk of maltreatment if protective intervention is not provided, a determination that child protective services are needed is appropriate. In this event, a child protective services or out-of-home placement plan should be developed.

E. Agency response when newborn is not covered by Safe Place law

If a responsible social service agency receives a referral from a hospital, and the referral does not meet Safe Place law provisions, an agency should assess the safety needs of the mother and the newborn and, as appropriate, offer services to protect their safety. Services may include planning for placement of the newborn away from the mother, according to her wishes. In situations that do not fall under the Safe Place law provisions, an agency must follow all provisions of Minnesota law that apply whenever a child is placed in foster care or for adoption. This includes identifying and working with the father and the child's tribe(s), if applicable, and conducting a relative search of maternal and paternal relatives.

If an agency does not follow all foster care and adoption provisions of Minnesota law when Safe Place law provisions do not apply, the agency may encounter several barriers to making and finalizing an adoptive placement of a child under guardianship of the commissioner. These include reconciling legal parents when the birth record and TPR court order do not match; providing full disclosure to prospective adoptive families, as required by Minnesota law, when information is known but not recorded in a social and medical history; and attempting to determine eligibility for Northstar Adoption Assistance when reasonable but unsuccessful efforts to place without adoption assistance were not made, as required by state and federal law.

[Minnesota Statutes, section 256N.23, subdivision 2 (d) and (f); Minnesota Statutes, section 260C.609; Minnesota Statutes, section 260C.615, subdivision 1 (b) (2) and (3)]

IV. Give Life a Chance; Safe Place for Newborns law website

A Safe Place for Newborns website: [Safe Place MN.](#)

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by (651) 431-4670 (voice) or toll free at (800) 627-3529 or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.