



Policy: "Safe Haven" Surrendered Newborns

ChildNet Number: CN 007.023

Original Approved Date: October 29, 2005

Policy Revised Date(s): September 18, 2008; October 26, 2009

Policy Sunset Date:

COA Standard(s): AS 8.05

Statement of Policy:

It is ChildNet's policy to take custody of any newborn infant that has been surrendered under the Safe Haven provisions of Florida law and proceed with adoption of the abandoned infant.

Board Chair's Signature: _____

Date: _____

11-19-10



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August 22, 2014**

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Definitions (If any):

Newborn Infant - means any child that a licensed physician reasonably believes is approximately seven (7) days old or younger at the time the child is left at a hospital, emergency medical services station, or fire station.

Safe Haven – means any hospital, emergency medical services station or fire station which is staffed by firefighters, emergency medical technicians, or paramedics.

Statement of Procedure:

A. General

The following are basic procedures that should be followed by ChildNet employees when a surrendered newborn infant under F.S. Ch. 383.50 comes into the legal and physical custody of ChildNet.

1. Upon admitting the newborn infant under this section, the Safe Haven shall immediately contact ChildNet or alternatively contact the statewide central abuse hotline (1-800-96.ABUSE). Safe Haven You Are Not Alone Line 1-877-767-BABY (2229) for the name of a licensed child-placing agency for the purposes of transferring physical custody of the newborn infant. The hospital will notify ChildNet that a newborn infant has been left with the hospital and approximately when the agency can take physical custody of the infant. ChildNet will request that the hospital applies for the child's birth certificate before we assume physical custody of the child. ChildNet will also obtain/request all medical records from the hospital before accepting custody of the child.
2. A newborn infant admitted to a Safe Haven in accordance with F.S. 383.50, **shall not** be deemed abandoned and subject to reporting and investigation requirements under F.S. 39.201, unless there is actual or suspected child abuse



or until the child-placing agency takes physical custody. ChildNet will confirm with BSO CPIS that they will not pursue a F.S. Chapter 39 pleading.

3. ChildNet shall immediately seek an order from the court for emergency custody of the surrendered infant. The shelter petition shall be drafted and filed by ChildNet's Legal Department and the Director of Permanency will sign the petition, as well as, ChildNet's General Counsel or In-House Counsel.
4. Upon taking physical custody of the surrendered infant ChildNet shall, within 24 hours thereafter, request assistance from law enforcement to investigate and determine, through the Missing Children Information Clearinghouse, the National Center for Missing and Exploited Children, and any other national and state resources, whether or not the surrendered infant is a missing child.
5. The parent who surrenders the infant in accordance with F.S. 383.50 is presumed to have consented to termination of parental rights, and express consent is not required, except when there is actual or suspected child abuse or neglect, the licensed child-placing agency shall not attempt to pursue, search for, or notify that parent as provided in F.S. 63.088 and F.S. Chapter 49.
6. A petition for termination of parental rights under this section may not be filed until thirty (30) days after the date the infant was surrendered in accordance with F. S. 383.50. A petition for termination of parental rights may not be granted until a parent has failed to reclaim or claim the surrendered infant within the time period specified in F.S 383.50. *Under F.S. 383.50(6) a parent may claim his or her newborn infant up until the court enters a judgment terminating his or her parental rights.* This claim must be made to the entity having physical and legal custody of the newborn infant or to the circuit court before which proceedings involving the newborn infant are pending.
7. If a claim of parental rights of a surrendered infant is made before the judgment to terminate parental rights is entered, the circuit court may hold the action for termination of parental rights pending subsequent adoption in abeyance for a period of time not to exceed sixty (60) days.
8. Upon placement with prospective adoptive parent, infant must be placed on the prospective adoptive parent's medical insurance.

B. ChildNet Legal Department's Responsibility:

Upon ChildNet's notification of an infant by a medical facility of a surrendered infant under the "Safe Haven Law", ChildNet employee must notify the legal department **immediately**. Thereafter, the legal department will do the following:



1. Upon notification by a ChildNet employee, ChildNet Legal Counsel will shelter the infant. If the infant comes into care during the week, the Clerk's Office shall be contacted prior to 10:00 a.m. at 954-831-5673, and the Safe Haven case shall be placed on the shelter docket.
2. ChildNet Legal Department will draft the shelter petition to take into custody, file the petition with the clerk's office by 12:00 p.m. at Broward County Courthouse, Clerk of the Court, Juvenile Division, Room 444.
3. ChildNet Legal Counsel will attend the shelter hearing at the Broward County Courthouse, Room 241, at 2:30 p.m. before the presiding judge. In addition, the Permanency Director will also accompany legal counsel at the shelter hearing.
4. Legal Counsel will attend hearings and follow-up on any and all necessary hearings in this case; including, but not limited to the Termination of Parental Rights proceedings.
5. The Director of Permanency will handle all matters pertaining to cases of this sort. For example: Attend all hearings, staff case with ChildNet legal counsel, etc.

C. Diligent Search Technician, Termination of Parental Rights Specialist, and Adoption Home Finder/Adoption Specialist Responsibility:

1. Central Diligent Search Technician will initiate a diligent search to notify and obtain consent from a parent whose identity is known but whose location is unknown pursuant to F.S. 63.0423. In addition, upon ChildNet taking physical custody of the surrendered infant, shall within 24 hours thereafter, request assistance from law enforcement to investigate and determine, through the Missing Children Information Clearinghouse, the National Center for Missing and Exploited Children, and any other national and state resources, whether or not the abandoned infant is a missing child.
2. The TPR Specialist or approved individual must attend and participate in the Termination of Parental Rights Proceedings, as well as, any other proceedings on this case.
 - a. The TPR Specialist or approved individual will not request the infant's birth certificate. This will be the responsibility of the prospective adoptive parent(s). If the prospective adoptive parents should need assistance in this. (See Attachment III – Delayed Birth Certificates).



- b. The adoption specialist or adoption home finder will within the first two weeks of placement visit the family and subsequently thereafter visit once every 30 days to evaluate safety and needs.

NOTE: The prospective adoptive parent(s) must sign, upon placement, the adoption and at-risk adoption disclosure forms.

D. Expenses:

Pursuant to F.S. 63.0423, ChildNet shall assume all responsibility for all medical costs associated with the emergency services and care of the newborn infant from the time ChildNet takes physical custody of the newborn infant.

NOTE: ChildNet state funds will not be utilized for these proceedings; instead general funds must be used. The TPR Specialist or approved individual should keep account and document the amount of time spent on such cases. ChildNet will pay any and all fees in Safe Haven cases until further advised.

President's Signature: _____

Date: _____

08-27-14

PROCEDURES FOR DELAYED BIRTH CERTIFICATES

(Attachment I)

Florida law allows for the filing of a delayed birth certificate when no birth certificate was filed within one year of the child's birth. If the child is not yet one year old, the record may still be registered by contacting the vital statistics office in the county health department in the county of the child's birth for assistance in registering the birth. If the child is over one year, the following information applies:

- A non-refundable fee of \$20.00 is required by Florida law and will entitle you to one certification of the record, if filed.
- Forms for filing a delayed birth record are mailed on an individual basis and only after a result of a search of the State Office of Vital Statistics' birth records when it is found that no birth record is on file for the individual.
- Documentary evidence supporting the birth facts is required. The number of documents as well as the age of documents varies depending on the age of the applicant.
 - Such evidence must be in the form of original documents or notarized or certified copies and must show the child's full name, age or date of birth, place of birth and the date the original record was established.
 - At least one document must also show the father's name and the mother's full maiden name.
 - If you have not yet had our records searched for your birth record and wish to do so, submit your request in writing along with the search fee of \$9.00 to:

**Office of Vital Statistics
Post Office Box 210
Jacksonville, FL 32231-0042**
 - If no record is found, you will be provided with a certified "not found" statement and instructions for filing a delayed birth certificate.