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POLICY 602 – SAFE ARMS FOR BABIES

A. POLICY

Newborn infants are among the most vulnerable of at-risk children. Protecting newborns from harm includes provisions allowing the surrender of an unharmed infant to designated persons with no repercussions.

B. PROCEDURES

1. As the state’s child welfare agency, the Division of Family Services is mandated to provide safety, well-being, and permanency for at-risk children in Delaware.
2. Delaware Code Title 16 § 907A, known as Safe Arms for Babies, permits a parent to voluntarily surrender an unharmed infant up to 14 days old to hospital emergency room staff or to a police station without legal repercussions, so that the Division can make a plan that accounts for the baby’s need for safety, well-being, and permanency.
3. All cases in which an unharmed infant up to 14 days old has been voluntarily surrendered to an identified safe haven, such as a hospital or police station, will be reported to the DFS Child Abuse Report Line and screened in for Dependency/Abandoned Infant (Safe Arms). Any report in which it is alleged that the infant has been neglected or harmed does not fall under the purview of this policy and will be screened according to the allegations presented.
4. Staff at the safe haven location will take Temporary Emergency Protective Custody of the baby and provide an identification number for the baby, which will be given to the parent in case the parent wants to contact the Division about reunification with the baby prior to the 30-day limit provided by statute.
5. When staff at the safe haven location call the Child Abuse Report Line, the intake caseworker should ask for the infant’s date of birth and assigned identification number, as well as any other relevant details about the infant, including medical and health status, but no information about the parent’s identity should be included in the report, even if the reporter wishes to offer identifying information. Per statute, when the person surrendering an infant under this law manifests a desire to remain anonymous, DFS shall neither initiate nor conduct an investigation to determine the identity of the person.
6. Upon receipt of the hotline report, the Division will make a report to the applicable Delaware State Police jurisdiction, based upon the location of the safe haven. Caseworkers should request Delaware State Police conduct a missing child search on the baby.

7. The Division will make an immediate in-person response to the safe haven location and obtain emergency ex parte custody. Staff at the safe haven location should be given a copy of the court order. The caseworker should arrange for the infant to receive an immediate medical evaluation to ensure the infant's health and well-being and to rule out any suspicions of abuse or neglect.
8. The Division will publish notice of the abandoned infant in a newspaper of general circulation. The notice shall include the following information:
 - A statement that the infant has been abandoned and taken into temporary emergency protective custody
 - Place, date, and time of abandonment
 - Infant's sex, race, approximate age, identifying marks, and any other details needed for identification of the infant
 - A statement explaining the surrendering person's irrevocable consent to termination of parental rights (TPR) on the grounds of abandonment
 - A statement explaining the surrendering person's irrevocable waiver of any right to notice of or opportunity to participate in any TPR proceeding involving the child unless the surrendering person notifies DFS of their intent to exercise parental rights and responsibilities within 30 days of the abandonment.
9. The foster-adoptive or pre-adoptive caregiver will be allowed to choose the baby's first name. The caseworker shall apply for a birth certificate, using the first name given by the foster-adoptive or pre-adoptive caregiver and the last name of Doe.
10. The caseworker will make a referral to the Permanency Planning Committee (PPC) immediately following the adjudicatory hearing, and the case should be transferred as soon as all necessary actions have been taken and documentation is complete.

C. FOCUS

No specific records or events are associated with this policy.

D. FORMS

None