

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 4: Assessment</b> <b>Section 34: Abandoned and Safe Haven Infants</b>	
	<b>Effective Date:</b> July 1, 2023	<b>Version:</b> 7

- [Procedure](#)
- [Forms and Tools](#)
- [Legal References](#)
- [Definitions](#)
- [Related Policies](#)
- [Practice Guidance](#)

## POLICY OVERVIEW

Indiana law requires the Indiana Department of Child Services (DCS) to assume the care, control, and custody of a child who is designated as abandoned. Indiana law also requires DCS to assume the care, control, and custody of a safe haven infant if DCS is contacted regarding a safe haven infant.

[Back to Top](#)

## PROCEDURE

### **Abandoned Infants**

DCS will assume the care, control, and custody of an infant who is less than 12 months of age whose parent, guardian, or custodian has knowingly or intentionally left an infant in:

1. An environment that endangers the infant'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 infant.

**Note:** DCS will conduct an assessment regarding allegations of abandonment.

For abandoned infants, the Family Case Manager (FCM) will:

1. Arrange for emergency placement of the infant;

**Note:** This initial placement may not be considered a long-term or adoptive placement for the infant, unless approved by the Deputy Director of Field Operations or ordered by the court.

2. Ensure the Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults (Indiana Clearinghouse) has been contacted within 48 hours to determine if the infant has been reported missing;
3. Conduct a diligent search and complete the Affidavit of Diligent Inquiry (ADI) form to locate either of the infant's parents or other family members. See policies 5.06 Locating Absent Parents and 5.23 Diligent Search for Relatives/Kin and Case Participants for additional guidance;
4. Ensure the DCS Staff Attorney is aware of the abandoned infant and work with DCS legal to complete and file all documents necessary for court proceedings. See policy 6.02 Filing a Child in Need of Services (CHINS) Petition for additional guidance;
5. Be prepared to submit an ADI form or an update as to the progress toward completion of the ADI form to the court at the time of the Detention/Initial Hearing;

6. Forward a copy of the Preliminary Inquiry (PI) to the FCM Supervisor for review and approval;
7. Attend the scheduled Detention/Initial Hearing; and
8. Document the infant's placement and all information gathered during the assessment in the case management system.

### **Safe Haven Infants**

The Safe Haven Law allows a parent to surrender their newborn child to an emergency medical services provider. The Safe Haven Law allows the emergency medical services provider who takes custody of a safe haven infant to contact a licensed child placing agency (LCPA) or DCS. The parent's identity is protected; and the parent will not receive a substantiation for abandonment or neglect regarding the relinquishment if the parent acts within 30 calendar days of the child's birth, and the child is not harmed.

**Note:** If there are other allegations of abuse or neglect, those allegations must be assessed on the merits. Even if there are other allegations, an infant who has been surrendered will still be treated as a safe haven infant.

When contacted by an emergency medical services provider, DCS will assume the care, control, and custody of a safe haven infant, who is or who appears to be no more than 30 days old, immediately after receiving notice that a parent has:

1. Knowingly or intentionally left the infant with an emergency medical services provider; or
2. Left the infant with medical staff after delivery; or
3. Dialed 911 due to extenuating circumstances and remained with the infant until an emergency medical services provider took custody of the infant; or
4. Placed the infant in a newborn safety device; and
5. The parent did not express an intent to return for the infant.

**Note:** Unless prohibited by federal law, a safe haven infant in the custody of DCS is presumed eligible for Medicaid until a court grants a petition for adoption of the safe haven infant.

For safe haven infants, the FCM will:

1. Arrange for emergency placement of the child in foster care;

**Note:** The initial placement may not be considered a long-term or adoptive placement for the child, unless approved by the Deputy Director of Field Operations or ordered by the court.

2. Contact the Indiana Clearinghouse and the National Center for Missing and Exploited Children (NCMEC) within 48 hours of assuming care, control, and custody of the safe haven infant to determine if the safe haven infant has been reported missing (see policy 5.22 Missing and Runaway Children);

**Note:** NCMEC must be contacted a second time upon 15 calendar days of taking custody of the safe haven infant to determine if the safe haven infant has been reported missing.

3. Ensure the DCS Staff Attorney is aware of the safe haven infant and work with DCS legal to complete and file all documents necessary for court proceedings. See policy 6.02 Filing a CHINS Petition for additional guidance;
4. Forward a copy of the PI to the FCM Supervisor for review and approval;
5. Attend the scheduled Detention/Initial Hearing;
6. Meet with the multi-disciplinary team within five (5) business days of the child's emergency placement to determine the appropriate placement and permanency plan for the child. The team should include but not limited to the following members:
  - a. Court Appointed Special Advocate (CASA) or Guardian Ad Litem (GAL),
  - b. DCS Local Office Director (LOD) or designee,
  - c. Regional Manager (RM),
  - d. FCM Supervisor,
  - e. Adoption Liaison (if appropriate),
  - f. FCM, and
  - g. Regional Foster Care Specialist (RFCS).
7. Provide the multi-disciplinary team's recommendation to the DCS LOD (if not included in the multi-disciplinary team) and the DCS Staff Attorney;
8. Document the placement and all information gathered during the assessment in the case management system; and
9. If a person contacts DCS and claims to be a parent of the safe haven infant, immediately notify the DCS Staff Attorney.

For abandoned and safe haven infants, the FCM Supervisor will:

1. Assist the FCM with completing the required court documents, as necessary;
2. Confirm the Indiana Clearinghouse has been contacted within 48 hours for the abandon infant;
3. Confirm the Indiana Clearinghouse and NCMEC has been contacted within 48 hours and contacted again at 15 days for the safe haven infant;
4. Attend the multi-disciplinary team meeting for the safe haven infant; and
5. Ensure all actions taken and any deviation from best practice is documented in the case management system.

For abandoned and safe haven infants, the DCS Staff Attorney will:

1. Ensure the DCS Chief Counsel is aware of the abandoned and safe haven infant;
2. File a petition alleging that the abandoned infant or safe haven infant is a CHINS and ask the court to hold a Detention/Initial Hearing no later than the next business day after the child is taken into custody;

**Note:** The CHINS petition must include a request for the court to make findings of Best Interests/Contrary to the Welfare (BI/CW), Reasonable Efforts to Prevent Removal (RE), and Placement and Care (PC) responsibility to DCS.

3. Request that a CASA/GAL be appointed for the abandoned infant or safe haven infant;
4. Ensure the juvenile court receives the recommendation of the multi-disciplinary team regarding placement for a safe haven infant;
5. Request a finding of No Reasonable Efforts regarding the safe haven infant;
6. File a verified petition for termination of the parent-child relationship not more than 15 calendar days after taking custody of the safe haven infant;

7. File for publication as required for the Termination of Parental Rights proceeding in the county where the safe haven infant was surrendered and in each contiguous county; and
8. Immediately notify the DCS Chief Counsel, if informed that a person has contacted DCS and claims to be a parent of the safe haven infant.

[Back to Top](#)

## RELEVANT INFORMATION

### Definitions

#### Emergency Medical Services Provider

IC 16-41-10-1 defines an emergency medical services provider as:

1. Firefighter;
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 the other person's employment.

#### Safe Haven Infant

Per IC 31-9-2-113.1, a safe haven infant is a child:

1. Who is, or appears to be, not more than 30 days old; and
2. Who has been voluntarily left by a parent:
  - a. With an emergency medical services provider, or
  - b. In a newborn safety device.

### Forms and Tools

- [Affidavit of Diligent Inquiry \(ADI\) \(SF 54778\)](#)
- Assessment of Alleged Child Abuse or Neglect (SF 113) (311) – available in the case management system
- [Indiana Clearinghouse for Information on Missing Children and Missing Endangered Adults \(Indiana Clearinghouse\) website](#)
- Indiana Clearinghouse phone number: 1- 800-831-8953
- [National Center for Missing and Exploited Children \(NCMEC\) website](#)
- NCMEC phone number: 1-800-843-5678 (1-800-THE-LOST)
- Preliminary Report of Alleged Child Abuse or Neglect (SF 114) (310) – available in the case management system
- [Taking Custody of a Child Without Verbal Consent or Written Court Order: Description of Circumstances \(SF 49584\)](#)

### Related Policies

- [5.06 Locating Absent Parents](#)
- [5.23 Diligent Search for Relatives/Kin and Case Participants](#)
- [6.02 Filing a CHINS Petition](#)

[Back to Top](#)

## LEGAL REFERENCES

- [45 CFR 1356.21 Foster care maintenance payments program implementation requirements](#)
- [IC 10-13-5: Indiana Clearinghouse for Information on Missing Children and Missing](#)

### Endangered Adults

- [IC 16-41-10-1: "Emergency medical services provider" defined](#)
- [IC 31-9-2-113.1: "Safe haven infant"](#)
- [IC 31-14-7-1: Presumptions; child's biological father](#)
- [IC 31-19-2.5-6: Manner of notice provision](#)
- [IC 31-34-2.5: Emergency Custody of Certain Abandoned Children](#)
- [IC 31-34-2.5-6](#)
- [IC 31-34-21-5.6: Exceptions to requirement to make reasonable efforts to preserve and reunify families](#)
- [IC 31-35-1.5: Termination of Parent-Child Relationship Involving Safe Haven Infants](#)

[Back to Top](#)

## **PRACTICE GUIDANCE- DCS POLICY 4.34**

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

N/A

[Back to Top](#)