

CRIMINAL INVESTIGATIONS

SAFE HAVEN FOR NEWBORNS

Purpose: The purpose of this policy is to provide guidance to members of the North Little Rock Police Department regarding actions to be taken when presented with an infant that has been left with, voluntarily delivered, or abandoned either at a police station or to a police officer, or otherwise abandoned without parental care.

Policy Statement: It is the policy of the North Little Rock Police Department to establish policies and procedures that provide for the effective and efficient delivery of police services by providing a **Safe Haven for Newborns** who have been abandoned at any location within our City.

Summary of Changes:

Definitions:

The Safe Haven Act 236 (ACA 9-34-201-204) was passed in 2001 by the Arkansas General Assembly. It was formerly known as House Bill 1070. This law enables any medical provider or law enforcement agency to, without a court order, take possession of a child who is thirty (30) days or younger if the child is left with or voluntarily delivered to them.

Medical Provider means any emergency department of a hospital.

Law Enforcement Agency means any police force or organization whose primary responsibility as established by law or ordinance is the enforcement of criminal, traffic, or highway laws of this state.

Procedure:

1 Selected Provisions of Act 236 (ACA 9-32-201-204)

- 1.1 Any medical provider or law enforcement agency, will, without a court order, take possession of a child who is thirty days old or younger if the child is left with or voluntarily delivered to the medical provider or law enforcement agency by the child's parent who does not express an intent to return for the child.
- 1.2 The medical provider or law enforcement agency which takes possession of a child under this act will perform any act necessary to protect the physical health and safety of the child.
- 1.3 The medical provider or law enforcement agency will incur no civil or criminal liability for any good faith acts or omissions performed pursuant to this section.
- 1.4 Upon delivery of the child to a law enforcement agency or medical provider, the law enforcement officer or an appropriate hospital employee will take a seventy-two (72) hour hold of the child.
- 1.5 The law enforcement officer or hospital employee will immediately notify the Division of Children and Family Services of the Department of Human Services who will initiate a dependency petition pursuant to the Arkansas Juvenile Code of 1989.
- 1.6 The Division of Children and Family Service of the Department of Human Services will utilize the Missing Children Information Clearinghouse, and any other national and state resources, to determine whether the child is a missing child.
- 1.7 It will be an affirmative defense to prosecution that the parent voluntarily delivered the child to and left the child at, or voluntarily arranged for another person to deliver the child to and leave the child with a medical provider or law enforcement agency.
- 1.8 Nothing will be construed to create a defense to any prosecution arising from any conduct other than the act of delivering the child as stated above, and specifically will not constitute a defense to any prosecution arising from an act of abuse or neglect committed prior to the delivery of the child to a medical provider or law enforcement agency.

2 Patrol Division Responsibilities

- 2.1 When an officer encounters a situation of an infant being delivered to our law enforcement agency, or to a medical provider, the responding officer will:
 - 2.1.1 Remember that the infant's safety and well-being are considered foremost.
 - 2.1.2 Immediately notify the Communications Center and advise, "**We have a Safe Haven Situation at given location.**"
 - 2.1.3 Ensure the mother or guardian the incident will be kept as **confidential** as possible.
 - 2.1.4 Attempt to determine the infant's date of birth.

- 2.1.5 Ensure notification of a **medical health provider** for a medical examination.
- 2.1.5.1 Recognize that **medical care** may be needed for both the infant and the mother.
- 2.1.6 If a criminal offense has been committed, such as child abuse, the ranking patrol supervisor at the scene will determine if patrol has expertise on hand to investigate, or he/she will notify the Detective Office of the incident, if there must be a more in-depth investigation.
- 2.1.6.1 **If there has been no criminal offense reported, the Detective Office does not normally need to be notified.**
- 2.1.7 The patrol supervisor at the scene will have sufficient knowledge about the incident in order to brief the detective supervisor with enough information to allow him/her to ensure the proper call out response to the scene.

Patrick Thessing
Chief of Police