



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES
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**Manual Transmission Letter (MTL)
Family Programs Office: Statewide Child Welfare Policy Manual**

MTL # 0512-02082018

02-08-2018

TO: Paula Hammack Interim Director - Clark County Department of Family Services
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FROM: Reesha Powell, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION:

Enclosed find the following policy for distribution to all applicable staff within your organization:

- **0512 Safe Haven Response**

This policy is/was effective: 02/08/18

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policy(s): MTL # _____ - _____ Policy Name: _____
- This policy has been revised. Please see below for the type of revision:
- This is a significant policy revision. Please review this policy in its entirety.
 - This is a minor policy revision: (List page number & summary of change):
 - A policy form has been revised: (List form, page number and summary of change):

NOTE:

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **ALL STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies/>. Please check the table of contents on this page for the link to the chapter you are interested in.

0512.0 Safe Haven Response

0512.1 Policy Approval Clearance Record

<input checked="" type="checkbox"/> Collaborative Policy	This policy supersedes:	Number of pages in Policy: 7
Date Effective: Upon DMG Approval	Existing Safe Haven Policy distributed via MTL 0512-111513	
DMG Approval: 2-7-2018		Policy Lead: H. Jarolimek, SSPSIII; K. Weishaupt, DOM
		Policy Lead: H. Jarolimek, SSPSIII; K. Weishaupt, DOM
Review by Representative from the Office of the Attorney General:	11-6-2017	Signature: Shannon Richards, DAG

0512.2 Statement of Purpose

0512.2.1 Policy Statement: NRS 432B.630 "Delivery of newborn child to provider of emergency services" is intended to allow a parent to leave an unwanted infant under 30 days old with a provider of emergency services rather than disposing of the child in a location where the child may be placed at risk of death or physical harm. The statute is referred to as the "Safe Haven" Law.

0512.2.2 Purpose: Safe Haven Law establishes a safe process for parents to leave an infant with an emergency care provider without an obligation to return to care for the child and without an obligation to disclose identifying information, background information, and medical information unless the parent voluntarily chooses to do so. The Safe Haven Law also establishes immunity from civil and criminal liability for persons who take possession of an abandoned infant. A parent who delivers their child in accordance with the Safe Haven Law is not considered to have abused or neglect their child pursuant to NRS 432B.020 but the child is considered to be in need of protection pursuant to NRS 432B.330. A parent who delivers their child in accordance with the Safe Haven Law may not be criminally prosecuted for child abuse or neglect for the sole fact that the parent delivered or allowed the child to be delivered in accordance with the Safe Haven Law.

0512.3 Authority

NRS 128.097; 432B .020, 140, .160, .330, .393 (3) (f), .470, .510, .520 (4) (c), .540(1) (b), .550, .560, .580 (3), .630

0512.4 Definitions

0512.4.1 Abuse or Neglect of a Child:

A. "Abuse or neglect of a child" means, except as otherwise provided in subsection 2 of NRS432B.020:

1. Physical or mental injury of a non-accidental nature;

2. Sexual abuse or sexual exploitation; or
 3. Negligent treatment or maltreatment as set forth in NRS 432B.140, of a child caused or allowed by a person responsible for his welfare under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.
- B. A child is not abused or neglected, nor is his health or welfare harmed or threatened for the sole reason that his:
1. Parent delivers the child to a provider of emergency services pursuant to NRS 432B.630, if the parent complies with the requirements of paragraph (a) of subsection 3 of that section; or
 2. Parent or guardian, in good faith, selects and depends upon non-medical remedial treatment for such child, if such treatment is recognized and permitted under the laws of this State in lieu of medical treatment. This paragraph does not limit the court in ensuring that a child receive a medical examination and treatment pursuant to NRS 62E.280.
 3. As used in this section, "allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.

0512.4.2 Agency which provides child welfares services:

- A. In a county whose population is less than 100,000, the local office of the Division of Child and Family Services: or
- B. In a county whose population is 100,000 or more, the agency of the county which provides or arranges for necessary child welfare services.
- C. May also be referred to as "Agency" or "Child Welfare Agency."

0512.4.3 Child Welfare Services: As defined by NRS 432B.044, includes, without limitation: 1. Protective Services, investigations of abuse or neglect and assessments; 2. Foster care services, as defined in NRS 432.010; and 3. Services related to adoption.

0512.4.4 Indian Child: Means any unmarried person under age 18 who is either a member of Indian tribe OR is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. 25 U.S.C. 1903 Tribal membership and eligibility are determined by the tribe.

0512.4.5 Indian Child Welfare Act: Refers to the federal legislation designed to reduce the trans-racial placement of American Indian and Alaska Native children. The law gives tribal courts jurisdiction over child welfare custody proceedings involving Indian children: Protective Services, Substitute Care, and Adoptions. If the child may be an Indian child, requirements of the Indian Child Welfare Act must be met (25 U.S.C.1901 et seq).

0512.4.6 Intake Worker: The state/county child welfare agency worker who takes the report. This does not refer to a dispatch or an Emergency Response Team Worker.

0512.4.7 Legal or Presumed Father: Refers to a person who is recognized as the presumed father under NRS 126.051 or a legal father under NRS 126.053. A father is presumed if; 1) He and the child's mother are married to each other and the child is born during the marriage or within 285 days after the marriage is terminated; 2) He and the mother were cohabitating for at least six months prior to conception and continue to cohabit through the period of conception; 3) Before the child's birth, the parents attempt to marry but the marriage was declared invalid; and 4) While the child is under age 18, the father receives the child into his home and openly holds out the child as his natural child. 5) Blood tests or test for genetic identification show a probability of 99 percent or more that he is the father. A person who signs an affidavit for the voluntary acknowledgement of paternity, which is filed with the Office of Vital Statistics, is a legal father.

0512.4.8 Relinquishment: Refers to a legal process through which a birth or legal parent voluntarily gives up parental rights with the intent that the child will be adopted.

0512.4.9 Termination of Parental Rights or TPR: An involuntary court action that ends the parent-child relationship. Termination frees the child for adoption

0512.4.10 Provider of Emergency Services (ESP) means:

1. A hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS;
2. A public fire-fighting agency, including without limitation, volunteer fire departments;
3. A law enforcement agency; or
4. An ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS.
5. An agency which provides child welfare services. (definition for this policy only)

0512.4.11 Safe Haven Report: A Safe Haven referral becomes a report upon the child welfare agency's determination that a child is delivered to a provider of emergency services pursuant to NRS 432B.630 and is in need of protection.

0512.5 Procedures

0512.5.1 A parent who delivers a **child up to 30 days old** to an ESP shall leave the child:

- A. In the physical possession of a person who the parent has reasonable cause to believe is an employee of an ESP or on the property of the ESP in the manner and location that the parent has reasonable cause to believe will not threaten the physical health or safety of the child, and immediately contact the provider, through 911 or otherwise, and inform the provider of the delivery and the location of the child.
- B. Shall be deemed to have given consent to the performance of all necessary emergency services and care for the child.
- C. **Must not be required** to provide any background or medical information regarding the child; however, they should be encouraged to voluntarily do so.
- D. **Must be allowed** to leave at any time and must not be pursued or followed unless there is reasonable cause to believe that the child has been abused or neglected, ***excluding the mere fact that the parent has delivered the child to the ESP.***

Note: Only a custodial parent or another ESP may surrender a baby to a safe haven location.

0512.5.2 Role of the Emergency Services Providers (ESP)

- A. When a child is voluntarily delivered by a parent to an ESP, the ESP shall take immediate possession of a child if the child is or appears to be not more than 30 days old and the parent does not express an intent to return for the child pursuant to NRS 432B.630.
- B. As soon as practical, but not later than 24 hours after an ESP takes possession of a child, the ESP must report that possession to the child welfare agency, if the provider is not an agency which provides child welfare services, and, if the ESP is not a law enforcement agency, the ESP must report that possession to a law enforcement agency.
- C. Whenever possible, the ESP shall inform the parent that by allowing the ESP to take possession of the child, the parent is presumed to have abandoned the child. The parent who delivered the child to the provider shall be deemed to have waived any right to notice

of protective custody hearing as outlined in NRS 432B.470, and unless the parent contacts the local child welfare agency, action will be taken to terminate parental rights.

- D. The ESP must perform any act necessary to maintain and protect the physical health and safety of the child. If the ESP is a child welfare agency, firefighter, law enforcement agency or ambulance service the ESP must immediately deliver the child to the hospital, obstetric center, or other center for emergency care.
- E. Nothing is required of the delivering parent. However, ESPs can record any information that a parent is willing to share, such as the child's health, race, and date of birth, place of birth or the medical history of the parents. This could be useful in caring for the child.
- F. The law enforcement agency shall notify the Clearinghouse (Nevada State Advocate for Missing and Exploited Children, National Center for Missing and Exploited Children) and investigate further, if necessary, using any other resources to determine whether the child has been reported as a missing child. The law enforcement agency shall inform the child welfare agency of its determination as required by 432B.630.

0512.5.3 Role of the Child Welfare Agency

A child is in need of protection if the child is delivered to a provider of emergency services pursuant to NRS 432B.630. Child welfare agencies must immediately place a child in protective custody upon receipt of a report of child abandonment pursuant to the Safe Haven Law. Upon receipt of a Safe Haven Response report from an ESP, the agency shall:

- A. Determine whether there is any information to suspect that the child was subjected to abuse or neglect, and if so, report such information to law enforcement.
- B. Take action to attain safety and permanency for the child.
- C. The child welfare agency will follow-up with their local law enforcement agency and/or clearinghouse to ensure the child is not reported as a missing child.

0512.5.4 Child Welfare Agency Intake Process

The Intake Worker should attempt to obtain the following information:

- A. What is the condition of the child and does the child require immediate medical treatment? Does the child appear to be under 30 days of age?
- B. Does the child appear to be abused or neglected? If yes, the intake worker should request the ESP to describe the situation, as law enforcement will need to be contacted immediately. If the child appears to be a victim of abuse or neglect, Safe Haven Law does not pertain; abuse and neglect protocol should be followed.
- C. Did the parent express intent to return for the child?
- D. If available, is the delivering parent willing to provide additional information to the child welfare agency such as the child's health, race, date of birth, place of birth, the medical history of the parents, or any information pertaining to the non-delivering parent, including contact information for the non-delivering parent?

0512.5.5 When Responding to the Delivering Parent, Agency Staff Shall:

- A. Communicate the child welfare agency's intentions of placing the child into protective custody **and** provide the parent with a *Parent's Guide to Child Protective Services*.
- B. Encourage the parent to provide family medical history, ICWA, demographic information, and information regarding the non-delivering parent.

0512.5.6 Responding to the Non-Delivering Parent (when the non-delivering natural parent is identified):

- A. Upon determining parentage, the agency should assess his/her ability to care for the child. If deemed appropriate, the agency may provide services to the non-delivering parent.
- B. In situations where the father is the non-delivering parent and he is considered for possible placement, the agency should consult with the AG and/or DA in their jurisdiction to determine if/when paternity should be established prior to placement.
- C. A non-delivering parent remains entitled to notices related to the child's placement in protective custody, notice of proceedings related to the termination of parental rights, and other similar matters, pursuant to NRS 128.060, 128.070, 432B.470, 432B.490, 432B.520, 432B.550, 432B.580, and 432B.590, if the non-delivering parent's location is known. Notice by publication must be made if the non-delivering parent's location is not known.

0512.5.7 Diligent Search

If a non-delivering parent's identity is known, the child welfare agency shall conduct a diligent search as outlined in the Statewide Policy 1001 Diligent Search Process and Notice.

0512.5.8 Court Process

A. Protective Custody Hearing

If the child was delivered to a Safe Haven location pursuant to NRS 432B.630, the delivering parent shall be deemed to have waived any right to notice of the hearing conducted related to the protective custody hearing process. The non-delivering parent's right to notice remains, and if location of the non-delivering parent is unknown, notice through local publication must be made. Unless the delivering parent contacts the local child welfare agency, action will be taken to terminate parental rights.

B. Petition and Adjudicatory Hearing

If the non-delivering parent's identity is known to the child welfare agency, the child welfare agency has an obligation to serve the parent for adjudicatory and TPR hearings. Alternatively, the child welfare agency can obtain a relinquishment pursuant to NRS 127.070. A copy of a report or information submitted to the court for consideration in a proceeding held in pursuant to NRS 432B.466 to 432B.468, inclusive, or 432B.500 to 432B.590 need not be sent to the parent who delivered the child to the provider or the attorney of that parent.

C. Issuance of Summons

1. If the location of the non-delivering parent is unknown, the summons must be served on that parent by publication at least once a week for 3 consecutive weeks in a newspaper published in the county. The failure of the non-delivering parent to appear in response to the summons shall be deemed to constitute a waiver by that parent of any further notice of the proceedings that would otherwise be required. The parent who delivered the child to a Safe Haven location pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section, NRS 432B.520.
2. If the non-delivering parent fails to appear court reports do not need to be sent to that parent.
3. The child welfare agency is not required to make reasonable efforts to preserve and reunify the family. (It is unlikely the child will be IV-E eligible.)

4. The judicial finding being sought is a child in need of protection (NRS 432B.330). In situations where a non-delivering parent fails to appear for a hearing after publication notice pursuant to 432B.520, the agency should pursue:
 - a) A finding of abandonment on the parent pursuant to NRS. 128.097
 - b) Request a waiver of reasonable efforts pursuant to NRS432B.393(3)(f); and
 - c) Proceed with TPR actions.
5. Court is not required to order child support.

D. Determination of Custody and Placement of Child by Court

Pursuant to NRS 432B.550, if the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the child welfare agency, provide a copy of the report prepared for the court by the child welfare agency to the parent who did not deliver the child to the Safe Haven location, if the non-delivering parent's whereabouts are known. The delivering parent shall be deemed to have waived his or her right to a copy of the report.

E. Semiannual Review/Hearing to Review Placement and Annual Permanency Hearing

Notice of the hearing need not be provided to a parent who delivered a child to a Safe Haven location as the delivering parent shall be deemed to have waived any right to notice pursuant to these sections.

F. Notice of Hearing and Service of Notice of Hearing

Pursuant to NRS 128.060 to 128.070, a parent who delivered a child to a provider of emergency services, including a child welfare agency, shall be deemed to have waived any right to notice pursuant to these sections.

Note: If at any time the child is suspected of being Native American, then the ICWA steps must be followed.

0512.6 Development of Internal Policies: N/A

0512.6.1 Timelines:

Timelines for Jurisdictional Response to Policy Development

Requirement	Deadline	Starting Date	Responsible Party	Actions to be Taken
Assume the care and control of Safe Haven infant	N/A	Immediately	Designated Staff	Place infant in licensed foster care home and/or adoptive placement

0512.6.2 Tools & Forms: N/A

0512.6.3 Documentation:

A. Case File Documentation (paper): N/A

B. UNITY Documentation (electronic):

Table 0512.2: UNITY Documentation for Safe Haven Response Policy

Applicable UNITY Screen	Data Required

CFS7212C	Safe Haven Referral Detail
CFS713	Safe Haven Directory
CFS113	Supervisory Actions
CFS085	Case Notes
CFS412	Diligent Search
CFS094	Notification

0512.7 Child Welfare Agency Policy Compliance Requirements

0512.7.1 Development of Internal Policies: Child welfare agencies are expected to follow this policy as written.

0512.7.2 Forms and Report Requirements: N/A

0512.8 Record Retention

In accordance with NRS 432B.630 agencies which provides child welfare services shall maintain information for statistical and research purposes for no less than three (3) calendar years from the close of the case.

0512.9 Child Welfare Agencies Public Education and Information Dissemination regarding the Safe Haven Law:

The Division of Child and Family Services, Clark County Department of Family Services, and Washoe County Human Services Agency shall provide public education and information regarding the agencies process for Safe Haven infants. The information shall include the following information and be updated as necessary:

- A. An explanation of the agencies Safe Haven Process;
- B. Agency contact information; and
- C. Other relevant information.

0512.10 State Responsibilities

0512.10.1 Participants in Policy Development

- A. FPO Staff: Social Services Specialists and Social Services Chiefs
- B. Child Welfare Agency Representatives: WCDSS, CCDFS, DCFS Rural Region
- C. External Stakeholders: N/A
- D. Office of the Attorney General

0512.10.2 Technical Assistance

- A. Requesting Technical Assistance (TA): N/A
- B. Resources: N/A

0512.10.3 Policy Impact: N/A

0512.11 Policy Cross Reference

- A. 506 Intake and Response Time
- B. 1005 Voluntary Relinquishment
- C. 1001 Diligent Search Process and Notice

D. 0504 Indian Child Welfare Act (ICWA)