

**DEPARTMENT OF HUMAN RESOURCES
SOCIAL SERVICES ADMINISTRATION
311 W. SARATOGA STREET
BALTIMORE, MARYLAND 21201**

DATE: December 5, 2011

CIRCULAR LETTER: SSA# 12-21

TO: Directors, Local Department of Social Services
Assistant Directors of Services

FROM: Carnitra D. White
Executive Director
Social Services Administration

RE: Maryland Safe Haven Program

PROGRAM AFFECTED: All Child Welfare Programs

ORIGINATING OFFICE: In-Home Family Services

BACKGROUND: The Maryland Safe Haven Act of 2002 was enacted to enable mothers in crisis to safely relinquish newborn babies within 10 days of birth at designated locations where the infants could be protected. The Act also permits the person relinquishing the infant to be protected from civil liability or criminal prosecution for this act. This policy is needed to bring clarity to specific circumstances when the parent is anonymous, and also in circumstances when the parent has delivered the newborn in a hospital and their identity is known but they have made the request for Safe Haven.

ACTION REQUIRED OF: In-Home Services and Out-of-Home Services

REQUIRED ACTION: Operationalize the policies and procedures involving Safe Haven newborns.

ACTION DUE DATE: Immediately

CONTACT PERSONS:

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PURPOSE:

This Policy Directive sets forth criteria on the implementation of the Maryland Safe Haven Act of 2002 and COMAR (07.02.27.01 – 07.02.27.03) when the mother's identity is unknown as well as when the mother's identity is known due to her having delivered the infant in the hospital, but she has made the request for Safe Haven and is indicating the desire to relinquish her newborn anonymously.

In some cases the hospital shares identifying information regarding the mother with the LDSS. The policy is needed as the current Maryland Safe Haven Act is only clearly applicable to cases of relinquished infants where the identity of the parents are unknown, but the Act is unclear regarding how to proceed when the mother's identity is known.

Therefore, if the mother's identity is known, the LDSS must proceed with reunification efforts with the mother unless she is willing to consent to Termination of Parental Rights (TPR) immediately after the child is born. If the LDSS has any identifying information regarding the father or other relatives, the LDSS must proceed with efforts to reunify the child with the father, or to effect a relative placement. Reunification efforts may be excused, however, by the juvenile court.

It is not within the purview of the policy to instruct hospital personnel on whether to provide the mother's identity to the Local Department of Social Services (LDSS). Local Departments may work with local hospitals to come to a mutual understanding on how to best manage the identity issue in keeping with the best interests of both mother and infant.

The hospital or other designated facility is required to notify the Local Department of Social Services within 24 hours after accepting the newborn.

Service delivery is needed to focus on initially securing as much information as possible on the infant, to ensure that the infant is medically stable and safe and to make a permanent plan for the infant.

The designated facility (hospital, State Police Barracks, or local police department) presented with a newborn by the newborn's mother or other responsible adult and identified as an abandoned newborn may have made efforts to obtain information on a voluntary basis pertaining to the newborn's medical history or risk factors and why it is believed that the mother of the newborn has no intention of returning for the newborn.

SERVICES:

When Mother's Identity is known to LDSS

In-Home Services Responsibility:

- The Local Department of Social Services where the hospital is located shall take responsibility of the newborn when medically ready for discharge under an Order of Shelter Care (OSC).
- A Child In Need of Assistance (CINA) petition shall be filed by the LDSS on behalf of the abandoned newborn in conjunction with the OSC request.
- The worker assigned shall obtain all available information on the newborn.
- If the hospital shares the mother's identity with the LDSS and if the parent of a newborn has voluntarily released custody of the newborn infant without expressing intent to again assume physical custody, the LDSS may have the mother sign a voluntary Termination of Parental Rights prior to the mother leaving the hospital.
- If the hospital shares the mother's identity with the LDSS and a voluntary TPR has not been signed but it is understood that the newborn was relinquished under the provisions of the Safe Haven law, the LDSS may at the time of the OSC and CINA petition request that the court excuse reasonable efforts and waive rights to future proceedings.
- If the court does not excuse reasonable efforts and waive rights to future proceedings the LDSS shall proceed with placement in accordance with COMAR 07.02.11.05C

In situations where the mother, father or relative of the newborn comes forth within 60 days of the adjudication of the child as a child in need of assistance to identify the newborn and requests that the newborn be placed in their care:

- Child Protective Services shall initiate an investigation consistent with COMAR 07.02.07.07 - 07.02.07.16; and

- The child shall remain in the care of the LDSS under an OSC with a CINA finding and commitment to the LDSS pending the outcome of the investigation.

Out of Home Responsibility:

- The worker may pursue TPR on the newborn consistent with COMAR 07.02.12.04(C) when the parent is known and has relinquished the newborn under the provisions of the Safe Haven law.

When Mother's Identity is Unknown

In cases where the identity of the mother is unknown, once the Local Department of Social Services has been notified that a mother has requested Safe Haven status it shall begin the service provision.

In-Home Services Responsibility:

- The Local Department of Social Services where the hospital is located shall take responsibility of the newborn when medically ready for discharge under an Order of Shelter Care (OSC).
- A Child In Need of Assistance (CINA) petition shall be filed by the LDSS on behalf of the abandoned newborn in conjunction with the OSC request.
- The worker assigned shall obtain all available information on the newborn.

Out-of-Home Services Responsibility:

- The worker may pursue TPR on the newborn consistent with COMAR 07.02.12.04C relating to involuntary termination of parental rights if the LDSS believes the newborn to be abandoned as defined in COMAR 07.02.11.03.B (1).
- A Child Protective Services Investigation shall be initiated if the mother, father, or relative of the newborn comes forth to identify the newborn and requests that the newborn be placed in the individual's care.
- The child shall remain in the care of the LDSS under an OSC with a CINA finding and commitment to the LDSS pending outcome of the investigation.

MD CHESSIE

A **New Referral** is opened in MD CHESSIE. The child shall be the casehead and may be given any first name but shall be given a last name of the county in which the child was received i.e. last name Talbot County, Calvert County, Baltimore City etc. The name given at the time the referral is open may to be changed within CHESSIE at the time of placement and/or adoption finalization. If the mother's name is know her identifying information shall be included in the CHESSIE record.

- From the Home screen open **New Referral – Referral Information**
- In the **Demo** tab of Referral Information complete all mandatory and applicable fields under the Client Details grid. When all information has been entered, select the Screen Complete checkbox to indicate completion.
- Select the **Narrative** tab and complete all mandatory and applicable fields. Select the Narrative hyperlink and enter narrative information in the Detail grid and save. Select the Screen Complete checkbox on the **Narrative** tab (the screen complete checkbox must be selected on both the Demo and Narrative tabs for the Select Referral Type to become enabled).
- Select Non CPS in Select Referral Type.
- Under Type of Non CPS Referral you **must** select Safe Haven Referral. Under Type of Service Requested indicate need for "Adoption Services", check the Refer to Local Agency and note any necessary Comments.

In the event the LDSS determines that there is reason to proceed with the case as **not** a Safe Haven infant, the **New Referral** is opened in CHESSIE with the mother as the casehead and all work in CHESSIE proceeds accordingly.