



HOWARD COUNTY DEPARTMENT OF POLICE

GENERAL ORDER OPS-76 ABANDONED NEWBORN PROCEDURES

EFFECTIVE JULY 22, 2019

This General Order contains the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. ABANDONED NEWBORN PROCEDURES
- IV. WHEN SAFE HAVEN DOES NOT APPLY
- V. CANCELLATION

I. POLICY

It is the policy of the Howard County Department of Police (HCPD) to provide a safe haven for newborn infants abandoned by their parent(s) pursuant to Maryland Family Law.¹

II. DEFINITIONS

- A. Abandoned newborn: An infant under ten (10) days of age that has been intentionally or unintentionally left by their parent(s), custodian, or guardian, and who lacks the proper care and attention required.
- B. Safe Haven Program: A birth mother or another adult designated by the birth mother may relinquish an unharmed newborn within ten (10) days of birth to any Maryland hospital, police station, or other designated facility without civil liability or criminal prosecution.
- C. Unharmed: Under the Maryland Safe Haven Program, “unharmed” means there is no evidence of physical injury or failure to provide proper care and attention to a newborn.

III. ABANDONED NEWBORN PROCEDURES

- A. An officer cannot detain a mother or person designated by the mother who is relinquishing custody of a newborn infant under the Child Safe Haven Law, Court and Judicial Proceedings §5-641, unless there is reasonable articulable suspicion that a crime has occurred.
- B. If a newborn is brought to the HCPD to be surrendered in accordance with the Child Safe Haven Law, the Watch Commander shall respond to manage the incident. If a Watch Commander is not immediately available, the Area Supervisor shall respond.²
- C. The officer shall:³
 - 1. Make every reasonable effort to determine whether the individual surrendering the newborn is the mother. If the individual is not the mother, request her information and attempt to contact her to ascertain whether or not the individual surrendering the newborn is authorized to do so.
 - 2. Make every reasonable effort to determine the age of the newborn, the newborn’s present physical health, and the reason why the newborn is being surrendered.
 - a. In the event the newborn is older than 10 days, the incident does not qualify under the Safe Haven Program and the officer shall follow the procedures in Section IV. Of this General Order.

¹ CALEA 41.2.6a

² CALEA 41.2.6b

³ CALEA 41.2.6e

- b. Photograph the newborn to document physical condition.
 - c. If the newborn appears harmed or injured in any way, follow general investigative procedures for child abuse.
 3. Request an ambulance to transport the newborn to the area hospital.
 4. Contact the on-call CIB Supervisor to notify them an infant has been surrendered pursuant to the Safe Haven law.
 5. Notify and request the response of a representative of the Department of Social Services (DSS).
 6. Request a check through the Maryland Integrated Law Enforcement System (MILES)/National Crime Information Center (NCIC) for any related missing infant.
 7. Remain responsible for the child until custody is assumed by DSS. The officer shall verify the DSS representative's credentials to ensure validity.
- D. If the mother or the person surrendering the newborn is willing to provide information on a voluntary basis then additional information should be collected through HCPD 2501, Abandoned Child Information Sheet.
- E. Members should also try to obtain:⁴
 1. Details concerning the person leaving the newborn, including name; address; phone number(s); relationship to the infant, if any; copies of identification; photographs, if possible; and vehicle information.
 2. Any available information concerning the parent(s) of the infant.
 3. Any other pertinent information concerning the newborn, i.e. medical history, hospital or other place (i.e. residential address) of birth, etc.
 4. If the person surrendering the newborn is not willing to provide information, the use of surveillance equipment to obtain an image of the person leaving the newborn is appropriate and encouraged.
- F. An Incident Report shall be written for newborns abandoned pursuant to the Safe Haven law that includes:⁵
 1. All voluntary information provided by the mother or the person leaving the newborn;
 2. A complete description of the infant being surrendered, including clothing and any items left with the baby at the time of surrender;
 3. Names, unit number, times of contact, and response of the Department of Fire and Rescue Services (DFRS) personnel that transport the newborn to the hospital;
 4. The hospital the infant is transported to; name and title of the person at the hospital accepting the newborn; name(s) of the doctor(s) performing any examinations; and any papers or identification provided by the hospital;
 5. Time of contact with DSS to include the employee's name, the DSS agent obtaining custody of the baby, and the time custody is assumed by DSS;

⁴ CALEA 41.2.6c

⁵ CALEA 41.2.6e

6. Results of all MILES/NCIC checks; and
7. Two (2) photograph(s) of the newborn.

G. Off-Site Procedures

1. In the event a person wishing to surrender a newborn under the Child Safe Haven Law approaches an officer outside an HCPD facility, the officer shall escort the person and the newborn to the nearest area hospital. Information should be gathered prior to the escort, if possible.
2. If the person refuses to go to a hospital, the officer shall take possession of the newborn upon verification that the newborn meets the criteria of the Child Safe Haven Program and then immediately contact the Watch Commander or his designee to report to the hospital.
3. The newborn should be taken to a hospital for medical evaluation as soon as reasonably possible. Transport should be made by ambulance, when possible. If an ambulance is unavailable, the transportation of a newborn to the nearest hospital can be accomplished by an officer, utilizing an infant car seat, upon approval from the Watch Commander.
4. Officers responding to a hospital for an abandoned newborn shall:⁶
 - a. Verify the abandoned newborn qualifies under the Child Safe Haven Law.
 - b. Verify the hospital has contacted DSS. If the hospital has not contacted DSS, the officer shall do so.
 - c. Request a check through MILES/NCIC for any related missing infant;
 - d. Notify the on-call CIB Supervisor;
 - e. Complete a written report detailing the incident.
5. The officer shall be responsible for the child until a DSS agent assumes custody. The officer shall ensure the credentials of the DSS agent assuming custody are valid.

H. Follow-up Procedures⁷

1. A copy of all reports involving infants surrendered under the Safe Haven Law will be forwarded to the Child Advocacy Center (CAC) and DSS.
2. Reports will be reviewed to verify all policies and procedures were followed and additional actions are not necessary.

IV. WHEN SAFE HAVEN DOES NOT APPLY

- A. Safe Haven does not apply to infants and children over ten (10) days old. Officers should notify the on-call CIB supervisor and follow the procedures in General Order OPS-16, Child Abuse and Neglect Investigations, in these instances.⁸
- B. The responding officer shall:
 1. Request an ambulance to transport the child to the hospital.⁹

⁶ CALEA 41.2.6e

⁷ CALEA 41.2.6f

⁸ CALEA 41.2.6b

⁹ CALEA 41.2.6c

2. Attempt to gather personal information from the child, the person leaving the child, or the person who located the child, if possible.
 3. Attempt to locate the child's parent(s) or guardian(s), if the person leaving or locating the child is not the parent or guardian, and determine the child's living arrangements.¹⁰
 4. Notify DSS if the child is left at a police facility or the officer encounters the child off-site. If the officer is responding to a hospital, verify that the hospital has notified DSS.
 - a. The officer is responsible for the child until custody is assumed by DSS.
 - b. The officer shall verify the DSS representative's credentials.
 5. Request a check through MILES/NCIC for any related missing child.
 6. Photograph the child to illustrate the physical condition upon custody.
 7. Consult with the Watch Commander, who will be responsible for determining if the Office of Public Affairs should be notified and if media coverage is anticipated or desired to assist in getting vital information about the child publicized.
- C. An Incident Report shall be written that includes:¹¹
1. The location where the child was left or discovered and all attempts to locate the child's parent(s) or guardian(s) and living arrangements.
 2. The condition and physical description of the child, including clothing worn upon initial discovery.
 3. Names, unit number, times of contact, and response of the DFRS personnel that transport the child to the hospital, if necessary.
 4. The hospital the child is transported to; name and title of the person at the hospital accepting the child; name(s) of the doctor(s) performing any examinations; and any papers or identifications provided by the Hospital.
 5. Time of contact with DSS to include the DSS employee's name.
 6. Result of all MILES/NCIC checks.
 7. Two (2) photographs of the child, if applicable.

V. CANCELLATION

This General Order cancels and replaces SO 2005-02, Abandoned Child Policy, issued October 7, 2005.

Authority:


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Chief of Police

¹⁰ CALEA 41.2.6e

¹¹ CALEA 41.2.6e