


**Department of Human Resources
Social Services Administration
311 W. Saratoga St.
Baltimore, MD 21201**

DATE: July 1, 2017

POLICY #: SSA-CW # 18-04
(Supersedes and replaces policy directive SSA# 12-21)

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

FROM: Rebecca Jones Gaston, MSW 
Executive Director
Social Services Administration

RE: Maryland Safe Haven Program

PROGRAMS AFFECTED: Child Protective Services/Family Preservation Services and
Out-of-Home Placement Services

ORIGINATING OFFICE: Child Protective Services/Family Preservation Services

ACTION REQUIRED OF: All Local Departments

REQUIRED ACTION: Implement Policy and Procedures related to Safe Haven
Newborns

ACTION DUE DATE: July 1, 2017

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PURPOSE:

This Policy Directive sets out the procedures for implementing the Maryland Safe Haven Act, Courts & Judicial Proceedings § 5-641 and accompanying regulations, COMAR 07.02.27.01–07. This policy supersedes and replaces SSA-CW# 12-21 and any local department policy or standard operating procedure applicable to the Maryland Safe Haven Program. This policy clarifies the general policies related to the Safe Haven Act.

BACKGROUND:

In 2002 the Maryland General Assembly passed the first Safe Haven statute in Maryland. The Safe Haven Act permits a mother and those assisting her to relinquish an unharmed newborn under safe conditions without incurring any criminal or civil liability. In 2008 the Maryland General Assembly expanded the Safe Haven Act to allow a newborn to be relinquished within 10 days of birth instead of within three (3) days.

The Maryland Safe Haven Act does not amend the statutes and regulations applicable to Child in Need of Assistance (CINA) and Termination of Parental Rights (TPR) proceedings.

ACTION:**Notification:**

A hospital or other “designated facility” (State police barrack or local police department) is required to notify the local department within 24 hours of accepting an unharmed newborn as a Safe Haven baby. (COMAR 07.02.27.03C). For purposes of this policy, a substance exposed newborn will qualify as any other infant relinquished under the Safe Haven Act.

Taking Custody:

If the newborn is relinquished at the hospital, the local department in the jurisdiction where the hospital is located shall take responsibility for the newborn under an Order of Shelter Care (OSC) as soon as the hospital advises the local department that the newborn may be medically discharged. (COMAR 07.02.27.03D).

If the newborn was relinquished at a location other than the hospital, the local department in the jurisdiction where the newborn was relinquished shall immediately take responsibility for the newborn under an OSC and promptly take the newborn to a hospital or qualified physician for a complete examination and assessment.

When taking custody of the newborn, the assigned caseworker should obtain and document all available information from the mother or father, the individual who has brought the newborn to the designated facility, or the designated facility about the mother’s and father’s identities, the newborn’s medical history or risk factors, and the basis for the designated facility’s conclusion that the parent has no intention of regaining custody of the newborn.

If an identified mother is still in the hospital when the local department is advised that she intends to relinquish her newborn, the local department shall give the mother notice of the shelter care hearing. If the mother informs the local department that she wants no further involvement with her newborn, the local department may ask the mother to sign a Consent to Guardianship (Md Form 9-102.1) pursuant to Md. Code Ann., Fam. Law § 5-321. The caseworker shall advise the mother that she has 30 days to withdraw in writing her consent to the termination of her parental rights. The caseworker shall also provide the mother with a Disclosure Veto (DHR/SSA 2072) that she may sign and file to prevent disclosure of any birth and adoption information when her child reaches the age of 21. Regardless of whether the mother signs the Consent to Guardianship, the local department shall not seek child support from a mother who has relinquished her newborn under the Safe Haven statute.

Upon taking custody of the newborn, the local department shall attempt to immediately notify any identified father that the child has been relinquished under the Safe Haven statute. Within 30 days of taking custody of the newborn, the local department shall advise any relatives who have been identified that the child has been relinquished under the Safe Haven statute.

Name:

The local department shall name the newborn. Any first name is acceptable but the last name shall be the name of the jurisdiction where the baby was relinquished, e.g., Mary Talbot, Charles Baltimore, Cinnamon Washington. Baltimore City and Baltimore County should use the last name of Baltimore. This name may be changed at the time of placement or at anytime thereafter.

CINA and TPR:

The local department shall file a request for an order of continuing shelter care and a CINA petition on behalf of the newborn using the name given by the local department, e.g. Mary T., Charles B., or Cinnamon W. Regardless of whether the mother's identity is known, the basis for the CINA petition shall be that the child has been neglected as a result of the child being relinquished under the Safe Haven Act and no parent coming forward to care for the child.

If the mother has signed a Consent to Guardianship form, the local department shall file that consent with the CINA petition.

If the local department knows the identity of the father, the local department shall assess the father to determine whether the child may safely be released to him and provide him notice of the shelter care hearing.

If the local department knows the identity of a parent who has not consented to guardianship or a relative of the newborn, the local department shall proceed in accordance with COMAR 07.02.11.05C.

Termination of Parental Rights:

The local department shall promptly file a guardianship petition to terminate parental rights under the following circumstances:

1. The identity of the parents is unknown and no person has come forward to claim the child within 60 days of the CINA adjudication; or
2. Any known parent has signed a Consent to Guardianship and no person has come forward to claim the child within 60 days of the CINA adjudication.

If a parent has been identified but has not signed a Consent to Guardianship or someone has come forward to claim the child, the local department shall proceed in accordance with COMAR 07.02.12.

MD CHESSIE:

A New Referral shall be created in MD CHESSIE for all Safe Haven referrals.

If the mother's name is known, identify the mother as the Casehead. If the mother's name is unknown, the child is identified as the Casehead using the name given to the child as explained above. The local department will be able to change the child's name within MD CHESSIE at the time of placement or adoption finalization.

From the Home screen open **New Referral** and go to **Referral Information**. In the **Demo** tab of **Referral Information** complete all mandatory and applicable fields under the Client Details grid. Include the name of the referent and a father's name, if known, in the Demo tab. 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. Include information as to the circumstances of the infant being identified as a Safe Haven newborn. 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).

In **Select Referral Type**, choose "Non CPS." Under **Type of Non CPS Referral** 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 local department determines that there is reason to proceed with the referral as other than a Safe Haven case, open a new referral with the mother as the casehead and proceed accordingly.