CHILDREN AND FAMILY SERVICES
ADMINISTRATIVE MEMO # 11-2008

TO: Service Area Administrators
Child and Family Services Administrators, Supervisors, and Staff

FROM: Todd L. Reckling, Policy Section Administrator
Division of Children and Family Services

Approved by: Todd A. Landry, Director
Division of Children and Family Services

Date: November 21, 2008

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REGARDING: **Safe Haven Law as Revised**

Effective Date: **November 22, 2008. Replaces Administrative Memorandum #8-2008**

Duration: Until revised.

Purpose: To inform staff of changes made to the Safe Haven law and to outline requirements for staff related to implementation of the new law.

Action Required: See "Department Action" below.

Introduction: As you know, Legislative Bill 157, also known as the "Safe Haven Act" was passed during the 2008 Legislative Session became effective as law on July 18, 2008. Information on the Department's actions related to the Safe Haven Act, can be found on the Department website at http://www.dhhs.ne.gov/children_family_services/safehaven/

On November 21, 2008, Governor Heineman signed into law LB 1 which makes an important change to LB 157. LB 1 was passed during the recent Special Session of the Legislature. Under an emergency clause provided in LB 1, the new law is effective November 22, 2008. The new law limits the age of a child who a person can drop off at a hospital and not be prosecuted. Specifically, the law states: "No person shall be prosecuted for any crime based solely upon the act of leaving a child *thirty days old or younger* in the custody of an employee on duty at a hospital licensed by the State of Nebraska. The hospital shall promptly contact appropriate authorities to take custody of the child." When a hospital receives a child, the law requires the hospital to contact local law enforcement. Law enforcement will respond by taking the child into protective custody. Law enforcement will then notify the Department as authorized under Neb. Rev. Stat. § 28-711.

I want to personally thank those of you most directly involved during these past few months for your quick responses and the support you've given to the children who were placed in the Department's custody as a result of persons using the Safe Haven Law. You each have done an outstanding job in handling these difficult situations.

Goal: When children are placed with the Department under the "Safe Haven" law, the goal of the Department is to ensure safety, permanency and well-being of the child.

Department Action: When law enforcement places the child in the temporary custody of the Department, the Department will take the following actions:

Intake Worker: The Child and Family Services Specialist must enter the child's intake information on N-FOCUS as a "dependency and the child's name (first and last) if known.

1. If the child's name is not known, the CFS Specialist will not make up a name, but will enter the child as "Baby Boy" or "Baby Girl." The Specialist will obtain the child's last name from the list of temporary names as provided by the Department. The specialist will use the next name on the list.
2. When the child's name is determined, either by locating the parent(s) or as selected by the adoptive parent(s), the child's name, when known, will be changed on N-FOCUS.
3. Complete a "Critical Incident Report" and distribute the report as required.
4. Select "Safe Haven" as the reason for removal on N-FOCUS.
5. Arrange for placement of the child.
6. Forward the intake information to his/her Supervisor for assignment of a CFS Specialist to complete a Safety Assessment.

NOTE: The Department may not consent to treatment of a child left at the hospital under the "Safe Haven" law unless or until that child is in the Department's custody.

Initial Assessment Specialist: The Child and Family Services Specialist assigned to complete the safety assessment will:

1. Determine or attempt to determine that the child is 30 days old or younger. If the CFS Specialist has information to confirm or reason to believe the child is older than 30 days, the CFS Specialist will contact the County Attorney and law enforcement with this information. The CFS Specialist will verify or attempt to verify the child's age by viewing and making a copy of the child's birth certificate, by contacting Vital Records or, when possible, by gathering information in interviews of the person who dropped the child off at the hospital or others who may have information.
2. Contact the County Attorney to determine if any additional information is needed from the Department in order to file a petition for custody.
3. Attempt to locate the child's parent(s) or extended family.
4. Complete a thorough safety assessment as soon as possible using the information that is known about the child.
5. Transfer the case to an ongoing CFS Specialist to provide ongoing services and any additional assistance to the child and family.

Other Department Actions: The Department will take the following action regarding the child in order to facilitate permanency for the child:

1. Reunification: If parents are located and reunification is the permanency plan, services must be offered to the child and family to facilitate reunification; or
2. Adoption. If adoption is the permanency plan for the child, the Department will work with the County Attorney's office to expedite a termination of parental rights action.