

QUESTIONS and ANSWERS about North Carolina's Safe Haven Law (Infant Abandonment)

What is the Safe Haven Law?

It's a law allowing parents to surrender or give up their baby confidentially, without being arrested or put on trial for abandonment.

How does the law work?

A parent who is not willing or able to care for a newborn can anonymously and voluntarily bring an infant, under seven days old, to any of the following "safe haven centers:" hospital, health department, community health center, police or sheriff department, social services department, fire or emergency services station. The parent can also leave the infant with a healthcare provider, law enforcement officer, social worker or certified E.M.S. worker who is on duty, even when they are away from their building or office. The parent does not have to give any information.

Are safe haven centers the only ones who can accept an infant?

No. The law requires the safe haven centers and workers listed above to take an infant, but other adults can voluntarily take the baby if they wish. The adult taking the infant may ask for information, but must tell the parent that the information is not required.

What must someone taking the infant do?

Anyone accepting an infant under this law must protect the health and well-being of the baby. They must also immediately notify social services or local law enforcement that they have received an infant.

Does this mean the parent is reported to the police?

No. Parents who leave an unharmed infant under 7 days old at a Safe Haven or with a responsible adult, indicating they don't intend to return for the baby, can walk away with no prosecution – EVER.

What if the parent is a minor?

The parent's age doesn't matter. Any parent can give up an unwanted infant under the law, safely and confidentially.

What if the person taking the baby asks for information?

The person taking the surrendered infant can ask for information, but must tell the parents that they are not required to answer. Often times, health information is helpful for caring for the infant. Even if parents give their names, they have the same legal protections as those giving up their children anonymously – they cannot be arrested or tried for abandonment.

Can only a parent surrender an infant?

Yes. The law requires the person voluntarily surrendering the infant to be the infant's parent. This could be the mother or the father. Of course, another adult who voluntarily accepts an infant from the parent (see above) would be the appropriate person to turn the infant over to social services or law enforcement. Also, anyone who accepts an infant from an individual believed, in good faith, to be the parent is generally protected from later civil or criminal liability.

What happens to the infant?

The person taking the infant must protect the health and well-being of the infant. When a hospital or healthcare entity takes the infant, this means they will likely examine the infant and perform needed medical treatment. The hospital may give the mother or father a medical questionnaire to gather medical history. While parents do not have to provide any information, filling out a medical history could be very useful in caring for the baby. This form can be taken with the parents and mailed back to the hospital. Once the parents have safely turned over the baby, they are free to go. Social services will take custody of the baby. The baby may be placed in a foster home or other temporary location while pending adoption.

Can't the parents just up give the infant for adoption?

Yes. Nothing in this law replaces the existing laws on adoption. Many pregnant women choose in advance to give up their baby for adoption. The Safe Haven law provides a process, often as a last resort, for parents who feel they have no other legal options.

What if parents change their minds?

Although the law applies to a parent "who does not express an intent to return for the infant," the law does not prevent a parent from changing his or her mind. However, a parents can lose their rights if the child remains abandoned for 60 days or more.

End Note: Source NCGS §7B-500; NCGS §7B-1111; NCGS §14-318.2 and 318.4; NCGS §14-322.3