



Yvette Salinas, Health Administrator

***Safe Haven Law
Texas Statute***

June 3, 2008

The *Safe Haven Law* has been enacted as an incentive for mothers in crisis to safely relinquish their babies to designated locations where the babies are protected and provided with medical care until a permanent home is found. This law allows the parent to remain anonymous and to be shielded from prosecution for abandonment or neglect in exchange for surrendering the baby to a safe haven.

The following are some of the designated *Cameron County Safe Haven Providers*:

<i>Cameron County Safe Haven Providers</i>		
An infant can be relinquished at the following hospital's emergency room:	Address	Phone Number
Harlingen Medical Center	5501 S Expressway 77 Harlingen, TX 78550	(956) 365-1000
Valley Baptist Medical Center – Harlingen	2101 Pease Street Harlingen, TX 78550	(956) 389-1100
Valley Baptist Medical Center - Brownsville	1040 W. Jefferson Brownsville, TX 78520	(956) 698-5400
Valley Regional Medical Center	100 A E. Alton Gloor Blvd. Brownsville, TX 78526	(956) 350-7000
This list will be updated as information becomes available. For additional information contact Gabriela Saucedo at (956) 247-3685.		

Please read the information below for specific details about this law.

Infant's Age
Fam. Code § 262.302

A child who is 60 days old or younger may be relinquished.

Who May Relinquish the Infant Fam. Code § 262.302

The child may be relinquished by his or her parent.

Who May Receive the Infant Fam. Code §§ 262.301; 262.302

A designated emergency infant care provider shall, without a court order, take possession of a child who appears to be 60 days old or younger if the child is voluntarily delivered to the provider by the child's parent, and the parent did not express an intent to return for the child. A "designated emergency infant care provider" means:

- An emergency medical services provider
- A hospital
- A licensed child-placing agency that:
 - Agrees to act as a designated emergency infant care provider
 - Has on staff a person who is licensed as a registered nurse, or who provides emergency services and who will examine and provide emergency medical services to a child taken into possession

Responsibilities of the Safe Haven Provider Fam. Code §§ 262.302; 262.303

A designated emergency infant care provider who takes possession of a child has no legal duty to detain or pursue the parent and may not do so unless the child appears to have been abused or neglected. The designated emergency infant care provider has no legal duty to ascertain the parent's identity, and the parent may remain anonymous. However, the parent may be given a form for voluntary disclosure of the child's medical facts and history.

A designated emergency infant care provider who takes possession of a child under this section shall perform any act necessary to protect the physical health or safety of the child.

Not later than the close of the first business day after the date on which a designated emergency infant care provider takes possession of a child, the provider shall notify the Department of Protective and Regulatory Services that the provider has taken possession of the child. The department shall assume the care, control, and custody of the child immediately on receipt of notice.

Immunity for the Provider Fam. Code § 262.302

The designated emergency infant care provider is not liable for damages related to the provider's taking possession of, examining, or treating the child, except for damages related to the provider's negligence.

Protection for Relinquishing Parent Penal Code § 22.041(h); Fam. Code §§ 262.308

The parent may remain anonymous. All identifying information, documentation, or other records regarding a person who voluntarily delivers a child to a designated emergency infant care provider under this subchapter is confidential and not subject to release to any individual or entity.

It is an exception to the application of the law prohibiting abandonment or endangerment of a child that the actor voluntarily delivered the child to a designated emergency infant care provider.

Effect on Parental Rights
Fam. Code §§ 262.304; 262.305; 262.309; 262.105

A child for whom the Department of Protective and Regulatory Services assumes care, control, and custody shall be treated as a child taken into possession without a court order. When a child is taken into possession without a court order, the person taking the child into possession, without unnecessary delay, shall:

- File a suit affecting the parent-child relationship
- Request the court to appoint an attorney *ad litem* for the child
- Request an initial hearing to be held by no later than the first working day after the date the child is taken into possession

If the Department of Protective and Regulatory Services files a suit affecting the parent-child relationship seeking termination of the parent-child relationship, the department shall file the suit not later than the 45th day after the date the department assumes the care, control, and custody of the child.

Immediately after assuming care, control, and custody of a child, the Department of Protective and Regulatory Services shall report the child to the appropriate State and local law enforcement agencies as a potential missing child. A law enforcement agency that receives a report shall investigate whether the child is reported as missing.

The Department of Family and Protective Services is not required to conduct a search for the relatives of a child for whom the department assumes care, control, and custody under this subchapter.

Sources: Cameron County Department of Health and Human Services

Cameron County Legal Counsel

Child Welfare Information Gateway: www.childwelfare.gov