

APPENDIX: 24

TITLE: Safe Haven Guidelines

REVISED: November 1, 2017

I. Purpose:

To comply with Chapter 82, Title 39, Section 8201-8207, Idaho Code, the Idaho Safe Haven Act.

II. Introduction:

Effective July 1, 2001, the Safe Haven Act went into effect statewide. This law provides freedom from prosecution for a custodial parent (defined as apparent with whom the child resides, not necessarily the mother) who gives up a child (under 30 days old) to a designated Safe Haven.

Safe Havens are defined as:

- Hospitals
- Physicians and their staff at an office or clinic
- PA's, NP's, Nurse Midwives, Nurse Anesthesiologists
- 911 medical responders (EMT-B through Paramedic)

EMS personnel may encounter any number of situations as a result of this law.

III. Eligibility:

The Idaho Safe Haven Act offers protection from civil and criminal liability to medical personnel, law enforcement officers and staff of Safe Haven facilities as long as they are operating in "good faith". The following are required to meet that requirement:

- The presenting parent may be asked if he/she is the custodial parent (does child reside with them). Technically, only the custodial parent can submit the child and be protected under the Safe Haven Act.
- The child must be under 30 days old or if age is unknown or not disclosed, then reasonably be assumed to be less than 30 days old.
- Please ensure that the child is being given up to EMS under the Safe Haven Act. Ask specifically, "Are you giving this child up to EMS". Document any response, lack of response, language barriers, etc. This is essential to protecting EMS personnel.
- If ACP personnel are presented with a child who is not eligible for the Safe Haven Act, the child is still presented to EMS for care and normal procedures should be followed.

III. Medical Care:

The medical care of the child comes first. Follow all protocols. The Safe Haven Act provides consent for medical care under these circumstances.

- In the event that the child does not meet the Safe Haven criteria due to age or means of presentation, then follow normal procedures keeping the child's best interest in mind.
- Provide any care needed, document thoroughly and contact law enforcement ASAP. This is to ensure that the child receives any medical care required.
- Unless care priorities dictate otherwise, the child should be taken to the closest appropriate medical facility for further evaluation and care.

IV. Confidentiality:

The Safe Haven Act intent is to provide a means of parent(s) to present the child to authorities without fear of prosecution or persecution from friends or family. Experts agree that most children who are abandoned are abandoned by teenage mothers who have hidden the pregnancy. Therefore, confidentiality is essential to promote the use of this program.

- The parent(s) are not required to divulge their identity. If the parent(s) do give their identity or it is known through some other means, then document it normally. The information is subject to normal patient confidentiality procedures.
- The parent(s) are not required to divulge any further information what so ever. However, EMS personnel may ask some questions pertaining to any given name of the child, birthday, pertinent medical history of the child or parent(s), etc. The Patients are not required to respond.
- Please document on the billing sheet that this is a Safe Haven patient. No billing will be sent to the parent(s) in order to protect the identity of the parent(s).

V. Documentation:

- Any name, birthday, or medical history for the child, if disclosed.
- Name of parent(s), if disclosed.
- Any dialog offered by the parent(s) in giving the child over to EMS personnel. If there are any barriers, document them as well.
- Document that the child was turned over to hospital staff.
- Document a full and thorough head to toe exam as well as any medical care provided, per normal guidelines.

VI. Notification:

If the child is eligible for the Safe Haven program, EMS personnel should make the following notifications and document such on the chart. The notification should include that the child meets the Safe Haven guidelines.

- Law Enforcement Officer
- ACP Supervisor
- Receiving Medical Facility

VII. Protection:

The Safe Haven Act offers protection for all parties involved.

Medical providers and their staff. from civil and criminal liability as long as they were operating on "good faith in receiving this child and performing duties under this section". Also gives permission to give professional medical care.

Law enforcement officer from civil and criminal liability unless they were operating in "bad faith or in violation of the provision of this chapter".

Parent; from criminal prosecution in abandoning the child so long as it is to a Safe Haven. However, it does not provide immunity from criminal acts committed against the child before being turned over to a Safe Haven.