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Save a Life: Know the Facts about North Carolina's Safe Haven law

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North Carolina, like many states, allows a parent, or parents, to give up an infant under seven days of age to a “safe haven,” no questions asked and without facing arrest or other penalties for abandonment. The law is intended to save the lives of infants that might otherwise be abandoned in garbage dumpsters or toilets.

For the Safe Haven law to save lives, however, physicians and other health care practitioners need to know about the law and help spread the word.

Here are the basics:

North Carolina law (N.C.G.S. § 7B-500) recognizes the following locations as safe havens:

- Hospitals
- Health departments
- Community health centers

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- Police and sheriff's departments
- Social services departments
- Fire or emergency stations

In addition to these locations, any adult may (but is not required to) accept temporary custody of an infant. Health care practitioners, law enforcement officers, social workers, and certified EMS workers who are on duty are required under state law to accept surrendered infants. Parents are not required to provide any information upon surrendering a newborn, but may be encouraged to provide medical history to assist in the child's care. The surrendering parent must be told that he or she is not required to give any information.

The parent's age does not matter. The law requires that the parent "not express an intent to return for the infant." A parent who surrenders a baby may change his or her mind and reclaim custody of his or her child. However, if the infant is abandoned for 60 days, parental rights may be lost.

Anyone accepting an infant from an individual believed, in good faith, to be the parent is generally protected from civil and criminal liability. Any person who accepts an infant must protect the child's health and wellbeing, and must immediately contact social services or law enforcement.

The Safe Haven law does not replace adoption, but rather provides a process for parents who feel that they have no other choice but to surrender their child.

Additional information about the Safe Haven law, including brochures and other

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materials, is available at: <http://healthlaw.ncbar.org/resources/safe-haven.aspx>. Please consider displaying brochures or a poster about the Safe Haven law in your exam rooms or waiting areas to help others learn about this law. This information is provided as a public service of the Health Law Section of the North Carolina Bar Association.



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