

NUMBER

#21-68-16

DATE

May 26, 2021

OF INTEREST TO

County Directors

Social Services Supervisors and
Staff

Hospital Staff

Urgent Care Clinic Staff

Ambulance Service Providers

County Attorneys

Tribal Attorneys

ACTION/DUE DATE

Read information and use when
responding to cases that fall
under the Give Life a Chance;
Safe Place for Newborns law.

EXPIRATION DATE

May 26, 2023

Overview of Safe Place for Newborns Law

TOPIC

Give Life a Chance, Safe Place for Newborns law.

PURPOSE

Provide updated guidance to county social service agencies on the Give Life a Chance, Safe Place for Newborns law. This bulletin replaces bulletin 18-68-10.

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SIGNED



TIKKI BROWN
Assistant Commissioner
Children and Families Administration

TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Overview of Give Life a Chance, Safe Place for Newborns law

The Give Life a Chance, Safe Place for Newborns law (Safe Place law) was established to provide a mechanism for a mother to voluntarily and anonymously leave her newborn with a “safe place” without fear of prosecution for abandonment. [Minnesota Statutes, sections 609.3785, 145.902 and 260C.139]

Newborns left at a safe place must:

- Have been born within seven days, as determined within a reasonable degree of certainty
- Present unharmed at the time received by medical personnel
- Be left by the mother, or a person with mother’s permission, in the care of safe place personnel.

The law defines a safe place as:

- A hospital licensed under Minnesota Statutes, sections 144.50 to 144.56
- A health care clinic that provides urgent care medical services
- An ambulance service dispatched in response to a 9-1-1 telephone call from a mother, or a person with mother’s permission, to relinquish a newborn.

II. Situations covered by the Safe Place law

The law requires a newborn be received by an employee on the premises of a safe place during its hours of operation. If a newborn is being relinquished to a health care clinic that provides urgent care medical services, providers must dial 9-1-1, informing dispatcher of the Safe Place relinquishment, and request them to send an ambulance or take other appropriate action to transport the newborn to a hospital. If a newborn is being relinquished to ambulance service staff through a 9-1-1 call by a mother (or person with mother’s permission), ambulance service staff must transport the newborn to a hospital for care.

[Minnesota Statutes, section 145.902, subdivision 1]

When a person is leaving a newborn under the Safe Place law, safe place providers receiving a newborn must not inquire as to the identity of the mother or of a person leaving a newborn, or call the police, provided the newborn is unharmed when presented to a safe place provider. Safe place providers may ask persons leaving a newborn about the medical history of the mother or newborn, but they are not required to provide information. Safe place providers may give persons leaving a newborn information about how to contact relevant social service agencies.

[Minnesota Statutes, section 145.902, subdivision 1(c)]

Within 24 hours of receiving a newborn, hospital staff must inform the local social service agency that a newborn has been surrendered under the Safe Place law, but must not do so until a person leaving a newborn leaves the premises. Hospitals must provide necessary care to newborns pending assumption of legal responsibility by the local social service agency.

[Minnesota Statutes, section 145.902, subdivision 2]

Mandated reporters at a safe place provider are immune from criminal or civil liability that otherwise might result from failure to make a report under Minnesota Statutes, section [260E.06](#), if a person is acting in good faith in complying with the Safe Place law.

[Minnesota Statutes, section 145.902, subdivision 3]

A. Situations not covered by the Safe Place law

The Safe Place law does not apply to situations where a mother admits herself into a hospital for the birth and provides identifying information, even if she states that she wants to utilize provisions of the Safe Place law. Infants born in a hospital have an identity; documents regarding a birth are filed with the Vital Records department to issue a birth certificate.

In this situation, if it does not appear there are child protection concerns, a mother may be referred to a licensed private adoption agency or, if a newborn is an Indian, child's tribe, to place them in an adoptive home. A licensed private adoption agency and a mother may enter into an agreement conferring authority to the agency to place their child for adoption under Minnesota Statutes, section 259.25. Mothers may also file an affidavit with an agency under Minnesota Statutes, section 259.83, subdivision 3, objecting to release of her information to her child when they are adults.

If a mother abandons her newborn at a hospital when the Safe Place law does not apply, hospital staff should make a child protection report to the local social services agency.

The Safe Place law also does not apply if a mother does not utilize an appropriate safe place. For example, a fire station or a church are not designated safe places under the Minnesota Safe Place law.

III. Local child welfare agency response

Minnesota Statutes, section 260C.139, permits responsible social service agencies to plan for the immediate safety and adoption of newborns surrendered to a safe place. The responsible social service agency should verify information received by the safe place regarding the circumstances surrounding a newborn left at a safe place. If circumstances fall within provisions of the Safe Place law, newborns are considered abandoned under Minnesota Statutes, section 260C.007, subdivision 6 (1), and section 260C.301, subdivision 1 (b)(1). The responsible social service agency has legal responsibility for placement of a newborn in foster care for 72 hours, during which time agencies must file a petition under Minnesota Statutes, section 260C.141, asking the court to order continued placement of the newborn in foster care, with care, custody, and control ordered to the agency.

Infants surrendered under the Safe Place law are unlikely to meet Title IV-E eligibility requirements for foster care because their parents are unknown. For questions about a newborn's Title IV-E eligibility for foster care, consult with the Title IV-E trainer assigned to the local social service agency.

As of January 1, 2021, all children in foster care are automatically eligible for Medical Assistance (MA) in Minnesota, regardless of Title IV-E eligibility. This medical insurance is necessary to provide coverage of a newborn's care at a hospital/clinic and/or any ambulance services. For questions about MA eligibility, contact the local county/tribal health care office. More information is in department Bulletin No. 21-21-01. If neither the agency nor hospital has information about the identity of a newborn, or their mother or father, they may be

placed immediately for adoption, without attempting to locate the parents or other relatives. If an agency receives identifying information about a newborn, or their mother or father, the Safe Place law provisions do not apply, and an agency must proceed under child protection provisions.

[Minnesota Statutes, sections 260C.139 and 260C.150, subdivision 8]

A. Possible American Indian newborns

If a newborn is or may be an Indian child, requirements under the Indian Child Welfare Act (ICWA) and Minnesota Indian Family Preservation Act (MIFPA) apply. If an agency has questions about ICWA, MIFPA, and the Safe Place for Newborns law, contact the Minnesota Department of Human Services at 651-431-4661 or DHS.ICWA.MIFPA@state.mn.us.

B. Placing a newborn for immediate adoption

After the responsible social service agency determines that circumstances fall under provisions of the Safe Place law, and a newborn has been ordered into foster care under legal responsibility of an agency, the agency must begin planning for immediate adoptive placement. This includes:

- Asking the county attorney's office to file a permanency petition and request the court to order the newborn under guardianship of the commissioner of Human Services
- Locating and placing newborn with a prospective adoptive family
- Working with the commissioner of Human Services to determine whether the newborn is eligible for Northstar Adoption Assistance
- Assisting the prospective adoptive family with filing an adoption petition and obtaining an adoption decree, as appropriate.

When a newborn is placed under Safe Place law provisions, agencies are not required to search for the identification of birth parents or conduct relative searches. This includes not searching the Minnesota Fathers Adoption Registry. Notice or serving a summons on either parent is also not required.

For questions about Title IV-E eligibility for adoption assistance when newborns are surrendered under Safe Place provisions, contact northstar.benefits@state.mn.us.

[Minnesota Statutes, sections 260C.139, subdivision 1; 260C.150, subdivision 8]

C. Entering data in the Social Service Information System

Cases that fall under the Safe Place law should be opened in the Social Service Information System (SSIS) as a child welfare workgroup, with a presenting problem of "other." A newborn's legal name should be entered in SSIS as it appears on the birth certificate. This may include generic names such as Baby Boy, Unknown Girl, Newborn, Abandoned, or other generic names. It is important that the entered name in SSIS matches exactly the name on the newborn's birth certificate. The [Birth Registration Information for](#)

[Safe Place Newborns or Foundlings](#) form documents the newborn’s legal name and is filled out by hospital staff.

The responsible social service agency often requests that foster families or pre-adoptive families choose a temporary name for the newborn. For instances where the first placement will be a newborn’s permanent home, the temporary name typically becomes the final legal name upon adoption. When assigning a temporary name, enter as a new name with nickname specified as the type in SSIS. Birth parents’ names should be “Unknown Female” or “Unknown Male,” as no other parental information is needed.

Information regarding legal documents should be directed to the Office of Vital Records at health.vitalrecords@state.mn.us or 651-201-5970. For questions about entering names in SSIS, contact the SSIS help desk at dhs.ssishelp@state.mn.us.

The image displays two screenshots of the SSIS (Statewide System of Information Services) software interface. The left screenshot shows a tree view on the left side with 'Name/Race' selected. The main window displays a form for entering race information, including a 'Race' dropdown menu set to 'Caucasian', a 'State Filter for Tribe List' field, a 'Tribe/ethnicity' field, and a 'Tribal enrollment status' field. A 'Go to ICWA Folder' button is also visible. The right screenshot shows a 'Type' dropdown menu with 'Nickname' selected. Below it, there is a name entry form with fields for 'Prefix', 'First name', 'Middle name', 'Last name', and 'Suffix'.

The primary removal condition entered in SSIS must be “Safe Place for Newborns Relinquishment of Parental Rights” on the Removal Conditions tab, on the Continuous Placement entry. This removal condition must not be used when the Safe Place law does not apply. For example, this cannot be used when an infant is older than seven days, nor when an agency is working towards reunification with birth parent/s or legal caregivers.

Cont plcmt - 06/28/2012 Authority Removal Conditions Permanency Plans Reviews

Abandonment
 Alleged neglect
 Alleged physical abuse
 Alleged sexual abuse
 Caretaker's inability to cope (illness or other)
 Child alcohol abuse
 Child drug abuse
 Child's behavior problem
 Child's disability
 Death of parent(s)
 Inadequate housing
 Incarceration of parents
 Parental alcohol abuse
 Parental drug abuse
 Relinquishment or termination of parental rights
 Safe Place for Newborns relinquishment of parental rights

Primary removal condition:
 Safe Place for Newborns relinquishment of parental rights

Removal conditions finalization date:
 []

D. Mother or father requests return of a newborn

If, prior to an order terminating parental rights, a person presents as the mother or father of a newborn surrendered under the Safe Place law and wants their child returned to their care, the responsible social service agency should open the matter as a child maltreatment case and conduct a Family Investigation, according to Minnesota Statutes, section [260E.20](#) requirements.

The responsible social service agency should assess a request for return of a newborn by:

- Verifying person's identity as the biological mother or father
- Assessing safety issues a newborn may face in the care of the mother or father
- Identifying need for child protective services.

A new child maltreatment report should be entered in SSIS, and the child protection investigation process completed. While a child maltreatment investigation should take place, the responsible social service agency staff should not determine that maltreatment occurred based solely on a mother's decision to utilize provisions of the Safe Place law. Agencies could switch the Family Investigation to Family Assessment, should a social service agency find it appropriate.

If an agency's assessment documents conditions indicating a newborn is at significant risk of maltreatment if protective intervention is not provided, a determination that child protective services are needed is appropriate. In this event, a child protective services or out-of-home placement plan should be developed.

E. Agency response when newborn is not covered by Safe Place law

If a responsible social service agency receives a referral that does not meet Safe Place law provisions, it should assess safety needs of the mother and newborn and, as appropriate, offer services to protect their safety. Services may include planning for placement of newborn away from the mother, as needed

and appropriate, including situations when neither parent can be located. In situations that do not fall under the Safe Place law provisions, agencies must follow all provisions of Minnesota law that apply whenever a child is placed in foster care or for adoption. This includes identifying and working with the father and infant's tribe/s, if applicable, and conducting a relative search of maternal and paternal relatives.

If an agency does not follow all foster care and adoption provisions of Minnesota law when Safe Place law provisions do not apply, it may encounter several barriers to making and finalizing an adoptive placement of an infant under guardianship of the commissioner. These include:

- Reconciling legal parents when birth record and termination of parental rights court order do not match
- Providing full disclosure to prospective adoptive families, as required by Minnesota law, when information is known but not recorded in infant's social and medical history
- Attempting to determine eligibility for Northstar Adoption Assistance when reasonable but unsuccessful efforts to place without adoption assistance were not made, as required by state and federal law.

[Minnesota Statutes, sections 256N.23, subdivision 2 (d) and (f); section 260C.609; section 260C.615, subdivision 1 (b) (2) and (3)]

IV. Safe Place for Newborns law resources

The department maintains the following resources about Safe Place:

- [Frequently Asked Questions](#) answers general questions about Minnesota's Safe Place law
- [Safe Place and other options](#) has information for parents about the Safe Place law and other parenting resources
- [Safe Place Facilities](#) is signage to be used and posted at hospitals, urgent care facilities, and designated safe places.

All of the above resources are on the department's website, [Safe Place MN](#). All of the above documents are in alternate languages of Spanish, Hmong, Somali, Vietnamese and Russian.

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-4670 (voice) or toll free at (800) 627-3529, or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.