

The Safe Haven for Abandoned Babies Act "Daniel's Law"

Enacted June 2000, Amended June 2006



Daniel's Law

KEY POINTS FOR STAFF AT A SAFE HAVEN ABOUT
THE LAW AND IMPACT OF 2006 AMENDMENT:

Hospitals are required to:

- Accept temporary physical custody of an abandoned infant less than thirty days of age who is voluntarily left by a person who does not express intent to return for the infant.
- Accept infants from another Safe Haven within 6 hours of child being left with the Safe Haven. Other Safe Havens defined by statute are law enforcement agency, fire station, emergency medical services station, or any staffed house of worship during hours when the facility is staffed.
- Perform any act necessary to protect the physical health or safety of the infant. This includes full compliance with EMTALA (Emergency Medical Treatment and Active Labor Act) rules and regulations.
- Hospitals and hospital outpatient facilities and its agents and other safe havens are immune from civil or criminal liability for any action authorized, so long as those involved are in compliance with the provisions of the law.

Other Safe Havens are required to:

- Accept temporary physical custody of an abandoned infant less than thirty days of age who is voluntarily left by a person who does not express intent to return for the infant.
- Deliver the infant to a hospital or hospital outpatient facility no later than six hours after receiving the infant.

The person leaving the hospital or other safe haven is not required to give his or her identity. The hospital or safe haven must:

- Offer the person information on the legal effects of leaving the infant by providing them a copy of the information brochure.
- Ask the person to identify any parent other than the person leaving the infant.
- Attempt to obtain information from the person on the infant's background and medical history (See DSS form 3082).
- Attempt to get any information concerning use of controlled substance by the infant's mother and other pertinent health information, which may determine the infants medical care requirements.

If the person does not wish to provide any information or is unable to provide the information, the person must be offered the **Legal Responsibility** flier, the DSS medical information form along with a self addressed stamped envelope.

A person who abandons a newborn cannot be prosecuted for abandonment IF he or she takes the unharmed baby to a worker or staff at the hospital, law enforcement agency, fire station, emergency medical services station, or a house of worship during the hours it is staffed AND the following requirements are met.

- The law applies to infants up to 30 days old.
- The person leaving the child does not have to reveal his or her identity.
- The infant is unharmed.

The person leaving the child will be asked to provide medical information about the baby's parents, and if possible the name of the baby's parents. This will help the medical personnel treat the baby for any health problems.

- The hospital will provide medical care and contact DSS.
- DSS will have legal custody of the child.

The DSS Brochure 2493 on "Daniel's Law" and DSS Form 3082 – Abandoned Infants Form for Safe Havens, can be accessed at the SCDSS website: <http://www.state.sc.us/dss/>