

Safe Haven Model Policy for Nebraska Hospitals

Prepared by the Nebraska Hospital Association
Individual Hospital Policies May Vary

Revised pursuant to the adoption of LB 1 – Effective November 22, 2008

Subject

Safe Haven Policy and Procedures for _____ (the “Hospital”).

Purpose

To establish operational policies and procedures for the Hospital to carry out its responsibilities in the event that a person surrenders custody of a child to the Hospital.

Nebraska’s Safe Haven Act

- “No person shall be prosecuted for any crime based solely upon the act of leaving a child thirty days old or younger in the custody of an employee on duty at a hospital licensed by the State of Nebraska. The hospital shall promptly contact appropriate authorities to take custody of the child.”
- Effective date – November 22, 2008.

Definitions

- **Person** – Person means any person who purports to have physical custody of the child. Person is not restricted to a parent of the child.
- **Employee on duty** – Employee on duty means any hospital employee on duty in any location of the Hospital.
- **Custody** – Custody is not defined in the Act, but for purposes of this policy, and consistent with the apparent purpose of the Act, custody is deemed to mean taking physical control of the child, including the right to use reasonable means to prevent the child from leaving the Hospital or engaging in harmful acts, until custody can be transferred to law enforcement.
- **Appropriate authorities** – Appropriate authorities means law enforcement. Law enforcement means police department, sheriff’s department or Nebraska State Patrol.

Policy

- In the event that a person surrenders custody of a child to an employee of the Hospital, it is the Hospital’s policy to facilitate acceptance of that child into the Hospital’s custody until custody can be transferred to law enforcement.
- For purposes of confidentiality, record creation, and other applicable Hospital policies, a child accepted into the Hospital’s custody pursuant to this policy shall be handled as if the child is a patient of the Hospital.

- All Hospital employees may reasonably assume that unless the person surrendering physical custody of a child clearly expresses the intent to return to regain physical custody of the child, the employee and all other identified staff may proceed through this safe haven procedure.

Procedures

Nebraska's Safe Haven Act only prohibits the prosecution of a person who surrenders a child thirty days old or younger to a hospital. The following procedures are also to be followed for any child more than thirty days old who is surrendered to a hospital.

- When an employee on duty at the Hospital becomes aware that a person intends to voluntarily surrender the physical custody of a child to the Hospital, the employee will immediately notify the _____ on duty, who is the person hereby designated to implement this policy on an individual case.
- The Hospital employee having contact with the person surrendering custody of the child should try to get the identity of the person surrendering the child and any medical history of the child or the child's family. This information may be requested but cannot be required.
- The _____ on duty will contact law enforcement as soon as reasonably possible. The _____ on duty will assure that any documentation required is timely and accurately recorded and provided to law enforcement and the Nebraska Department of Health and Human Services (DHHS). The DHHS hotline is: 1-800-652-1999.
- Employees of the Hospital may perform reasonably necessary acts to protect the health, safety and confidentiality of the child surrendered to its custody until law enforcement is engaged and custody has been transferred to DHHS. Once a child has been placed in the custody of DHHS, DHHS must consent to any further treatment.
- The surrender of a child does not imply that a request for examination or treatment has been made. If a request for examination or treatment is made, a medical screening examination should be provided. If a prudent layperson observer would believe that the child required examination or treatment for an emergency medical condition, a medical screening examination and any necessary stabilizing treatment will be provided within the capabilities of the Hospital.
- If the child needs diagnosis or treatment on an emergency basis, the Hospital will act as in any other emergency situation where no parent or guardian is available. Parental consent is not required for a medical screening examination or for emergency services.

Contact

The _____ at the Hospital is responsible for overall implementation of these policies and procedures. All questions shall be directed to this individual.