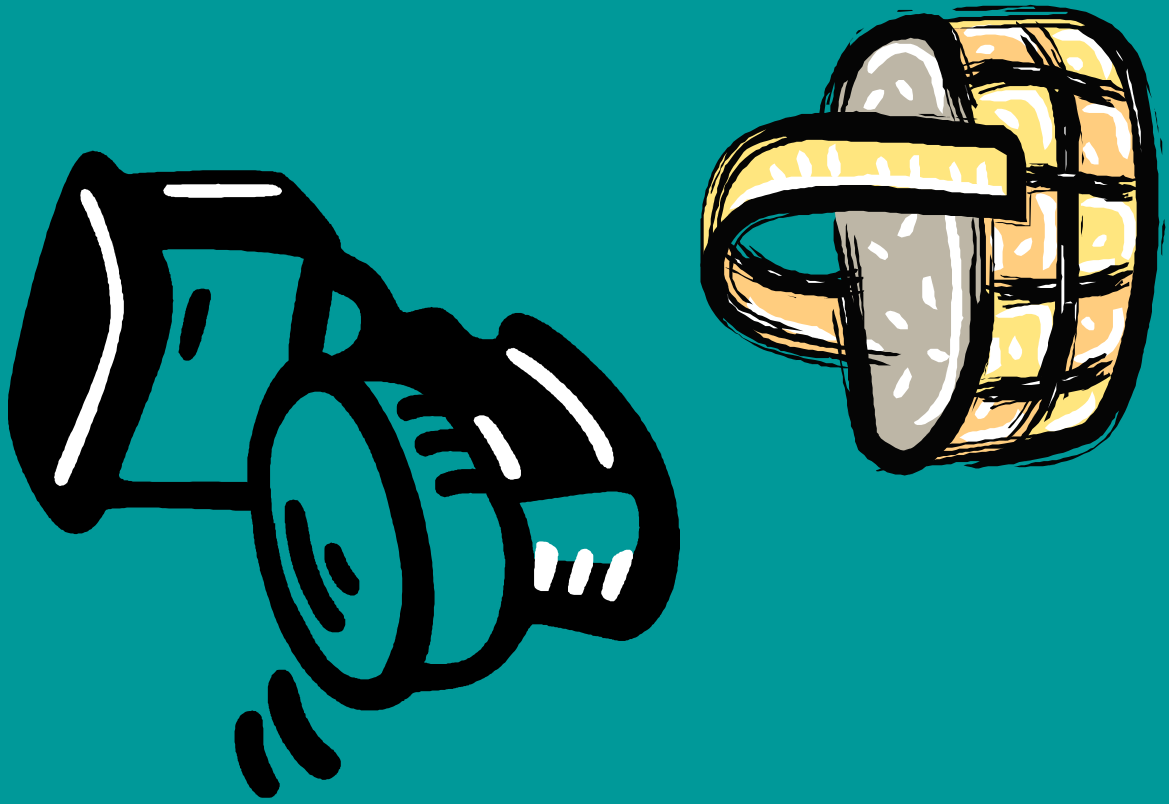


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Safe Surrender



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Laws Aimed at Giving Parents of Infants Safer Options

- Homicide Prevention
- Legal Abandonment
- Safe Surrender
- Safe Haven
- Baby Drop-Off
- Baby Moses



2001 in North Carolina: S.L. 2001-291 (H 275)

- Amended the Juvenile Code
 - DSS response to abandonment generally
 - “Safe surrender” authorization and procedures
 - Termination of Parental Rights



2001 in North Carolina: S.L. 2001-291 (H 275)

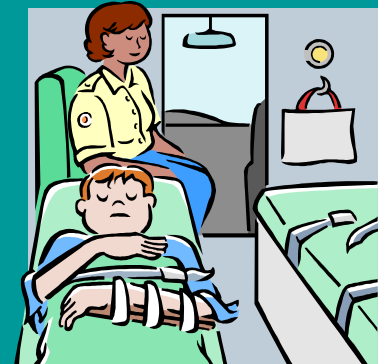
- Amended certain criminal statutes
 - Immunity for some offenses
 - Mitigating sentencing factor for one



Characteristics of Safe Surrender Laws

Mandated Receivers =
On Duty

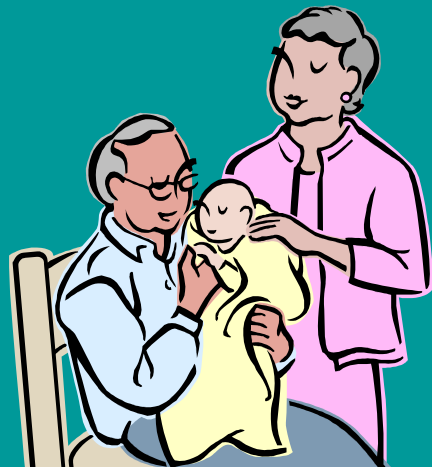
- Health Care Provider
- Social Services Worker
- Certified EMS Worker
- Law Enforcement Officer



Characteristics of Safe Surrender Laws

Authorized Receivers =

- Any Adult



Characteristics of Safe Surrender Laws

- Age of infant – first 7 days of life
- Specific locations – none
- Who can surrender – parent
- Permitted inquiry: parents' identity and medical history
- Required notification: parent is not required to provide the information



Effect of Surrender



- Notification of DSS
- Immunity for receiving adult
- Immunity (or affirmative defense) for parent
- Mitigating factor in sentencing
- Exceptions in child protective services or Juvenile Court laws – none



DSS Responsibility

- Assume custody of the child and provide care and protection
- File a petition alleging neglect or dependency; seek a nonsecure custody order; and obtain a summons
- Make a “diligent effort” to identify and locate both parents, as well as relatives

DSS Responsibility

- Have court papers served on parents personally or by certified mail
- Serve parent by publication only if other methods fail
- Proceed with court hearings:
adjudication, disposition, reviews,
permanency planning hearing, termination
of parental rights, adoption



Questions

- Is an assurance of “anonymity” accurate?
- What about the rights of the other parent?
- What will be the effect of no medical history?
- Will a “safe surrender” be a barrier to adoption?
- Could “relinquishment” under adoption law ever be substituted?
- Are there better ways to reach young people and educate them about options?