

# THURMONT POLICE DEPARTMENT

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| <b>GENERAL ORDER</b>                               | Date Issued: 6/1/2009    | Effective Date: 6/1/2009 | Order No: <b>Chapter 2.11</b> |
| Authority: Chief of Police<br><br>Gregory L. Eyler |                          | Manual Page No:          |                               |
| Subject: <b>Abandoned Child</b>                    |                          | Replaces Page No:        |                               |
| CALEA Standard: 41                                 | Distribution: <b>ALL</b> | Amended:                 | Number of Pages: 7            |
| Related Documents:                                 |                          |                          | Rescinds:                     |

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

## I. POLICY:

It is the policy of the Thurmont Police Department to provide a safe haven for newborn infants and children abandoned by their parent(s) pursuant to Maryland Family Law.

## II. DEFINITIONS:

- A. **Child Safe Haven Program:** Permits a birth mother or a specific individual designated by the birth mother to relinquish a newborn within seventy-two (72) hours of birth to a designated agency without civil liability or criminal prosecution.
- B. **Newborn:** An infant that is less than seventy-two (72) hours of age.
- C. **Designated Facility:** Denotes a hospital, State Police Barracks, or Local Police Department.
- D. **Abandoned Child:** A child under the age of eighteen (18) years that has been intentionally or unintentionally left by their parent(s), custodian, or guardian and lacks the proper care and attention required.
- E. **Unharmed:** Under the Maryland Safe Haven Program, "unharmed" means there is no evidence of physical injury or failure to provide proper care and attention to a newborn.

## III. ABANDONED NEWBORN PROCEDURES

A. In the event that a newborn is brought to the Thurmont Police Department to be surrendered in accordance with the Child Safe Haven Law, the Supervisor/Commander shall respond to manage the incident. If a Supervisor/Commander is not immediately available, one shall respond. The Chief of Police will also respond.

B. Supervisor/Commander Duties

1. Make every reasonable effort to determine whether the individual leaving the newborn is the parent by encouraging him/her to identify him/herself. If the individual surrendering the newborn is, in fact, not the parent, request the parent(s)'s information and attempt to contact them to ascertain whether or not the individual surrendering the newborn is authorized to do so.
2. Make every reasonable effort to determine from the surrender the age of the newborn, the newborn's present physical health, and the reason why the newborn is being surrendered.
3. Closely examine the newborn to ensure the child is unharmed and check for the presence of an umbilical cord. A moist and not scabby umbilical cord should be evident indicating an age of 72 hours or less. In the event the newborn is harmed or there is an absence of an umbilical cord, then the incident does not qualify under the "Child Safe Haven Program". Normal investigative procedures should be followed.
4. Immediately request an ambulance for transportation of the newborn to the area hospital and;
5. Immediately notify and require the response of a representative of the Department of Social Services (DSS).
6. Request a check through the Maryland Integrated Law Enforcement System (MILES)/National Crime Information Center (NCIC) for any related missing infant.
7. Immediately photograph the newborn to illustrate physical condition upon possession.
8. The Supervisor/Commander is responsible for the child until custody is assumed by DSS. The officer shall also verify the DSS representative's credentials to ensure validity.

C. HANDLING THE SURRENDER

All personnel must be aware that only the mother (or a person designated by the mother) may relinquish custody of an infant and are able to meet the criteria for immunity identified in the Child Safe Haven law. If there is an absence of reasonable articulable suspicion that a crime has occurred then the mother (or responsible adult) surrendering the infant **cannot be detained**.

#### D. GATHERING INFORMATION

If the mother or the person surrendering the newborn is willing to provide information on a **voluntary basis**, the additional information should be collected either through the attached Abandoned Child Information Sheet (TPD Form 2.11A) found in Appendix A of this order or should be documented to include:

1. Details concerning the person leaving the newborn: name, address, phone number, relationship to the infant if any, copies of identification provide, photographs (if possible), and vehicle information;
2. Any Available information concerning the parents of the newborn;
3. Any other pertinent information concerning the newborn (i.e. medical history, hospital of birth) as provide by the responsible adult;
4. If the person surrendering the newborn is not willing to provide information then the use of surveillance equipment to obtain an image of the person leaving the newborn is appropriate and encouraged.

#### E. WRITTEN REPORT REQUIREMENTS FOR NEWBORNS ONLY

An Incident Report shall be written to include the following:

1. All voluntary information provided by the mother or the person leaving the newborn,
2. Description of the infant being surrendered to include clothing and any accompanying items at the time of surrender;
3. Names, unit number, times of contact and response of the Department of Fire and Rescue Services (DFRS) personnel that transport the newborn to the Hospital,
4. The name of the Hospital the infant is transported to, the name and title of the person at the Hospital accepting the newborn, name(s) of the doctor(s) performing any examinations, and any papers/identifications provided by the Hospital,

5. Time of contact with DSS, to include the employee's name, the DSS agent obtaining custody, and the time of custody by DSS,
6. Results of all MILES/NCIC checks,
7. Two (2) Polaroid/Digital photographs of the newborn.

#### F. OFF SITE PROCEDURES

1. In the event that a person wishing to surrender a newborn under the Child Safe Haven Law approaches an officer outside a Police Station or THP facility, the officer shall escort the person and the newborn to the nearest area hospital. Information should be gathered before the escort, if possible. If the person refuses to go to a Hospital, the officer will take possession of the newborn upon verification the newborn meets the criteria of the Child Safe Haven Program and then immediately contact the Supervisor/Commander or his designee to report to the Hospital.
2. The newborn should be taken to a hospital for medical evaluation as soon as reasonable possible. Transport should be made by ambulance, whenever possible. In those instances when an ambulance is unavailable, the transportation of a newborn to the nearest hospital can be accomplished by an officer utilizing an infant car seat, upon approval from the Supervisor/Commander.
3. Supervisor/Commanders responding to the Hospital for an abandoned newborn shall do the following:
  - i. Verify the abandoned newborn qualifies under the Child Safe Haven Law,
  - ii. Verify the Hospital has contacted DSS;
  - iii. Request a check through MILES/NCIC for any related missing infant;
  - iv. Complete a written report detailing the incident (refer to Section III E)
4. The Supervisor/Commander shall be responsible for the child until a DSS agent assumes custody. The officer shall ensure the DSS agent's credentials are valid.

### **III. ABANDONED CHILDREN PROCEDURES (EXCLUSIVE OF SAFE HAVEN PROGRAM)**

#### A. RESPONDING OFFICER DUTIES

1. The responding officer shall determine whether the child appears to be unharmed. If the child is harmed, then the officer shall request an ambulance for transportation of the child to the area Hospital if deemed necessary.
2. The responding officer shall then attempt to gather personal information from the child depending upon the child's age.
3. The responding officer shall attempt to locate the child's parent(s) or guardian(s). After all means have been exhausted and upon supervisor approval, notification will be made to the Department of Social Services (DSS). The officer is responsible for the child until custody is assumed by DSS. The officer shall also verify the DSS representative's credentials to ensure validity.
4. The responding officer shall request a check through MILES/NCIC for any related missing child.
5. The responding officer shall photograph the child to illustrate the physical condition upon custody, if deemed necessary.
6. The Supervisor/Commander will be responsible for determining if a flyer containing the child's picture and physical description should be developed and circulated.
7. The Supervisor/Commander will determine if the media should be notified if media coverage is anticipated or desired to assist in getting vital information publicized.

#### B. WRITTEN REPORT REQUIRMENTS FOR ABANDONDED CHILDREN

An Incident Report will be written to include the following:

1. The location where the child was discovered and the attempt to locate the child's parent(s) or guardian(s).
2. The condition and physical description to include clothing worn upon initial discovery.
3. Names, unit number, times of contact and response of the Department of Fire and Rescue Services (DFRS) personnel that transport the child to the Hospital, if necessary,

4. The name of the Hospital the child is transported to, name and title of the person at the Hospital accepting the child, name(s) of the doctor(s) performing any examinations, and any papers/identifications provided by the Hospital,
5. Time of contact with DSS, to included the DSS employee's name,
6. Result of all MILES/NCIC checks,
7. Two (2) Polaroid/Digital photographs of the child if applicable.

**ATTACHMENTS:**

Appendix 2.11A - Abandoned Child Information Sheet (TPD Form 2.11A)

Appendix 2.11B - State of Maryland Department of Human Resources letter indicating public awareness campaign for the Maryland Safe Haven Act. (6 pages)

**DOCUMENT DATES:**

Amended Date:

Review Date:

Review Date:

Review Date:

Rescinds:

Order Written By: Chief Gregory L. Eyler

Order Approved and Edited By: Chief Gregory L. Eyler

CALEA Standards Included in this Order  
Chapter 41