

■ Infant Abandonment

BACKGROUND: In response to apparently rare but highly publicized instances in which infants have been abandoned and sometimes left to die, every state, beginning with Texas in 1999, has enacted a provision intended to provide a safe and confidential means of relinquishing an unwanted infant. These infant abandonment measures—also referred to as “safe haven” or “safe surrender” provisions—typically follow the Texas model and allow a parent or other specified party to relinquish an infant under certain circumstances without threat of prosecution for child abandonment. Variations include limits on an infant’s age (ranging from 72 hours to one year) and the places or personnel authorized to accept an infant (e.g., hospital emergency room staff or emergency services personnel [ESP], such as emergency medical technicians, firefighters or law enforcement officers). Some states explicitly guarantee parental anonymity; others require personnel accepting an infant to inquire into the infant’s medical history.

HIGHLIGHTS:

- 50 states and the District of Columbia have legalized relinquishing an infant up to a specified age.
- 18 states allow someone other than a parent (generally someone designated by a parent) to relinquish an infant.
- 34 states and the District of Columbia expressly preserve the anonymity of the person relinquishing an infant.
- 50 states and the District of Columbia designate the places or personnel authorized to accept an infant.
 - 36 states authorize emergency services personnel (ESP) to accept an infant or allow relinquishment through the 911 emergency system.
 - 46 and the District of Columbia states authorize health care providers (HCP), such as hospitals or health clinic employees, to accept an infant.
 - 11 states allow an infant to be relinquished to some other organization, such as a licensed adoption agency or a specific facility designated by the state.
- 26 states and the District of Columbia require the person receiving the infant to follow a state approved protocol, including providing both the person leaving the infant and the infant with identification bracelets to aid with possible reunification, asking for medical information about the infant, and initiating an investigation to determine if the infant is registered as a missing child.



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STATE	INFANT MAY BE RELINQUISHED UP TO A SPECIFIC AGE	OTHERS MAY LEAVE INFANT	PERSON LEAVING INFANT RETAINS ANONYMITY	AUTHORIZED ACCEPTOR	ACTIONS REQUIRED OF THE ACCEPTOR:		
					Provide ID Bracelet	Request Medical Information	Investigate If a 'Missing Child'
Alabama	72 hours			ESP			
Alaska	21 days		X	ESP, HCP, other		X	
Arizona	72 hours	X	X	ESP, HCP, other			
Arkansas	30 days			ESP, HCP			X
California	72 hours		X	HCP, other	X	X	
Colorado	72 hours			ESP, HCP			
Connecticut	30 days	X	X	HCP	X		
Delaware	14 days	X	X	HCP	X	X	X
Dist. of Columbia	7 days		X	HCP		X	
Florida	7 days		X	ESP, HCP			X
Georgia*	7 days			HCP			
Hawaii	72 hours	X	X	ESP, HCP		X	
Idaho†	30 days		X	ESP, HCP			X
Illinois	30 days		X	ESP, HCP			X
Indiana	45 days		X	ESP			
Iowa	14 days	X	X	HCP			
Kansas	45 days			ESP, HCP			
Kentucky	72 hours	X	X	ESP, HCP		X	
Louisiana†	30 days			ESP, HCP, other		X	X
Maine	31 days	X		ESP, HCP			
Maryland	10 days	X		HCP, other			
Massachusetts	7 days		X	ESP, HCP		X	
Michigan	72 hours*			ESP, HCP		X	X
Minnesota	72 hours	X	X	HCP			
Mississippi	72 hours		♦	ESP			
Missouri	1 year			ESP, HCP			
Montana	30 days			ESP, HCP		X	X
Nebraska	30 days	X		HCP			
Nevada†	30 days		X	ESP, HCP			X
New Hampshire	7 days		X	ESP, HCP, other			
New Jersey	30 days	X	X	ESP, HCP			X
New Mexico	90 days	X	X	HCP			
New York	5 days			Other			
North Carolina	7 days		X	ESP, HCP			X
North Dakota	1 year	X	X	HCP	X	X	
Ohio	72 hours		X	ESP, HCP		X	
Oklahoma	7 days		X	ESP, HCP			X
Oregon	30 days		X	ESP, HCP			
Pennsylvania	28 days			HCP			
Rhode Island	30 days	X	X	ESP, HCP			
South Carolina	30 days	X	X	ESP, HCP		X	X
South Dakota	60 days		X	ESP, HCP			
Tennessee	72 hours		X	ESP, HCP		X	
Texas	60 days		X	ESP, HCP, other			X
Utah	72 hours	X	X	HCP			X
Vermont	30 days	X	X	ESP, HCP, other			
Virginia	14 days			ESP, HCP			
Washington	72 hours		X	ESP, HCP		X	
West Virginia	30 days		X	HCP			
Wisconsin	72 hours		X	ESP, HCP, other			
Wyoming	14 days	X	X	ESP, HCP, other			X
TOTAL	50+DC	18	34+DC	50+DC	4	14+DC	16

♦ New laws in Minnesota and Mississippi go into effect later in 2012.

* Requires the woman to provide "proof of identity," if available, as well as a name and address.

† Allows a parent to relinquish an infant at an authorized place without personnel being present, as long as the parent notifies personnel of the infant's location.

ESP = emergency services personnel

HCP = health care provider

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FOR MORE INFORMATION:

For information on state legislative and policy activity, click on Guttmacher's [Monthly State Update](#), for state-level policy information see Guttmacher's [State Policies in Brief](#) series, and for information and data on reproductive health issues, go to Guttmacher's [State Center](#). To see state-specific reproductive health information go to Guttmacher's [Data Center](#), and for abortion specific information click on [State Facts About Abortion](#). To keep up with new state relevant data and analysis sign up for the [State News Quarterly Listserv](#).

Dailard C, [The drive to enact 'infant abandonment' laws—a rush to judgment?](#) *The Guttmacher Report on Public Policy*, 2000, 3(4):1–3 & 11.