

■ 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 have legalized relinquishing an infant up to a specified age.
- 19 states allow someone other than a parent (generally someone designated by a parent) to relinquish an infant.
- 32 states expressly preserve the anonymity of the person relinquishing an infant.
- 50 states designate the places or personnel authorized to accept an infant.
 - 32 states authorize emergency services personnel (ESP) to accept an infant or allow relinquishment through the 911 emergency system.
 - 47 states authorize health care providers (HCP), such as hospitals or health clinic employees, to accept an infant.
 - 12 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.
- 24 states 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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125 Maiden Lane
New York, NY 10038
212.248.1111
www.guttmacher.org
info@guttmacher.org

1301 Connecticut Avenue, N.W.
Washington, DC 20036
202.296.4012
www.guttmacher.org
policyworks@guttmacher.org

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STATE	INFANT MAY BE RELINQUISHED UP TO A SPECIFIED AGE	OTHERS MAY LEAVE INFANT	PERSON LEAVING INFANT RETAINS ANONYMITY	AUTHORIZED ACCEPTOR	ACTIONS REQUIRED OF THE ACCEPTOR:		
					Provide ID Bracelet	Request Medical Information	Investigate 'Missing Child' Status
Alabama	72 hours			ESP			
Alaska	21 days		X	ESP, HCP, other		X	
Arizona	72 hours		X	ESP, HCP, other			
Arkansas	30 days	X		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
Florida	3 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	72 hours		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			
Michigan	72 hours			ESP, HCP		X	X
Minnesota	72 hours	X	X	HCP			
Mississippi	72 hours			HCP, other			
Missouri	1 year			ESP, HCP			
Montana	30 days			ESP, HCP		X	X
Nebraska	30 days	X		HCP			
Nevada	30 days		X	ESP, HCP			
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	HCP		X	X
South Dakota	60 days			ESP, HCP, other			
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			
Wyoming	14 days	X	X	ESP, HCP, other			X
TOTAL	50	19	32	50	4	13	15

* 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

FOR MORE INFORMATION:

For information on state legislative and policy activity click on Guttmacher's [Monthly State Update](#) and for state level information and data on reproductive health issues, click on Guttmacher's [State Center](#).

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.

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