

Summary of Safe Haven Law in Pennsylvania

Infant's Age

Citation: Cons. Stat. Title 23, §§ 6502; 6503

A newborn may be relinquished. A "newborn" is a child less than 28 days of age as reasonably determined by a physician.

Who May Relinquish the Infant

Citation: Cons. Stat. Title 23, § 6503

The child may be relinquished by his or her parent.

Who May Receive the Infant

Citation: Cons. Stat. Title 23, §§ 6504; 6505

The child may be left with a health-care provider at a hospital. For purposes of this section, "health-care provider" shall include administrative, managerial, and security personnel employed by a hospital.

Responsibilities of the Safe Haven Provider

Citation: Cons. Stat. Title 23, §§ 6504; 6505

A health-care provider at a hospital shall do all of the following :

- Take the newborn into protective custody
- Perform a medical evaluation as well as perform any act necessary to care for and protect the physical health and safety of the newborn When relinquishing a newborn pursuant to this chapter, a parent may provide a health-care provider with information about the newborn's medical history and any identifying information.
- A health-care provider at a hospital shall in all cases notify the county agency and the local municipal police department, or the Pennsylvania State Police where no municipal police jurisdiction exists, immediately by telephone regarding a newborn accepted by a hospital under this chapter. A written report shall be submitted to the county agency and local municipal police department or the Pennsylvania State Police within 48 hours after the oral report.

Immunity for the Provider

Citation: Cons. Stat. Title 23, § 6507

Except for a violation of § 6506 (relating to failure to report acceptance of newborns), no hospital or health-care provider at a hospital shall be subject to civil liability or criminal penalty solely by reason of complying with the provisions of this chapter.

Protection for Relinquishing Parent

Citation: Cons. Stat. Title 23, § 6503; Title 18, § 4306

The parent is not criminally liable under any provision of title 18 (relating to crimes and offenses), if the criteria of 18 PCSA § 4306 are met. A parent of a newborn shall not be criminally liable for any violation of this title solely for leaving a newborn in the care of a hospital pursuant to 23 Pa.C.S. Ch. 65 (relating to newborn protection), providing that the following criteria are met:

Protection for Relinquishing Parent (cont.)

- The parent expresses, either orally or through conduct, the intent to have the hospital accept the newborn.
- The newborn is not a victim of child abuse or criminal conduct.

Effect on Parental Rights

This issue is not addressed in the statutes reviewed.

Information provided by Child Welfare 46 Information Gateway. Available online at http://www.childwelfare.gov/systemwide/laws_policies/statutes/safehavenall.pdf