

# 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](http://www.childwelfare.gov/systemwide/laws_policies/statutes/safehavenall.pdf)