ARKANSAS REGISTER



Transmittal Sheet

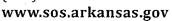
Use only for **FINAL** and **EMERGENCY RULES**

Secretary of State

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For Office		
Use Only: Effective Date	Code Number	
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Name of Agency Department of Human	Services	
Department Division of Children & Fan	nily Services	
Contact Mac E. Golden	E-mail_Mac.E.Golden@dhs.arkansas.gov_Phone_5	01.320.6383
Statutory Authority for Promulgating Rul	es Arkansas Code §§ 6-18-233, 9-28-103, 9-28-402, 9-28-405	i, 20-76-201, and 25-10-129
Rule Title: Birth Parents Relin	nquishing Infants for Adoption Under the	e Safe Haven Act
Intended Effective Date		Date
(Check One) Emergency (ACA 25-15-204)	Legal Notice Published	. 12/01/2023
10 Days After Filing (ACA 25-15-204)	Final Date for Public Comment	12/30/2023
Other 03/01/2024 (Must be more than 10 days after filing date.)	Reviewed by Legislative Council	. 02/16/2024
	Adopted by State Agency	00/04/0004
Electronic Copy of Rule e-mailed from: (Require	ed under ACA 25-15-218)	
		February 16, 2024
Contact Person	E-mail Address	Date
	ON OF AUTHORIZED OFFICER	
	fy That The Attached Rules Were Adopted kansas Administrative Act. (ACA 25-15-201 et. seq.)	
·*		.**
TIFANU		
(501) 396.6477	Signature Tiffany.Wright@dhs.arkansas.gov	
Phone Number	E-mail Address	
Director, D	ivision of Children & Family Services	
	Title February 16, 2024	
- Company of the Comp	Date	

POLICY VIII-F: BIRTH PARENTS RELINQUISHING INFANTS FOR ADOPTION UNDER THE SAFE HAVEN ACT

03/2024

Any medical provider, law enforcement agency, or fire department will take possession of a child who is thirty (30) days old or younger, without a court order, if the parents of the child, without expressing an intent to return for the child, leave the child:

- A. with or voluntarily deliver the child to a medical provider (including when a parent leaves a newborn child with a medical provider staff member after delivery of the newborn child), law enforcement agency, fire department; or
- B. in a newborn safety device as described in Arkansas Code § 9-34-202.

A medical provider, law enforcement agency, or fire department that takes possession of a child under the Safe Haven Act will perform any act necessary to protect the physical health and safety of the child.

A medical provider, law enforcement agency, or fire department will keep the identity of a parent who relinquishes a child under Safe Haven provisions confidential and will not release or otherwise make the identity of the parent available, except to a:

- A. law enforcement agency investigating abuse or neglect of the child that was committed before the child was relinquished; or
- B. prosecuting attorney pursuing charges against a parent for abuse or neglect of the child that was committed before the child was relinquished.

If the identity of a parent or child is released or made known to the Department of Human Services in violation of § A.C.A. 9-34-202 (b)(2), the case shall proceed as a dependency-neglect action, but with the same protections from liability as if an anonymous Safe Haven surrender was made. As such, the parent shall not be held criminally liable for the relinquishment or have a true finding of maltreatment or abandonment entered against the parent if that parent's identity is known and the Department of Human Services proceeds under § A.C.A. 9-27-341. Rather, a "true but exempt" selection will be made, as applicable, in the Division's approved information management system.

Further, the Department shall not subsequently use a resulting termination of parental rights against a parent who surrendered his or her child as allowed under the Voluntary Placement of a Child chapter in Arkansas law.

Upon delivery of the child (to a medical provider, law enforcement agency, or fire department), an appropriate employee (of the medical provider, law enforcement agency, or fire department) will take the child into protective custody for seventy-two (72) hours under the Child Maltreatment Act. The person taking the child into protective custody will immediately notify DCFS.

DCFS will contact the Office of Chief Counsel (OCC) to request a petition be filed with the court for an order of emergency custody. DCFS will also utilize the Arkansas Attorney General's Missing Children Services Program along with any other national and state resources to determine whether the child is a missing child before placing the infant in an appropriate legal risk adoptive placement.