

Safe Havens for Abandoned Infants

Legal responsibilities under Daniels Law, S.C. Code Ann. § 63-7-40

Daniel's Law

S.C. Code Ann. § 63-7-40, known as Daniel's Law, was enacted to provide a safe alternative to abandonment of infants by parents in crisis. Under Daniel's Law, a statutorily-designated safe haven in South Carolina must take temporary physical custody of an infant voluntarily left with the safe haven by a person who does not intend to return for the infant. The following are designated by state law as safe havens:

- Hospitals and hospital outpatient facilities
- Law enforcement agencies
- Fire stations
- Emergency Medical Services (EMS) stations
- Houses of worship during staffed hours

The person leaving the infant is not required to disclose his or her identity, but must leave the infant in the physical custody of a staff member of the safe haven.

Safe Haven Requirements

Safe havens must prominently display for public view on their premises a DSS notice stating they are a safe haven at which a person may leave an infant.

When an infant is left with a safe haven, the safe haven must:

- inform the person leaving the infant of the legal effect of such act. The act of leaving an infant with a safe haven is conclusive evidence that: (1) the infant has been abused or neglected for purposes of DSS's jurisdiction and for evidentiary purposes in judicial proceedings, and (2) the requirements for termination of parental rights have been satisfied as to any parent who left the infant or acted in concert with the person leaving the infant.
- ask the person leaving the infant to identify any parent of the infant other than the person leaving the infant.
- ask the person leaving the infant to provide information concerning the infant's background and medical history as specified on DSS Form 3082, "Abandoned Infants Form for Safe Havens," available at <https://dss.sc.gov>. This information must include information concerning use of a controlled substance by the infant's mother,

provided such information is not admissible as evidence in any court proceeding.

If the person leaving the infant does not wish to provide the requested background information, the safe haven must give the person a copy of Form 3082 and a stamped envelope in case the person later decides to provide the information directly to DSS.

- take the infant to a hospital or hospital outpatient facility within six hours of receiving the infant. If the safe haven is a hospital or outpatient hospital facility, it shall take any steps necessary to protect the infant's physical health or safety. The hospital must notify DSS by the end of the next business day that it has taken temporary physical custody of the infant. DSS has legal custody of the infant immediately upon receiving such notice and must assume physical custody no later than 24 hours after receiving notice that the infant is ready for discharge from the hospital.

Protection from Criminal Liability for Person Who Leaves an Infant

A person who leaves an unharmed infant at a safe haven, or directs another to do so, is not subject to criminal prosecution if:

- the person is the infant's parent or acting at the parent's direction,
- the infant is left in the physical custody of a safe haven staff member, and
- the infant is not more than 60 days old.

Safe Haven Immunity from Liability

Safe havens and their staff members, and any healthcare care professionals practicing within a hospital or hospital outpatient facility, are immune from civil and criminal liability for any action authorized by Daniel's Law as long as they comply with the provisions of the law.

Additional Information

For more information, or to schedule a free training on Mandated Reporting, contact the Children's Law Center at 803-777-1646.