

# IMPLEMENTATION OF LOUISIANA'S SAFE HAVEN LAW

DEPARTMENT OF CHILDREN AND FAMILY  
SERVICES

PERFORMANCE AUDIT SERVICES

**Informational Brief**  
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May 29, 2024

The Honorable J. Cameron Henry, Jr.,  
President of the Senate  
The Honorable Phillip DeVillier,  
Speaker of the House of Representatives

Dear Senator Henry and Representative DeVillier:

This informational brief provides the results of a review of the implementation of Louisiana's Safe Haven laws and how these laws compare to other states. This brief is intended to provide timely information related to an area of interest to the legislature or based on a legislative request. I hope this brief will benefit you in your legislative decision-making process.

We would like to express our appreciation to the Department of Children and Family Services for their assistance during this audit.

Respectfully submitted,



Michael J. "Mike" Waguespack, CPA  
Legislative Auditor

MJW/aa

SAFEHAVEN







# Informational Brief

## Implementation of Louisiana's Safe Haven Law

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Audit Control# 40240009  
Performance Audit Services -- May 2024

### Background

Due to several high-profile infant abandonment cases across the country, states began to pass legislation known as Safe Haven laws, or "Baby Moses laws," beginning with Texas in 1999 and followed by states throughout the country. In 2000, the Louisiana legislature enacted Safe Haven laws.<sup>1</sup> As of September 2021, all 50 states have passed Safe Haven laws, but the laws vary from state to state based on different criteria such as the maximum infant age, the types of facilities designated to receive relinquishments, and the utilization of newborn safety devices.

The Department of Children and Family Services (DCFS) is the state agency responsible for child welfare, including the placement of infants for adoption when received under Safe Haven law. In accordance with state law,<sup>2</sup> DCFS produces an annual report addressing its efforts to raise public awareness of the Safe Haven law. The report highlights its communication and public information action plan and plan for disseminating information and training resources. In addition, the legislature formed the Safe Haven Consortium<sup>3</sup> in 2016 with the purpose of assisting DCFS to develop and maintain a registry of Safe Haven sites and to promote best practices. The Consortium is comprised of representatives from emergency care facilities and stakeholders who meet annually.

According to DCFS, the relinquishment of a child under the Safe Haven law is considered the option of last resort. DCFS and the Consortium have worked together to raise public

### Why We Compiled This Informational Brief

Because of legislative interest in Louisiana's Safe Haven laws and how Louisiana's Safe Haven laws compare to other states, we obtained and analyzed data from DCFS to provide information and statistics.

Safe Haven laws are designed as an incentive for mothers in crisis to safely relinquish their babies to designated locations where the babies are protected and provided with medical care until a permanent home is found. In exchange for surrendering the baby to a safe haven, these laws generally allow a parent to remain anonymous and shielded from criminal liability, abandonment, or neglect.

Informational briefs are intended to provide more timely information than standards-based performance audits. While these informational briefs do not follow all *Governmental Auditing Standards*, we conduct quality assurance activities to ensure the information presented is accurate. We met with DCFS and incorporated its feedback throughout this informational brief.

<sup>1</sup> Louisiana Children's Code 1149-1161

<sup>2</sup> Louisiana Children's Code 1160

<sup>3</sup> Through House Concurrent Resolution 107 of the 2016 Regular Legislative Session

awareness, including providing public information and education about alternative options to relinquishment. For example, DCFS partners with the National Safe Haven Alliance (NSHA) to offer a 24/7 hotline operated by crisis response experts to help parents considering relinquishing their baby. The response team uses a three-tiered approach to walk callers through their options including parenting, adoption, and relinquishment. DCFS also had public awareness campaigns that featured billboards, brochures, public service announcements for radio and television in 2009. DCFS continues to strategize, set objectives, monitor outcomes, and support the Safe Haven Consortium in its efforts to ensure Safe Haven materials are available to stakeholders.

## What We Found

### 1. What is Louisiana's Safe Haven Law?

According to state law,<sup>4</sup> a Safe Haven relinquishment must meet all of the following criteria:

- The infant is less than 60 days old.
- The infant is not a victim of abuse or neglect.
- The infant is relinquished to an employee at a designated Safe Haven facility or the parent contacts 911 and relinquishes the infant to the dispatched fireman, law enforcement officer, and/or emergency medical service (EMS) provider.

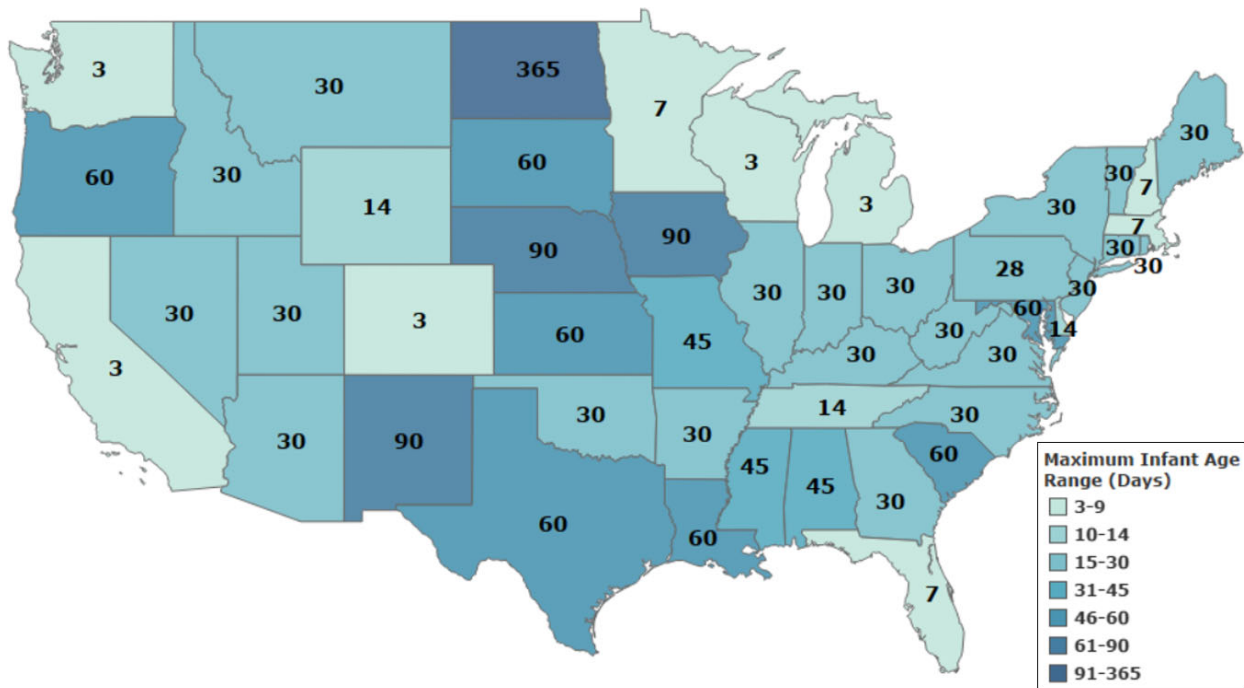
Since the focus of Safe Haven laws is on protecting newborns from endangerment by providing parents with an alternative to abandonment, these laws are generally limited to young children. However, state laws vary on the maximum infant age for relinquishment<sup>5</sup> and may range from 72 hours (3 days) to 1 year (365 days). Several states have recently enacted legislation to increase the maximum infant age. For example, Maryland increased the maximum infant age from 10 days to 60 days in 2024; Oregon increased the age from 30 to 60 days in 2023; and Iowa increased the age from 30 to 90 days in 2022. Louisiana also has proposed legislation in the 2024 Regular Legislative Session to extend the maximum infant age for newborns admitted into a neonatal intensive care unit upon birth to begin 60 days after initial discharge. Out of 50 states, 35 (70.0%) allow 30 days or more as the maximum age of relinquishment. See Exhibit 1 for a map showing the maximum ages an infant can be relinquished, by state.

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<sup>4</sup> Louisiana Children's Code 1150-1151

<sup>5</sup> Louisiana Children's Code 1150(4) states the infants age is determined within a reasonable degree of medical certainty by an examining physician.

**Exhibit 1  
Maximum Infant Age (Days) of Relinquishment by State\*  
As of April 2024**



\*Note: The maximum infant age of relinquishment for Alaska is 21 days and Hawaii is 3 days.

**Source:** Prepared by the legislative auditor’s staff using information from state laws.

During calendar years (CY) 2013 through 2023, 64 infants have been relinquished under Louisiana’s Safe Haven law. Although DCFS produces an annual Safe Haven report<sup>6</sup> that provides the number of infants relinquished by state region, DCFS does not include outcome information about these cases. According to DCFS, while it can research and determine outcomes, it typically does not due to the confidentiality assured to the parent under Safe Haven law. According to DCFS, 19 of the 20 cases from CY 2020 to 2023 were successfully placed in homes, and in one case the child was returned to the parent. Exhibit 2 shows the number of Safe Haven cases from CY 2013 to 2023.

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<sup>6</sup> As required by Children’s Code, Article 1160

Exhibit 2 Number of Safe Haven Cases CY 2013 to 2023												
Region	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Percent of Total
Orleans	5	0	1	4	2	2	1	1	0	1	0	26.6%
Baton Rouge	2	0	2	1	2	1	1	1	1	1	1	20.3%
Shreveport	0	1	0	0	0	0	3	2	2	1	0	14.1%
Covington	1	1	1	0	0	1	1	1	1	1	0	12.5%
Lafayette	2	0	1	0	0	1	1	2	0	0	1	12.5%
Alexandria	1	0	0	0	0	0	2	1	0	0	0	6.3%
Lake Charles	0	0	0	1	0	0	0	1	1	0	0	4.7%
Thibodaux	0	0	0	0	1	1	0	0	0	0	0	3.0%
Monroe	0	0	0	0	0	0	0	0	0	0	0	0.0%
<b>Total</b>	<b>11</b>	<b>2</b>	<b>5</b>	<b>6</b>	<b>5</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>100.0%</b>

**Source:** Prepared by the legislative auditor's staff using information from DCFS.

It is difficult to compare the number of Safe Haven relinquishments in Louisiana to other states, because there is no national database of legal or illegal infant abandonments. Also, few states are required to provide its legislature with an annual report on the number of infant abandonment cases. Louisiana and Illinois are examples of states that do require annual reporting to the legislature under Safe Haven law. According to the National Safe Haven Alliance, a total of 73 babies nationwide were saved by Safe Haven laws during 2021.

## 2. What facility types in Louisiana are authorized under state law to safely accept relinquished infants?

In Louisiana, if the infant meets the criteria, a parent may relinquish their child to an employee at a designated Safe Haven facility. Or, if a parent is unable to travel to a Safe Haven site, they may call 911 to relinquish the infant.<sup>7</sup> According to state law,<sup>8</sup> Safe Haven facilities include:

- Licensed hospitals
- Medical clinics during normal and customary hours of operation<sup>9</sup>
- Manned fire stations
- Manned law enforcement stations
- Any Child Advocacy Center accredited by the National Children's Alliance, during normal and customary hours of operations

<sup>7</sup> A law enforcement officer, firefighter, and/or EMS provider will be dispatched by 911 to confirm the Safe Haven relinquishment and transport the newborn to a hospital.

<sup>8</sup> Children's Code 1150(2)

<sup>9</sup> This includes local or parish public health units, licensed rural health clinics, licensed ambulatory surgical centers, and Federally Qualified Health Centers.



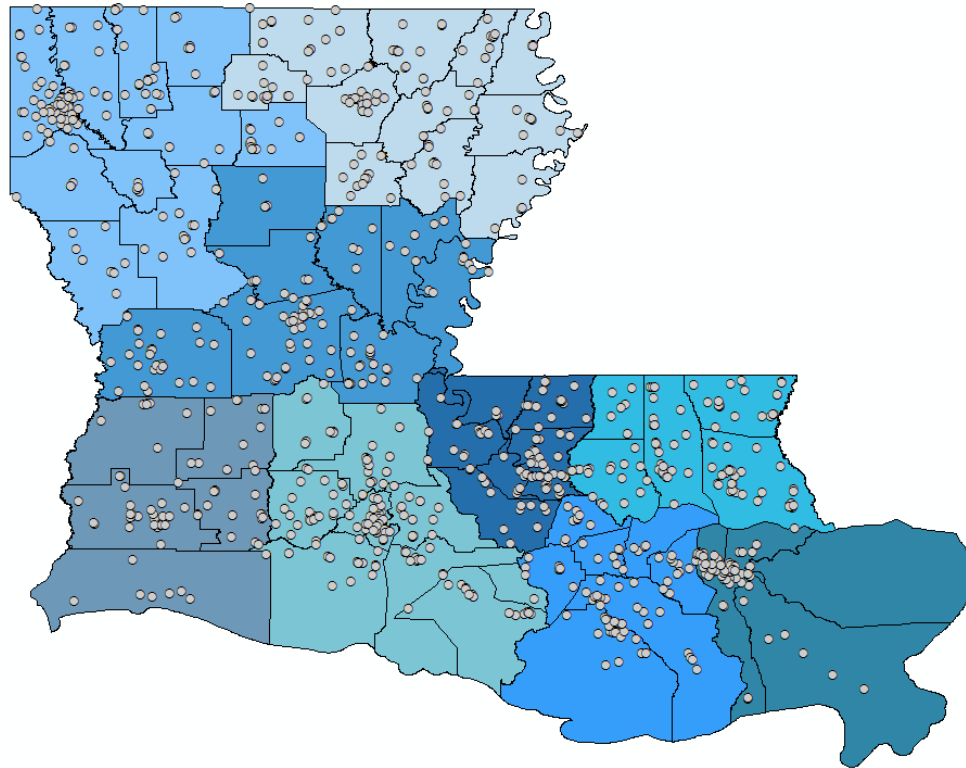
Although Louisiana designates several types of Safe Haven facilities, many never received any relinquishments during CY 2013 through 2023. The majority (55, or 85.9%) of the 64 total relinquishments occurred at hospitals. Out of relinquishments occurring at a hospital, 47 (85.5%) occurred upon the birth of a child. See Exhibit 3 for the number of cases received, by Safe Haven facility type, for CY 2013 through 2023.

<b>Exhibit 3 Relinquishments, by Safe Haven Facility Type* CY 2013 to 2023</b>												
<b>Safe Haven Facility Type</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Total</b>
Hospitals Upon Birth of Child	7	2	3	4	5	3	7	9	3	2	2	<b>47</b>
Other Hospitals	3	0	0	0	0	2	2	0	1	0	0	<b>8</b>
Fire Stations	1	0	2	1	0	1	0	0	1	1	0	<b>7</b>
EMS Providers (911)	0	0	0	1	0	0	0	0	0	1	0	<b>2</b>
Child Advocacy Centers	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
Law Enforcement Stations	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
Public Health Units	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
Ambulatory Surgical Centers	N/A	N/A	N/A	N/A	N/A	0	0	0	0	0	0	<b>0</b>
Federally Qualified Health Units	N/A	N/A	N/A	N/A	N/A	0	0	0	0	0	0	<b>0</b>
Rural Health Clinics	N/A	N/A	N/A	N/A	N/A	0	0	0	0	0	0	<b>0</b>
Crisis Pregnancy Centers	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	<b>0</b>
Medical Clinics	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	<b>0</b>
<b>Grand Total</b>	<b>11</b>	<b>2</b>	<b>5</b>	<b>6</b>	<b>5</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>64</b>
*Note: Providers with N/A indicate changes in legislation either authorizing or repealing Safe Haven providers. Source: Prepared by the legislative auditor's staff using information from DCFS.												

### 3. Where are the designated Safe Haven facilities in Louisiana?

DCFS and the Safe Haven Consortium are responsible for working together to develop and maintain a provider registry. The DCFS website provides a search directory for designated Safe Haven facilities by zip code or city. In addition, the search directory also provides locations of ambulance providers, or emergency medical services providers, who are not statutorily considered Safe Haven facilities. According to DCFS, the address information in the location search is submitted to DCFS by designated providers. DCFS also stated it regularly asks providers to update their information and as of April 2024, DCFS is continuing to update the search directory to include current information such as addresses and designated providers. See Exhibit 4 for a map of designated Safe Haven locations across the state.

### Exhibit 4 Designated Safe Haven Locations



\*Note: This map is based on unaudited data and does not show all provider locations due to issues with addresses. The map also does not include locations of EMS providers since they respond after being dispatched by "911".

**Source:** Prepared by the legislative auditor's staff using information from DCFS.

Across the United States, the designated Safe Haven facilities<sup>10</sup> and the requirements for these facilities vary but may include the following basic categories: hospitals; medical facilities/emergency medical service (EMS) personnel; police/law enforcement agencies; fire departments; churches/places of worship; or other (e.g., Children Advocacy Centers, public and private adoption agencies).

All 50 states consider hospitals as a Safe Haven location, but requirements differ. For example, Alabama and Delaware require that a hospital have an emergency room, while North Carolina designates any licensed hospital as an acceptable location. The majority of states also designate fire departments (84.0%), medical facilities/EMS (86.0%), and police/law enforcement (74.0%). Only six states (12.0%) allow churches/places of worship to be designated as Safe Haven sites. Additionally, 12 states (24.0%), including Louisiana, specifically state that the relinquishing parent can contact emergency responders, or 911, allowing

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<sup>10</sup> Some states designate individuals, not facilities, representing these categories such as a representative of the fire department during the course of his duty.

dispatchers to send someone to the parent. If the purpose of Safe Haven laws is to allow parents in crisis to safely relinquish their infant, then the option to contact 911 may be helpful to parents in crisis without access to transportation. See Appendix A for a matrix of designated types of Safe Haven receiving facilities, by state.

#### **4. What happens when an infant is relinquished under Louisiana’s Safe Haven law?**

Upon relinquishing an infant, the receiving provider gives the parent the option to complete a medical history form about the infant and also provides the parent with information about contacting DCFS if they change their mind, the availability of counseling services, and other parental rights.<sup>11</sup>

The parent forfeits their parental rights and the Safe Haven provider is required to accept emergency protective custody of the infant and provide immediate medical care. If the relinquishment does not occur at a hospital, then the employee of the Safe Haven location will transport the infant to the hospital. The hospital will conduct a medical assessment and the infant will receive any necessary medical care. Once the hospital has cleared the infant to be discharged, DCFS will find a family to care for the baby and begin proceedings to obtain custody of the child. If a parent changes their mind, they can seek to reclaim their parental rights within 30 days by contacting their local DCFS office.

#### **5. What are newborn safety devices?**

Newborn safety devices (NSD), also known as “baby boxes,”<sup>12</sup> are climate-controlled safety devices installed on the exterior wall of a firehouse<sup>13</sup> or hospital under a state’s Safe Haven law. The NSD has multiple alarms in the device that alert Safe Haven facility employees that a baby has been surrendered. A parent opens the door to the NSD, which triggers a silent alarm and a call goes to 911 dispatch, and the infant is placed in the medical bassinet. A sensor inside of the NSD triggers a second call to 911, and the exterior door automatically locks upon placement of a newborn. An interior door allows a Safe Haven facility employee to secure the newborn from inside the building.

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<sup>11</sup> The right of the parent to file a claim and be heard in accordance with Children’s Code 1156 and 1157 and the right of the parent to use services of the voluntary registry in accordance with Chapter 15 of Title XII

<sup>12</sup> The Safe Haven Baby Boxes (SHBB) organization owns the patent for NSDs used in the United States. SHBB provides a schedule of services, fees, and expenses for fire stations with NSDs. The costs may range from approximately \$20,000 to \$22,500 for each NSD, plus an additional \$500 in annual costs.

<sup>13</sup> Some states, like Louisiana, only allow devices to be installed in hospitals and do not include firehouses.

In 2021, Louisiana passed legislation<sup>14</sup> authorizing hospitals to voluntarily install NSDs if the hospital has emergency departments that are staffed 24 hours a day. The law<sup>15</sup> states that the emergency care facility is responsible for the cost of the installation. Additionally, the Louisiana Department of Health (LDH) promulgated rules for NSDs in March 2022.<sup>16</sup> The rules also require that signage be displayed that includes written and pictorial instructions to the relinquishing parent. In addition to installation costs, hospitals are also responsible for the cost of regularly testing the alarm and cleaning/sanitizing the device weekly.

According to DCFS, best practice is for a parent to relinquish the infant to a person to ensure the immediate medical care and safety of the newborn while allowing support for the parent, if needed. In-person relinquishment also provides the opportunity to discuss other options that may allow a holistic approach to enable parenting, temporary placement, or adoption planning. Although Louisiana has passed legislation and promulgated rules for the use of NSDs, it does not have any NSDs as of March 2024. During the 2024 Regular Legislative Session, two measures<sup>17</sup> were proposed that change the requirements for NSDs. For example, House Bill 891 expands the allowable NSD locations to include fire stations that are manned 365 days a year, 24 hours a day, 7 days a week. See Exhibit 5 for a visual example of an NSD.

As of April 2024, 21 of the 50 states, including Louisiana, have enacted legislation allowing the use of NSDs. According to the Safe Haven Baby Boxes

### Exhibit 5 Newborn Safety Device



The pictures are examples of the perspective of the newborn safety device from the exterior, accessed by the relinquishing parent, and the interior, accessed by a facility employee.



**Source:** Prepared by the legislative auditor's staff using information from Indiana Department of Homeland Security website.

<sup>14</sup> Act 421 of the 2021 Regular Legislative Session

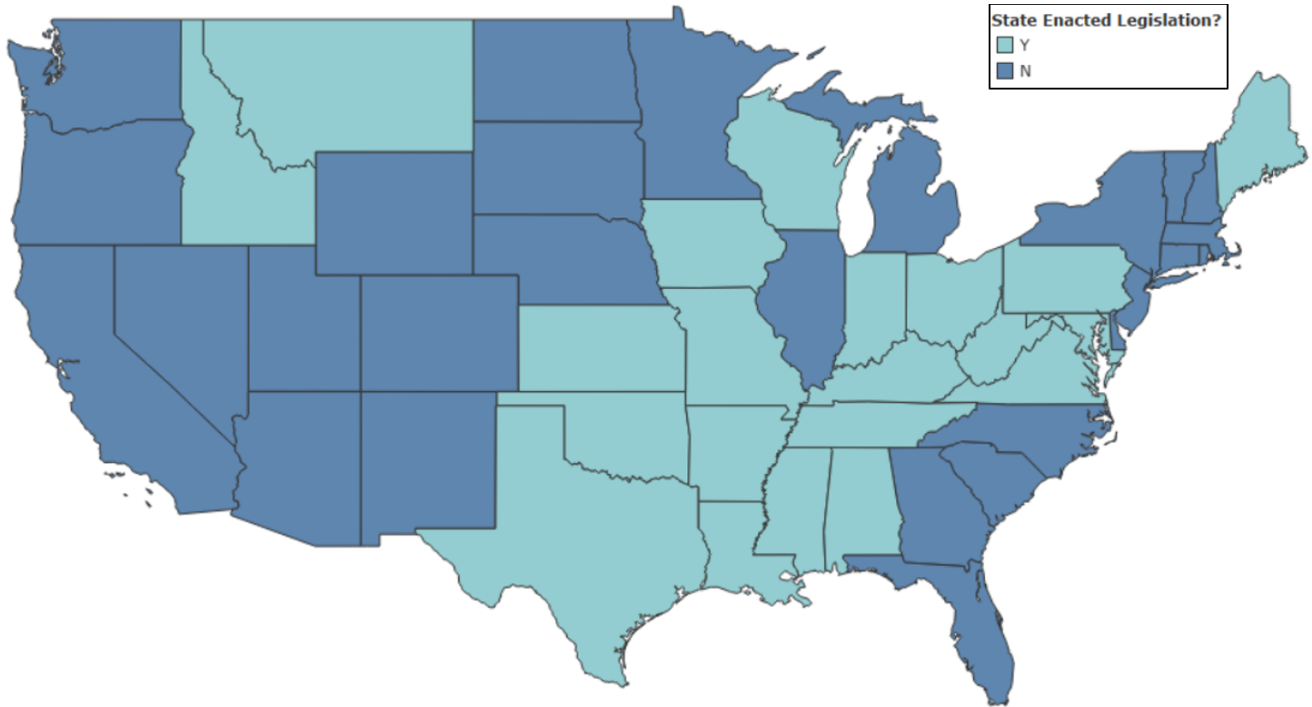
<sup>15</sup> Children's Code 1152A(2)(b)

<sup>16</sup> Louisiana Administrative Code 48-9573 states that the newborn safety devices should be installed: in a location that ensures the anonymity of the relinquishing parent; in a climate-controlled environment consistent with the internal hospital temperature; by a licensed contractor; with an access door that automatically locks upon closure when the infant is in the device; with a supportive, anchored frame; with a safe sleep environment including a bassinet mattress free of any other bedding items (e.g. pillows, bumpers, blankets).

<sup>17</sup> Senate Bill 414 and House Bill 891 of the 2024 Regular Legislative Session

organization, 43 babies have been surrendered in NSDs nationwide. See Exhibit 6 for a map of states that have enacted NSD legislation.

**Exhibit 6**  
**States with Enacted Legislation for Newborn Safety Devices\***  
**As of April 2024**



\*Note: Alaska and Hawaii have not enacted legislation for newborn safety devices as of April 2024.

**Source:** Prepared by the legislative auditor’s staff using information from state laws.



## APPENDIX A: AUTHORIZED TYPES OF SAFE HAVEN LOCATIONS\*, BY STATE

State	Hospital	Medical/EMS	Police/Law Enforcement	Fire Department	Church/Worship	Other	911
Alabama	Y			Y			
Alaska	Y	Y	Y	Y		Y	
Arizona	Y	Y		Y	Y	Y	
Arkansas	Y	Y	Y	Y			
California	Y	Y		Y			
Colorado	Y	Y		Y			
Connecticut	Y						
Delaware	Y		Y				
Florida	Y	Y		Y			
Georgia	Y	Y	Y	Y			
Hawaii	Y	Y	Y	Y			
Idaho	Y	Y	Y	Y			
Illinois	Y	Y	Y	Y			
Indiana	Y	Y	Y	Y			Y
Iowa	Y	Y		Y		Y	Y
Kansas	Y	Y	Y	Y			
Kentucky	Y	Y	Y	Y	Y		
<b>Louisiana</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>		<b>Y</b>	<b>Y</b>
Maine	Y	Y	Y	Y			
Maryland	Y	Y	Y	Y		Y	
Massachusetts	Y		Y	Y			
Michigan	Y	Y	Y	Y			Y
Minnesota	Y	Y					Y
Mississippi	Y	Y	Y	Y			Y
Missouri	Y	Y	Y	Y		Y	
Montana	Y	Y	Y	Y			Y
Nebraska	Y	Y	Y	Y			
Nevada	Y	Y	Y	Y		Y	
New Hampshire	Y	Y	Y	Y	Y		Y
New Jersey	Y	Y	Y	Y			
New Mexico	Y		Y	Y			
New York	Y	Y	Y	Y	Y	Y	
North Carolina	Y	Y	Y	Y		Y	Y
North Dakota	Y	Y	Y	Y		Y	Y
Ohio	Y	Y	Y				Y
Oklahoma	Y	Y	Y	Y			
Oregon	Y	Y	Y	Y			
Pennsylvania	Y	Y	Y				
Rhode Island	Y	Y	Y	Y			
South Carolina	Y	Y	Y	Y	Y		
South Dakota	Y	Y	Y	Y		Y	
Tennessee	Y	Y	Y	Y			
Texas	Y	Y		Y		Y	

State	Hospital	Medical/ EMS	Police/Law Enforcement	Fire Department	Church/ Worship	Other	911
Utah	Y						
Vermont	Y	Y	Y	Y	Y	Y	Y
Virginia	Y	Y					
Washington	Y	Y		Y			
West Virginia	Y	Y		Y			
Wisconsin	Y	Y	Y				
Wyoming	Y		Y	Y		Y	
<b>Total</b>	<b>50</b>	<b>43</b>	<b>37</b>	<b>42</b>	<b>6</b>	<b>14</b>	<b>12</b>
<p>*Specific requirements for sites and individuals authorized to receive relinquished infants vary by state. For example, some hospitals authorize only hospitals with emergency rooms to receive infants.</p> <p><b>Source:</b> Prepared by the legislative auditor's staff using information from state statutes/codes.</p>							