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JEFFREY A. BROWN
Acting Commissioner

To: All Licensed Hospitals Pursuant to N.J.A.C. 8:43G

From: Michael J. Kennedy, J.D. *MJK*
            Executive Director, Certificate of Need and Licensing Program

Date: June 5, 2025

Re: Safe Haven Infant Protection Act Requirements

         This memorandum is to provide guidance related to compliance by hospital personnel with the requirements of the "Safe Haven Infant Protection Act" ("Act").

         The Act, codified at N.J.S.A. 30:4C-15.5 et seq., concerns persons who surrender an infant younger than 30 days old at a police station, fire station, hospital emergency department, or ambulance, first aid, or rescue squad station. The law also provides immunity from civil and criminal prosecution for a police officer, firefighter, ambulance, first aid, or rescue squad member, or employee of a hospital emergency department (collectively "covered personnel") who acts in good faith pursuant to the Act. When amended in 2023, the Act was expanded to apply to persons who give birth at a hospital and leave the child at the hospital under circumstances that establish an intent not to return for the child and to extend the immunity protections to all hospital employees, not just employees of the hospital's emergency department. Therefore, the Department of Health ("Department") is issuing this guidance memorandum to alert and remind all licensed hospitals that they must comply with the requirements of the Act as well as the regulations promulgated to implement the Act, found at N.J.A.C. 3A:18.

         The regulations at N.J.A.C. 3A:18, under the authority of the Department of Children & Families ("DCF"), provide instruction and guidance for implementing the Act, including the actions covered personnel are required to take when presented with a safe haven infant. DCF has alerted the Department to increasing challenges related to safeguarding the anonymity of individuals who have surrendered an infant following delivery in a hospital as required by the Act due to confusion over the reporting requirements. Accordingly, the Department would like to emphasize the steps hospital employees must take, as outlined at N.J.A.C. 3A:18-1.8, Actions taken by hospital staff when handling a safe haven infant at a hospital, to minimize the inadvertent release of confidential information.

         Specifically, hospital employees must notify the Safe Haven for Infants Hotline, in accordance with N.J.A.C. 3A:18-1.8(a)6, when faced with a safe haven infant. The hotline provides information, support, and guidance to persons who may be considering giving up or abandoning a newborn or an unborn child; receives and processes calls from hospitals and documents the incident in writing; provides education and information to the public about the safe haven and adoption statutory procedures; and monitors the handling of safe haven infant inquiries

and calls.

Alternatively, the Statewide Central Register of Child Abuse and Maltreatment ("SCR") should be contacted if an examination of a safe haven infant performed by a hospital employee reveals signs of abuse or neglect. Anonymity protection issues are created when SCR receives calls from hospitals rather than from the dedicated Safe Haven for Infants Hotline. Mistaken calls to the wrong contact lines often result in identifying information being provided prior to the screener realizing the call is about a safe haven infant, thereby violating the confidentiality offered to parents pursuant to N.J.S.A. 30:4C-15.7g.

The Safe Haven for Infants Hotline can be reached by dialing 1-877-839-2339.

Finally, please note that the Department intends to amend N.J.A.C. 8:43G through the administrative rulemaking process to incorporate the requirements of the Act and include reference to the regulations at N.J.A.C. 3A:18.

Any questions regarding this memo may be directed to Jacqueline Chadwick at Jacqueline.Chadwick@doh.nj.gov.

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