

Department of Human Services – Children and Family Services Administration
Safe Place for Newborns Policy Changes
HF 1559 (Rep. Jordan Rasmusson)

Proposal:

- This proposal will allow a woman to safely give birth in a medical setting and relinquish her newborn at the time of birth under Minnesota’s Safe Place for Newborns law

Problem:

- Currently, the Safe Place for Newborns law allows a woman to leave her unharmed newborn, within seven days of birth, at a medical facility or to dial 9-1-1 to dispatch an ambulance for relinquishment.
 - The existing law neither addresses birth registration for these infants nor explicitly allows a woman to give birth in a hospital or medical setting because, under those conditions, the mother’s anonymity cannot be maintained
 - Further, Minnesota Statute section 144.215 and Minnesota Administrative Rule 4601.0600 require certain data, including the mother’s name, to be collected and registered to record the birth
 - There is no existing method or legal remedy for delinking the mother’s name from the baby’s birth record the hospital must file upon a baby’s birth

How does proposal solve the problem?

- This proposal continues the anonymity protection provided in Safe Place statutes by creating a process to delink the mother’s identity from her newborn through birth records in those situations where a mother relinquishes her infant in a medical facility after giving birth.
- This change would allow a pregnant woman to deliver a child in a medical facility and relinquish the child under the Safe Place for Newborns law at the same facility without the fear of child protection involvement.

ICWA Issues:

- American Indian infants may be relinquished without application of ICWA/MIFPA protections they may be entitled to have
- The legislation explicitly provides for parties accepting the relinquished child to ask the mother about whether the child is an American Indian (although the mother is not required to provide an answer)
- Existing department policy explains what local social service agencies should do when they receive an infant under the Safe Place for Newborns law who may be an American Indian child. The department intends to work with tribes to ensure that updated guidance is clear on the steps that must be taken to ensure that ICWA/MIFPA are followed for relinquished children who are known or thought to be American Indian.

Children and Families:

- Unnecessary health risks will be mitigated for pregnant women and the infants they deliver.
- Pregnant women who intend to relinquish their infants after birth will be free to deliver their babies safely in a medical setting, rather than alone at home or in another non-medical setting.
- This also allows for the safe birth and after birth care for the infant, and a more rapid involvement of social services to ensure the child is quickly placed in a foster care setting and on the road to permanency.
- It is possible that fathers will oppose this proposal. However, if such opposition is raised, it will not likely be due to the changes suggested in this proposal. Rather, it will most likely be because the law as it exists gives no rights to the fathers of relinquished infants unless the local social service agency responsible for the child knows who the father is.