



New York State  
Department of Health  
Bureau of Emergency Medical Services

**POLICY STATEMENT**

*Supercedes/Updates: New*

**No. 01 - 05**

**Date: 06/1/01**

**Re: Abandoned Infant  
Protection Act**

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**Background Information**

The **Abandoned Infant Protection Act** was created in Chapter 156 of the Laws of 2000. Under this provision a parent, guardian or other legally responsible person may leave their infant (who must be five days old or less) at a safe place. The law requires that an adult must intend that the child be safe from physical injury, cared for in an appropriate manner, with an appropriate person, in a suitable location and promptly notify an appropriate person of the child's location. People leaving an infant in compliance with this law are not required to provide their names. Such individuals will not be prosecuted as a class E felony of Abandonment of a Child and class A misdemeanor of Endangering the Welfare of a Child.

The governing legislation did not specify or define what is an acceptable safe location. Instead, local district attorneys are to determine whether the parent left the child in an appropriate location. Individuals who give up their infants do not automatically surrender their parental rights; and may later seek to reclaim the child. It is important to note that this legislation does not amend provisions of the Social Services law which make abandonment of an infant reportable to the New York State Central Register for Child Abuse and Maltreatment.

The New York State Office of Children and Family Services has released several Public Service Announcements and brochures about this program. In these materials; the public is provided with the intent of the new law; including a listing of suggested safe places where infants may be brought. The sites include hospitals, police stations, fire stations and other safe places. Some county district attorneys have already defined what constitutes a safe place within their county. Other counties have not yet done so.

## **Role of Emergency Medical Services Agencies**

In the event a parent or legal guardian chooses to relinquish care of their newborn infant to an emergency medical service agency; the following guidelines should be considered:

1. In keeping with the intent of the governing legislation; parents are not required to provide their names to the safe location or staff. In a non-judgmental manner, EMS staff may ask the presenting adult if there is any medical information that is important to know in the care of the infant.
2. EMS services and systems may want to contact their county Office of the District Attorney to determine what if any locations have been identified as "safe places" by the District Attorney for the purposes of this legislation.
3. Infants received by an EMS service agency should be transported to the nearest hospital for medical assessment/care. EMS agencies should not be expected to interact with local child protection service agencies unless directed to do so.
4. If a parent seeks follow up information about the child they relinquished to the care of the EMS service agency; a referral should be made to the hospital where the infant was transported or the local office of social services.

## **Further Information**

Information about this program may be obtained by contacting:

New York State Office of Children and Family Services  
Capital View Office Park  
52 Washington Street  
Rensselaer, New York 12144

1-800-345-SAFE  
<http://www.dfa.state.ny.us>

Issued by  
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