



Michael R. Pence, Governor
Mary Beth Bonaventura, Director

Indiana Department of Child Services
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Fire Chief
22731 Main St.
Woodburn, IN 46797

Vicki Thompson
Maumee Township Trustee
P.O. Box 142
Woodburn, IN 46797

Dear Fire Chief and Trustee Thompson:

I write to express my immediate concern about the potential use of a “baby box” purportedly under Indiana’s Safe Haven Law at your fire department. The Indiana Department of Child Services (DCS) is charged with preventing child neglect or abuse and administering a uniform statewide system of child protection under IC 31-25-2-7. I fully understand and am supportive of your goal to protect infants who otherwise might be abandoned. However, I have very serious concerns for the safety of any child placed in a “baby box.”

In addition to my concerns for the safety of the child, after reviewing the relevant code cites, DCS does not believe that a “baby box” complies with the requirements of the Safe Haven Law under IC 31-34-2.5-1, which states (emphasis added):

IC 31-34-2.5-1 Emergency medical services provider taking custody of child

(a) An emergency medical services provider shall, without a court order, take custody of a child who is, or who appears to be, not more than thirty (30) days of age if: (1) the child is voluntarily left with the provider by the child's parent; and (2) the parent does not express an intent to return for the child.

(b) An emergency medical services provider who takes custody of a child under this section shall perform any act necessary to protect the child's physical health or safety.



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(c) Any person who in good faith voluntarily leaves a child with an emergency medical services provider is not obligated to disclose the parent's name or the person's name.

IC 31-9-2-43.5 adopts the definition of "Emergency Medical Service Provider" in IC 16-41-10-1 as follows (emphasis added):

IC 16-41-10-1 "Emergency medical services provider" defined

As used in this chapter, "emergency medical services provider" means a firefighter, a law enforcement officer, a paramedic, an emergency medical technician, a physician licensed under IC 25-22.5, a nurse licensed under IC 25-23, or other person who provides emergency medical services in the course of the person's employment.

As you can see from the Indiana Code excerpts above, the Indiana Safe Haven Law requires the person to leave an infant with an actual person, not merely at a location, with certain medical and/or public safety qualifications to receive the protection of the law.

Further, I note the provisions of the criminal code related to child abandonment:

IC 35-46-1-4(a) Neglect of a Dependent

A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally:

- (1) places the dependent in a situation that endangers the dependent's life or health;
- (2) abandons or cruelly confines the dependent;
- (3) deprives the dependent of necessary support; or
- (4) deprives the dependent of education as required by law;

Commits neglect of a dependent, a Level 6 felony.

My primary concern is always for the health and wellbeing of the infant. IC 31-33-8-6 states, "The department shall promptly make a thorough assessment upon either the oral or written report. The primary purpose of the assessment is the protection of the child." If an infant is abandoned by a person and placed in a "baby box" anywhere in Indiana, DCS will be required to investigate – as is our charge under Indiana law as evidenced above. In this situation, DCS would have to treat the infant as an abandoned child and could find the parent at fault because the method of surrender falls outside of the protections of the Safe Haven Law.

In addition to these concerns, the Indiana Commission on Improving the Status of Children, composed of representatives from DCS, the Indiana State Department of Health, the Family and Social Services Administration, legislators, the judiciary, prosecutors, law enforcement, and others, considered and unanimously rejected a proposal to recommend the use of "baby boxes."



The Commission expressed several concerns related to:

- 1) The lack of any known policies or procedures adequate to maintaining safe and continuous operation of the “baby box;”
- 2) Evidence that “baby boxes” malfunction;
- 3) The welfare of vulnerable infants while confined to the “baby box;”
- 4) The lack of “baby box” use by any other state;
- 5) The international push to remove “baby boxes;” and
- 6) The Safe Haven system representing the most humane method of helping infants.

Indiana has one of the nation’s most robust Safe Haven statutes which has proven to be successful in saving the lives of infants. Any person may surrender an infant less than 30 days of age to an Emergency Medical Services Provider with no questions asked. After the Safe Haven infant is surrendered, DCS has the authority to secure the adoption of the child in an expedited manner without an inquiry into the identity of the parents. The success of this program is because of the parameters that have been established to ensure the safety of children. Any deviation or expansion without thorough vetting and explicit legislative approval compromises the law. It also puts parents, who may surrender a child, at risk of criminal liability even though they believe they are utilizing the Safe Haven Law.

Consequently, I respectfully request that you respond to the concerns outlined in this letter by close of business on Monday, May 2, 2016. If we do not receive a timely response and assurance that corrective action has been taken, DCS will take immediate action to ensure the safety and security of our most vulnerable children.

Sincerely,



Mary Beth Bonaventura
Director



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