



Tennessee Department of Children's Services

Work Aid- 5: Guidance to CPS Staff for Anonymous Voluntary Abandonment of Unharmed Newborn Infant

Supplemental to DCS Policy: 14.5 Child Protective Services Planning, Initiation and Assessment of Safety and Protection

<p>A. Anonymous Voluntary abandonment cases meeting statutory requirements</p>	<p>1. The infant must be aged two weeks or younger (as determined within a reasonable degree of medical certainty) and must not have been harmed by the statutory parent, and</p> <p>2. The birth mother must have left the newborn infant by voluntary delivery to any hospital as defined by TCA § 68-11-201. Birthing center as defined by TCA § 68-11-201, community health clinic, out-patient “walk-in” clinic, fire department that is staffed twenty-four (24) hours a day, law enforcement facility that is staffed twenty-four (24) hours a day or emergency medical services facility.</p> <p>NOTE: The mother’s return to the hospital grounds only invalidates the statutory requirements when she makes an attempt or expresses an intention to make contact with or regain care and control of the infant. A mother who returns for a separate medical appointment does not invalidate the statute.</p>
<p>B. Response Protocol</p>	<p>1. Response Priority Level – Priority I Response (as outlined in DCS policy 14.3 Screening, Priority Response and Assignment of Child Protective Services Cases)</p> <p>a) Upon notification by the medical facility, the case worker will immediately call in a report to Central Intake.</p> <p>b) Assume the care, custody and control of the newborn infant.</p> <p>2. Information Gathering (Investigation)</p> <p>The case worker:</p> <ul style="list-style-type: none">◆ Meets with the medical professional who received the newborn infant at the facility;◆ Determines the day and time the infant was brought to the medical facility;

	<ul style="list-style-type: none"> ◆ Obtains written proof of the newborn infant’s age and medical condition from the medical professional charged with making such determinations; ◆ Seeks any information about the infant and the birth mother that can be provided by the person making the report; and ◆ No contact is sought with the birth mother, birth father or any other relatives so long as the facts support the criteria outlined in the original referral. <p>3. Classifying the Case</p> <ul style="list-style-type: none"> a) The case worker records the case as an alleged abandonment. b) The case will not be referred to Child Protective Investigative Team (CPIT). c) CPS classifies the allegation of abandonment as “unsubstantiated.” d) Reported through the Central Intake Unit. <p>4. Legal Publication Notice</p> <p>Within ten (10) days of receipt of an infant, the family service worker gives notice once a week for four (4) consecutive weeks in a newspaper or other publication of general circulation in the county in which such voluntary delivery occurred.</p> <ul style="list-style-type: none"> a) The department also gives such notice in any other county for which there are any facts known to the department that reasonably indicate the infant's mother or father may be so located. b) The notice includes information to provide an opportunity for the putative father to claim paternity and for the mother to revoke voluntary delivery. Such notice describes the infant, identify where and when voluntary delivery occurred, specify how and who to contact for follow up, and provide any other relevant information.
C. Legal Referral	The case worker coordinates and cooperates with the local DCS Regional Attorney to file the appropriate court documents and attends court hearings as necessary.
D. Placement of Infant	<ol style="list-style-type: none"> 1. For those infants referred within normal working hours (8:00 a.m. – 4:30 p.m.), the (CPS or FSW) case worker make an immediate referral to the Permanency Specialist team. 2. After normal business hours, on holidays or on weekends, the (CPS or FSW) case worker first facilitate the placement of the newborn infant in a foster home. On the first working day, the (CPS or FSW) case worker make an immediate referral to the Permanency Specialist team.

	<ol style="list-style-type: none"> 3. At the point of referral, the Permanency Specialist immediately convenes a Placement Review Team Meeting, select the family for the child and place the child in a legal risk home in accordance with the <u>Adoption Services Procedures Manual</u>, "<u>Services to the Child IX. Considering Direct Placement of Newborns</u>." 4. The Placement Review Team in these cases should consist of the CPS case worker, Permanency Specialists, FSW Case Manager, FSW Team Leader, RPS case workers, and Placement Specialists. 5. The potential adoptive placement must be told: <ol style="list-style-type: none"> a) The child is not yet free for adoption, but DCS intends to pursue an adoptive placement. b) The Department will be doing a diligent search for all fit and willing relatives, including the birth parents. If relatives are located, then DCS shall immediately begin activities to pursue placing the child with the relatives. The child may not move immediately depending on the time needed to fully assess family resources. c) If it is determined that it is the child's best interest to be adopted, then it is unlikely that a newborn is eligible for adoption assistance. This also means that the adoptive family is responsible for paying all legal fees to finalize the adoption. 6. The child may be placed in or remain in a foster care setting for a period of seventy-two (72) hours to allow for the selection of the legal risk placement, allow time to present the child information to the legal risk family, and to allow the family to make an informed decision about the child presented to them. If for any reason the placement of the child cannot be made within this seventy-two (72)-hour period, a placement plan must be presented to the Regional Administrator for review and approval. The placement plan must indicate timelines and specific actions to be taken to reach legal risk placement.
<p>E. Follow-Up</p>	<ol style="list-style-type: none"> 1. The Permanency Specialist and FSW continue to document whether the birth mother has made any contact with the Department or whether she has revoked her voluntary delivery of the child. 2. Within ten (10) days of the voluntary delivery by the mother to the medical facility, the Department publishes a notice in the newspaper seeking to notify the child's father of his opportunity to file with the putative father registry, notify the mother of her right to revoke the voluntary delivery of the child, and states that failure to seek contact with the infant through the Department or to revoke the voluntary delivery within thirty (30) days of the last publication constitutes an abandonment of the infant.

	<ol style="list-style-type: none"> 3. The Permanency Specialist and FSW staff the case with the DCS attorney after thirty (30) days (counted from the date of the mother's voluntary delivery) to determine the next step in the legal process. 4. Any contact by the mother or father or by any person claiming to be the mother or father must be reported immediately to the local DCS Regional Attorney. 5. If the mother or father wishes to revoke their voluntary delivery, the case is immediately staffed with the local DCS Regional Attorney and consideration is given to all legal options including the filing of an emergency petition if there are serious concerns about the parents.
F. Abandonment Cases not meeting statutory requirements	<p>If the facts of the case as to the infant's age or condition so dictate or if either of the birth parents revokes the voluntary delivery of the infant, the case is handled according to DCS policies 14.5: Locating the Child and Family and 14.7 Child Protective Services Investigation Track.</p>
G. Anonymous Voluntary Abandonment information for parent(s)	<p>Information regarding voluntary abandonment is on the DCS Intranet: https://www.teamtn.gov/content/dam/teamtn/dcs/documents/training/2019legamannual.pdf pages 114 and 115.</p>