



State of Tennessee  
Department of Children's Services

**Work Aid 5 - Protocol 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**

<b>A. Anonymous voluntary abandonment cases meeting statutory requirements</b>	<ol style="list-style-type: none"><li>1. The infant must be aged seventy-two (72) hours old or younger (as determined within a reasonable degree of medical certainty) and must not have been harmed by the statutory parent, and</li><li>2. The birth mother must have left the newborn infant by voluntary delivery to a any hospital as defined by <i>TCA § 68-11-201(21) [68-11-201(23)]</i>, birthing center as defined by <i>TCA § 68-11-201(6) [68-11-201(8)]</i>, community health clinic, and any out-patient "walk-in" clinic without expressing any intention to return for the infant.</li></ol>
<b>B. Response protocol</b>	<ol style="list-style-type: none"><li>1. <b>Response Priority Level – Priority I Response</b> (as outlined in DCS policy <a href="#"><u>14.3 Screening, Priority Response and Assignment</u></a>)<ol style="list-style-type: none"><li>a) Upon notification by the medical facility, the case worker will immediately call in a report to Central Intake.</li><li>b) Assume the care, custody and control of the newborn infant.</li></ol></li><li>2. <b>Information Gathering (Investigation)</b><p>The case worker will:</p><ol style="list-style-type: none"><li>a) Meet with the medical professional who received the newborn infant at the facility.</li><li>b) Determine the day and time the infant was brought to the medical facility.</li><li>c) Obtain written proof of the newborn infant's age and medical condition from the medical professional charged with making such determinations.</li><li>d) Seek any information about the infant and the birth mother that can be provided by the person making the report.</li><li>e) No contact will be sought with the birth mother, birth father or any other relatives so long as the facts support the criteria outlined in the original referral.</li></ol></li><li>3. <b>Classifying the Case</b><ol style="list-style-type: none"><li>a) The case worker will record the case as an alleged abandonment.</li><li>b) The case will not be referred to Child Protective Investigative Team (CPIT) or Child Abuse Review Team (CART).</li><li>c) CPS will classify the allegation of abandonment as "unfounded."</li></ol></li></ol>

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	<p>d) Reported through the Central Intake Unit.</p> <p><b>4. Legal Publication Notice</b></p> <p>Within ten (10) days of receipt of an infant, the family service worker will give 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> <p>a) The department will also give 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.</p> <p>b) The notice will include information to provide an opportunity for the putative father to claim paternity and for the mother to revoke voluntary delivery. Such notice will describe the infant, identify where and when voluntary delivery occurred, specify how and who to contact for follow up and provide any other relevant information.</p>
<b>C. Legal referral</b>	<p>The case worker will coordinate and cooperate with the local DCS Regional Attorney to file the appropriate court documents and will attend court hearings as necessary.</p>
<b>D. Placement of infant</b>	<ol style="list-style-type: none"> <li>1. For those infants referred within normal working hours (8:00 a.m. – 4:30 p.m.), the (CPS or FSW) case worker will make an immediate referral to the Permanency Specialist team.</li> <li>2. After normal business hours, on holidays or on weekends, the (CPS or FSW) case worker will first facilitate the placement of the newborn infant in a foster home. On the first working day, the (CPS or FSW) case worker will make an immediate referral to the Permanency Specialist team.</li> <li>3. At the point of referral, the Permanency Specialist will immediately convene 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, "Services to the Child IX. Considering Direct Placement of Newborns"</u>.</li> <li>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.</li> <li>5. The potential adoptive placement must be told: <ol style="list-style-type: none"> <li>a) The child is not yet free for adoption, but DCS intends to pursue an adoptive placement.</li> <li>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.</li> <li>c) If it is determined that it is the child's best interest to be adopted, then it is unlikely that a newborn will be eligible for adoption assistance. This also means that the adoptive family will be responsible for paying all legal fees</li> </ol> </li> </ol>

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	<p>to finalize the adoption.</p> <p>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>
<b>E. Follow-up</b>	<ol style="list-style-type: none"> <li>1. The Permanency Specialist and FSW will 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.</li> <li>2. Within ten (10) days of the voluntary delivery by the mother to the medical facility, the Department will publish 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 will state 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 will constitute an abandonment of the infant.</li> <li>3. The Permanency Specialist and FSW will 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.</li> <li>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.</li> <li>5. If the mother or father wishes to revoke their voluntary delivery, the case will immediately be staffed with the local DCS Regional Attorney and consideration will be given to all legal options including the filing of an emergency petition if there are serious concerns about the parents.</li> </ol>
<b>F. Abandonment cases not meeting statutory requirements</b>	<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 will be handled according to DCS policy <a href="#"><u>14.5 Child Protective Services Planning, Initiation and Assessment of Safety and Protection.</u></a></p>
<b>G. Anonymous Voluntary Abandonment information for parent(s)</b>	<p>Information regarding voluntary abandonment is on the DCS Intranet; Forms web page: <a href="#"><u>Anonymous Voluntary Abandonment Information.</u></a></p>