



STATE STATUTES
CURRENT THROUGH FEBRUARY 2026

Infant Safe Haven Laws

To find statute information for a particular State, Territory, or Tribe, go to the [State Statutes Search](#).

Over the years, many State laws have been enacted to address infant abandonment and endangerment in response to reports of newborn infants abandoned in unsafe locations, including public restrooms or trash receptacles. State infant safe haven laws allow mothers in crisis to safely surrender custody of their babies at designated locations that can provide protection and medical care until a permanent home is found. Safe haven laws generally allow the parent, or a person acting on behalf of the parent, to remain anonymous and be shielded from criminal liability and prosecution for child endangerment, abandonment, or neglect in exchange for surrendering the baby to a safe haven.

To date, all 50 States, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, the Eastern Band of Cherokee Indians, and the Penobscot Nation have enacted safe haven legislation.¹ The focus of these laws is on protecting newborns from endangerment by

¹ American Samoa and the Northern Mariana Islands currently do not address the issue of abandoned newborns in legislation.

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providing parents with an alternative to criminal abandonment; therefore, the laws are generally limited to very young children. For example, in approximately six States² and Puerto Rico, only infants 72 hours old or younger may be relinquished to a designated safe haven. Approximately 22 States³ and Guam accept infants up to 30 days old. Ten States,⁴ the U.S. Virgin Islands, the Eastern Band of Cherokee Indians, and the Penobscot Nation will accept infants up to 60 days old. Other States specify varying age limits in their statutes.⁵

WHO MAY LEAVE A BABY AT A SAFE HAVEN

In 37 States⁶ and the Eastern Band of Cherokee Indians, either parent may surrender his or her baby to a safe haven. In four States,⁷ Guam, and Puerto Rico, only the mother may surrender her infant. Idaho specifies that only a custodial parent may surrender an infant. In the District of Columbia, an infant may be surrendered only by a custodial parent who is a resident of the

District. In approximately 12 States,⁸ a person acting on behalf of the parent (someone who has the parent's approval) may take a baby to a safe haven for a parent. In California, Kansas, and New York, if the person surrendering the infant is someone other than a parent, he or she must have legal custody of the child. Eight States⁹ and the Penobscot Nation do not specify the person who may surrender an infant.

SAFE HAVEN PROVIDERS

The purpose of safe haven laws is to ensure that infants who are surrendered are left with designated personnel who can provide the immediate care needed for their safety and well-being. Approximately 16 States,¹⁰ the Virgin Islands, the Eastern Band of Cherokee Indians, and the Penobscot nation allow parents to relinquish their infants to a hospital, emergency medical services provider, or health-care facility. In 36 States,¹¹ Guam, Puerto Rico, and the Virgin Islands, fire stations are also designated as safe haven providers. Personnel at police stations or other

² The word "approximately" is used to stress the fact that States frequently amend their laws and applies to all data in this publication. This information is current only through February 2026. California, Colorado, Hawaii, Michigan, Washington, and Wisconsin currently limit relinquishment to infants who are no more than 72 hours old.

³ Arizona, Arkansas, Connecticut, Florida, Georgia, Idaho, Illinois, Kentucky, Maine (31 days), Montana, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, and West Virginia

⁴ Indiana, Kansas, Louisiana, Maryland, New Hampshire (61 days), North Dakota (for infants left in a newborn safety device), Oregon, South Carolina, South Dakota, and Texas

⁵ Other limits include 7 days (Massachusetts, Minnesota, and Oklahoma), 14 days (Delaware, Wyoming, and the District of Columbia), 21 days (Alaska), 45 days (Alabama, Mississippi, and Tennessee), 90 days (Iowa, Missouri, Nebraska, and New Mexico), and 1 year (North Dakota, if the child is left with a staff member at an approved location).

⁶ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming

⁷ In Georgia, Maryland, Minnesota, and Tennessee, only the mother may relinquish her infant. Maryland and Minnesota do allow the mother to approve another person to deliver the infant on her behalf.

⁸ Arizona, Arkansas, Connecticut, Indiana, Iowa, Kentucky, Missouri, New Jersey, North Dakota, Rhode Island, Utah, and Wyoming

⁹ Delaware, Hawaii, Illinois, Maine, Nebraska, New Mexico, South Carolina, and Vermont

¹⁰ Alabama, Connecticut, Delaware, Idaho, Illinois, Iowa, Maryland, Mississippi, Nebraska, North Carolina, Ohio, South Dakota, Texas, Utah, Virginia, and West Virginia

¹¹ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Washington, West Virginia, Wisconsin, and Wyoming

law enforcement agencies may accept infants in 32 States,¹² Puerto Rico, the Virgin Islands, the Eastern Band of Cherokee Indians, and the Penobscot Nation. In 15 States¹³ and the U.S. Virgin Islands, emergency medical personnel responding to 911 calls may accept an infant. In addition, five States,¹⁴ Puerto Rico, and the Penobscot Nation allow churches to act as safe havens, but the parent surrendering the infant must first determine that church personnel are present at the time the infant is left.

Laws in 24 States¹⁵ allow a parent to voluntarily deliver the infant to a newborn safety device. A "newborn safety device," which is also sometimes referred to as a "newborn safety incubator" or "baby box," is a medical device used to maintain an optimal environment for the care of a newborn infant. A newborn safety device must meet the following requirements:

- It is physically located inside a safe haven site, which may include a hospital, law enforcement agency, or fire department, that is staffed 24 hours a day by a medical services provider.
- It is located in an area that is conspicuous and visible to the employees of the safe haven site.
- It must allow a child to be placed anonymously from outside the facility.

- It must lock after a child is placed in it so a person outside the facility cannot access the child.
- It must provide a controlled environment for the care and protection of the child.
- It must notify a centralized location in the facility within 30 seconds of a child being placed in the device.
- It must trigger a 911 call if staff at the facility do not respond within a reasonable amount of time after a child is placed in the device.

RESPONSIBILITIES OF SAFE HAVEN PROVIDERS

The safe haven provider is required to accept emergency protective custody of the infant and provide any immediate medical care that the infant may require. In 19 States,¹⁶ the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, when the safe haven receiving the baby is not a hospital, the baby must be transferred to a hospital as soon as possible. Laws in 45 States,¹⁷ the District of Columbia, Guam, Puerto Rico, the Virgin Islands, the Eastern Band of Cherokee Indians, and the Penobscot Nation require the provider to notify the local child welfare department that an infant has been surrendered. In nine States¹⁸ and Guam, the local law enforcement agency must be notified.

¹² Alaska, Arkansas, Delaware, Georgia, Hawaii, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, West Virginia, Wisconsin, and Wyoming

¹³ Alabama, Connecticut, Idaho, Illinois, Indiana, Iowa, Louisiana, Minnesota, Mississippi, Montana, New Hampshire, Ohio, Vermont, West Virginia, and Wisconsin

¹⁴ Arizona, Kentucky, New Hampshire, South Carolina, and Vermont

¹⁵ Alabama, Arkansas, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, New Hampshire, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin

¹⁶ Arizona, Florida, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, Pennsylvania, South Carolina, Tennessee, West Virginia, and Wyoming

¹⁷ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming

¹⁸ Colorado, Delaware, Hawaii, Idaho, Illinois, Kansas, Nevada, Pennsylvania, and Vermont

In 24 States,¹⁹ the District of Columbia, Guam, the Eastern Band of Cherokee Indians, and the Penobscot Nation, the provider is required to ask the parent for family and medical history information. In five States,²⁰ the provider must ask about the family's Tribal affiliation. In 18 States,²¹ the District of Columbia, Guam, and the Virgin Islands, the provider is required to attempt to give the parent or parents information about the legal repercussions of leaving the infant and information about referral services. In four States²² and Guam, a copy of the infant's numbered identification bracelet may be offered to the parent as an aid to linking the parent to the child if reunification is sought at a later date.

IMMUNITY FROM LIABILITY FOR PROVIDERS

In 46 States,²³ the District of Columbia, Guam, the Virgin Islands, the Eastern Band of Cherokee Indians, and the Penobscot Nation, safe haven laws protect providers who accept custody of infants who are surrendered with immunity from civil liability for anything that

might happen to the infant while in their care unless there is evidence of major negligence on the part of the provider. In 35 States,²⁴ the District of Columbia, Guam, the Virgin Islands, the Eastern Band of Cherokee Indians, and the Penobscot Nation, safe haven laws also protect providers with immunity from criminal liability.

PROTECTIONS FOR PARENTS

In approximately 17 States,²⁵ the District of Columbia, Guam, and the Virgin Islands, anonymity for the parent or agent of the parent is expressly guaranteed in statute. In 40 States,²⁶ the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and the Eastern Band of Cherokee Indians, the safe haven provider cannot compel the parent or agent of the parent to provide identifying information. In addition, 20 States,²⁷ Guam, the Virgin Islands, and the Penobscot Nation provide an assurance of confidentiality for any information that is voluntarily provided by the parent.

¹⁹ Alaska, California, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Montana, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming

²⁰ Idaho, Kansas, Montana, New Mexico, and Wyoming

²¹ Connecticut, Delaware, Hawaii, Illinois, Kansas, Kentucky, Louisiana, Michigan, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Washington, and Wisconsin

²² California, Connecticut, Delaware, and North Dakota

²³ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming

²⁴ Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Missouri, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin, West Virginia, and Wyoming

²⁵ Arizona, Delaware, Florida, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming

²⁶ Alabama, Alaska, Arizona, California, Connecticut, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming

²⁷ Alabama, Arkansas, California, Connecticut, Delaware, Idaho, Iowa, Kansas, Maine, Michigan, Mississippi, Montana, North Carolina, North Dakota, Rhode Island, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin

Besides the guarantee of anonymity, most States provide protection from criminal liability for parents who safely surrender custody of their infants to a safe haven provider. Approximately 35 States,²⁸ the District of Columbia, Puerto Rico, and the Virgin Islands do not prosecute a parent for child abandonment when a baby is surrendered to a safe haven. In 14 States,²⁹ safe surrender of the infant is an affirmative defense in any prosecution of the parent or the person acting on the parent's behalf for any crime against the child, such as abandonment, neglect, or child endangerment.

The privileges of anonymity and immunity are forfeited in most States if there is evidence of child abuse or neglect.

CONSEQUENCES OF RELINQUISHMENT

Once the safe haven provider has notified the local child welfare department that an infant has been surrendered, the department assumes custody of the infant as an abandoned child. The department is responsible for placing the infant, usually in a preadoptive home, and petitioning the court for termination of the birth parents' parental rights. Before the baby is placed in

a preadoptive home, 22 States,³⁰ the District of Columbia, Guam, and the Virgin Islands require the department to request the local law enforcement agency or the National Center for Missing and Exploited Children to determine whether the baby has been reported as a missing child. In addition, six States³¹ and the Virgin Islands require the department to check the putative father registry before a termination of parental rights petition can be filed. In Montana, New Mexico, South Dakota, and Wyoming, the appropriate Tribe must be notified if there is reason to believe that the infant is a Native American child.

Approximately 22 States,³² the District of Columbia, Guam, and the Virgin Islands have procedures in place for a parent to reclaim the infant, usually within a specified time period and before any petition to terminate parental rights has been granted. Nine States,³³ the District of Columbia and the Virgin Islands also have provisions for a nonrelinquishing parent to petition for custody of the child. In 19 States,³⁴ the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, the act of surrendering an infant to a safe haven is presumed to be a relinquishment of parental rights to the child, and no further parental consent is required for the child's adoption.

²⁸ Alaska, Arizona, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri (for a child younger than 45 days old), Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, and Wisconsin

²⁹ In a State with an affirmative defense provision, a parent or a person acting on the behalf of the parent can be charged and prosecuted, but the act of leaving the baby safely at a safe haven can be a defense to such charges. The States with an affirmative defense provision include Alabama, Arkansas, Colorado, Delaware, Indiana, Maine, Michigan, Mississippi, New Jersey, New York, Oregon, Utah, Virginia, and Wyoming.

³⁰ Alabama, Arkansas, California, Delaware, Hawaii, Idaho, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, North Carolina, Oklahoma, South Carolina, Texas, Utah, and Wyoming

³¹ Illinois, Iowa, Kansas, Missouri, Utah, and Wyoming

³² California, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Iowa, Kentucky, Louisiana, Michigan, Missouri, Montana, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Tennessee, Wisconsin, and Wyoming

³³ Iowa, Kansas, Louisiana, Michigan, Missouri, Montana, North Carolina, South Dakota, and Tennessee

³⁴ Alaska, Delaware, Florida, Idaho, Illinois, Kansas, Kentucky, Michigan, Mississippi, Missouri, Montana, Nevada, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, West Virginia, and Wisconsin

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SUGGESTED CITATION

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