

BURCH SAFE INFANT LAW

Background:

On April 9, 2002 the Kentucky Legislature enacted Senate Bill Number 55. This bill is titled the Thomas J. Burch Safe Infant Act. This law provides a humane option for parents who might otherwise abandon their newborn infant in a public place. Parents may now leave an unwanted infant with any Kentucky EMS provider, police station, fire station, or hospital without consequence, hopefully preventing any unwanted newborn from being left in an unsafe environment. The situation must meet the following criteria;

- A. The newborn infant must be medically determined to be less than 72 hours old.
- B. The newborn infant cannot have indicators of child abuse, maltreatment, or neglect after birth.

Purpose:

This protocol will outline the responsibilities of those who accept a newborn infant under this law.

Guidelines:

Any parent or person acting on behalf of the parent may come to a police station, firehouse, EMS station, or hospital unannounced and leave a newborn infant. At this point the police officer, firefighter, EMS worker, or hospital worker SHALL accept the infant. Do not be judgmental towards the person who is leaving the newborn infant. This is a difficult choice for a parent to make. The following steps are to be initiated immediately;

- A. Perform a primary and secondary survey of the infant and initiate any necessary procedure to protect the child's health and safety.
- B. It is important to keep the newborn infant warm.
- C. Kentucky law requires that any care provider who suspects child abuse, neglect, or maltreatment SHALL report it. You may call the DCBS hotline at 1-800-752-6200 to make your report.
- D. You have no authority to detain, follow or pursue the parent.
- E. Summon EMS for transport of the infant.
- F. You have implied consent to treat the infant as necessary.
- G. Notify your supervisor and follow any policies and guidelines your agency has implemented.
- H. Retrieve and open an "Abandoned Infant Pack". Complete the enclosed checklist.
- I. You will offer the parent information regarding medical needs of the mother who is post partum, a written explanation of the parent's legal

rights, and services available to the parent, which have been provided in the packet.

- J. The newborn infant should be transported in a car seat designed for use with an infant.
- K. If a car seat is unavailable use age appropriate immobilization measures.
- L. If the transport is lengthy the newborn infant may be fed as necessary with SIMILAC or ENFAMIL.
- M. Newborn infants normally eat 2-2.5 ounces of formula at a time. Feeding is not advised for an infant who is experiencing respiratory or circulatory abnormality.
- N. At this point the parent is free to leave.
- O. However, the parent needs to be advised that any information he or she give about the child and his/her medical history will help the child's future caregivers.
- P. You may ask the parent to complete the DPP 1268 Medical Information for Newborn Infants Form.
- Q. This form is also provided in the packet.
- R. The parent may take form 1268 with them to be completed and mailed later.
- S. The DPP 1268 Medical Information Form for Newborn Infants is completely voluntary!
- T. Once EMS has assumed care of the newborn infant, they should transport to the nearest hospital capable of newborn care.

You MAY NOT:

- A. Detain, follow or pursue the parent at any time.
- B. Coerce or otherwise force the parent into revealing their identity.
- C. Coerce or otherwise force the parent to keep the infant.
- D. Coerce or otherwise force the parent to give any medical information.

Conclusion:

The "Safe Infant Act" imposes a huge responsibility on the individual who must accept this infant. Following this protocol will help you deal with this situation, provide excellent care for the newborn infant, and allow the parent to maintain dignity in a difficult situation.