

Number

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Date

February 4, 2025

Of interest to

County Directors

Social Services Supervisors and
Staff

Hospital Staff

Urgent Care Clinic Staff
Ambulance Service Providers

County Attorneys

Tribal Attorneys

Action/due date

Read information and use when
responding to cases that fall
under the Give Life a Chance;
Safe Place for Newborns law.

Expiration date

February 4, 2027

Overview of Safe Place for Newborns law

Topic

Give Life a Chance, Safe Place for Newborns law.

Purpose

Provide updated guidance to local child welfare and Tribal agencies on the Give Life a Chance, Safe Place for Newborns law. This bulletin replaces Bulletin 21-68-16.

Contact

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Signed



REBECCA ST. GEORGE
Assistant Commissioner
Child Safety and Permanency Administration

Terminology notice

The terminology used to describe people we serve has changed over time. The Department of Children, Youth, and Families (DCYF) supports the use of "People First" language.

I. Overview of Give Life a Chance, Safe Place for Newborns law

The Give Life a Chance, Safe Place for Newborns law (Safe Place law) was established to provide a mechanism for a birthing person to voluntarily and anonymously leave their newborn in a “safe place” without fear of prosecution for abandonment. [Minnesota Statutes, sections [609.3785](#), [145.902](#) and [260C.139](#)]

Newborns left at a safe place must:

- Have been born within seven days, as determined within a reasonable degree of certainty
- Present unharmed at the time received by medical personnel
- Be left by the birthing person, or a person with birthing person’s permission, in the care of safe place personnel.

The law defines a safe place as:

- A hospital licensed under Minnesota Statutes, sections [144.50](#) to [144.56](#)
- A health care clinic that provides urgent care medical services
- An ambulance service dispatched in response to a 911 telephone call from a birthing person, or a person with birthing person’s permission, to relinquish a newborn.

II. Situations covered by the Safe Place law

The law requires a newborn be received by an employee on the premises of a safe place during its hours of operation. If a newborn is being relinquished to a health care clinic that provides urgent care medical services, providers must dial 911, informing dispatcher of the Safe Place relinquishment, and request them to send an ambulance or take other appropriate action to transport the newborn to a hospital. If a newborn is being relinquished to ambulance service staff through a 911 call by a birthing person (or person with birthing person’s permission), ambulance service staff must transport the newborn to a hospital for care.

When a person is leaving a newborn under the Safe Place law, safe place providers receiving a newborn must not inquire as to the identity of the birthing person or of a person leaving a newborn, or call the police, provided the newborn is unharmed when presented to a safe place provider. Safe place providers may ask persons leaving a newborn about the medical history of the birthing person or newborn, but they are not required to provide information. Safe place providers may give persons leaving a newborn information about how to contact relevant social service agencies. ([Minnesota Statutes, section 145.902, subdivision 1](#))

Within 24 hours of receiving a newborn, hospital staff must inform the local child welfare agency that a newborn has been surrendered under the Safe Place law but must not do so until a person leaving a newborn leaves the premises. Hospitals must provide necessary care to newborns pending assumption of legal responsibility by the local social service agency. ([Minnesota Statutes, sections 145.902, subdivision 1](#) and [260C.139, subdivision 5](#))

When a birthing person delivers a newborn in a hospital setting (including an emergency room), the birthing person may request to surrender the newborn under the Safe Place law. The birthing person does not need to use specific Safe Place law language. Hospital staff shall provide the birthing person with information about all options for the newborn, not limited to the Safe Place law. Resource information can be found on the department's Safe Place for Newborns [website](#) and in the [Safe Place for Newborns pamphlet](#) (DHS-6504B). The hospital shall inform the local social service agency that a newborn has been surrendered under the Safe Place law but shall not identify the birthing parent in the report. The hospital shall follow [Minnesota Statutes, section 144.216, subdivision 4](#) when registering the newborn's birth record, keeping the birthing person's identity confidential. If a birth record is created prior to the birthing person surrendering the newborn, the hospital staff shall follow [Minn. Stat. § 144.218, subd. 6](#) to create an amended birth record.

Mandated reporters at a safe place provider are immune from criminal or civil liability that otherwise might result from failure to make a report under [Minnesota Statutes, section 260E.06](#) if a person is acting in good faith in complying with the Safe Place law. ([Minn. Stat. § 145.902, subd. 3](#))

A. Situations not covered by the Safe Place law

If a newborn is abandoned at a hospital and the situation does not meet criteria for Safe Place law, hospital staff should make a child protection report to the local child welfare agency.

The Safe Place law does not apply if a newborn is not left at an appropriate safe place. For example, a fire station or a church are not designated safe places under the Minnesota Safe Place law.

If the newborn is harmed in any way. For example, a non-accidental physical injury or prenatal substance exposure that has resulted in harm to the newborn.

II. Local child welfare agency response

[Minnesota Statutes, section 260C.139](#) permits responsible social service agencies to plan for the immediate safety and adoption of newborns surrendered to a safe place. The responsible social service agency should verify information received by the safe place regarding the circumstances surrounding a newborn left at a safe place. If circumstances fall within provisions of the Safe Place law, newborns are considered abandoned under [Minn. Stat. §§ 260C.007, subd. 6\(1\)](#) and [260C.301, subd. 1\(b\)\(1\)](#). The responsible local welfare agency has legal responsibility for placement of a newborn in foster care for 72 hours, during which time agencies must file a petition under [Minn. Stat. § 260C.141](#) asking the court to order continued placement of the newborn in foster care, with care, custody and control ordered to the agency.

A responsible social service agency with responsibility for a child pursuant to [Minnesota Statutes, section 260C.139, subdivision 5](#) is not required to attempt to reunify the child with the child's parents if the newborn was relinquished under Safe Place. This includes not searching the Minnesota Fathers Adoption Registry. Notice or serving a summons on either parent is also not required. Additionally, the agency is not required to search for relatives of the child as a placement or permanency option under [Minn. Stat. § 260C.221](#), or to implement other placement requirements that give a preference to relatives if the agency does not have information about the identity of the child, the child's birthing person or the child's father. ([Minn. Stat. §§ 260C.139, subd. 1](#) and [260C.150, subd. 8](#))

When a Safe Place report is being made to the local welfare agency, the reporter shall not identify the name of the parent(s) of the newborn, even if known. An agency taking a report regarding a Safe Place newborn can remind the reporter that any identifying information shall not be disclosed in the report. The hospital staff shall make efforts to ensure the newborn registration is confidential. Effective July 1, 2024, a safe place birth is registered pursuant to [Minnesota Statutes, section 144.216, subdivision 4\(b\)](#) and the state registrar shall issue a replacement birth record free of information that identifies a parent. The prior vital record shall be confidential pursuant to [Minn. Stat. § 13.02, subd. 3](#) and shall not be disclosed except pursuant to a court order. ([Minn. Stat. §§ 144.216](#) and [144.218](#))

Newborns surrendered under the Safe Place law are unlikely to meet Title IV-E eligibility requirements for foster care because their parents are unknown. For questions about a newborn's Title IV-E eligibility for foster care, consult with the Title IV-E trainer assigned to the local child welfare agency. As of Jan. 1, 2021, all children in foster care are automatically eligible for Medical Assistance (MA) in Minnesota, regardless of Title IV-E eligibility. This medical insurance is necessary to provide coverage of a newborn's care at a hospital/clinic and/or any ambulance services. For questions about MA eligibility, contact the local county/Tribal health care office. More information is available on the department's website: [FAQ: MA for Children in Foster Care and Receiving Northstar Kinship Assistance](#).

A. Possible American Indian/Alaska Native newborns

If a newborn is or may be an American Indian/Alaska Native child, requirements under the Indian Child Welfare Act (ICWA) and Minnesota Indian Family Preservation Act (MIFPA) apply. If an agency has questions about ICWA, MIFPA and the Safe Place for Newborns law, contact the Minnesota Department of Human Services at 651-431-4661 or DCYF.ICWA.MIFPA@state.mn.us.

B. Placing a newborn for immediate adoption

After the responsible local child welfare agency determines that circumstances fall under provisions of the Safe Place law, and a newborn has been ordered into foster care under legal responsibility of an agency, the agency must begin planning for immediate adoptive placement. This includes:

- Asking the county attorney's office to file a permanency petition and request the court to order the newborn under guardianship of the commissioner of Department of Children, Youth, and Families.
- Locating and placing newborn with a prospective adoptive family
- Working with the commissioner of the Department of Children, Youth, and Families to determine whether the newborn is eligible for Northstar Adoption Assistance
- Assisting the prospective adoptive family with filing an adoption petition and obtaining an adoption decree, as appropriate.

For questions about Title IV-E eligibility for adoption assistance when newborns are surrendered under Safe Place provisions, contact northstar.benefits@state.mn.us.

C. Entering data in the Social Service Information System (SSIS)

Workers can reference the “Safe Place for Newborns” resource on the [SSIS Worker Documentation](#) on Partner Link for a guide to entering Safe Place for Newborn cases.

D. Biological parent request return of a newborn

If, prior to an order terminating parental rights, a person presents as the biological parent of a newborn surrendered under the Safe Place law and wants their child returned to their care, the responsible social service agency should open the matter as a child maltreatment case and conduct a Family Investigation, according to [Minnesota Statutes, section 260E.20](#) requirements.

The responsible local child welfare agency should assess a request for return of a newborn by:

- Verifying person’s identity as the biological parent by completing voluntary DNA testing
- Assessing safety issues, a newborn may face in the care of the biological parent
- Identifying need for child protective services.

A new child maltreatment report should be entered in SSIS, and the child protection investigation process completed. While a child maltreatment investigation should take place, the responsible social service agency staff should not determine that maltreatment occurred based solely on a parent’s decision to utilize provisions of the Safe Place law. Agencies could switch the Family Investigation to Family Assessment, should a social service agency find it appropriate.

If an agency’s assessment documents conditions indicating a newborn is at significant risk of maltreatment if protective intervention is not provided, a determination that child protective services are needed is appropriate. In this event, a child protective services or out-of-home placement plan should be developed.

E. Agency response when a newborn is not covered by Safe Place law

If a responsible social service agency receives a referral that does not meet Safe Place law provisions, it should assess safety needs of the birthing person and newborn and, as appropriate, offer services to protect their safety. Services may include planning for placement of the newborn away from the birthing person, as needed and appropriate, including situations when neither parent can be located. In situations that do not fall under the Safe Place law provisions, agencies must follow all provisions of Minnesota law that apply whenever a child is placed in foster care or for adoption. This includes identifying and working with the father and newborn’s Tribe/s, if applicable, and conducting a relative search of maternal and paternal relatives.

If an agency does not follow all foster care and adoption provisions of Minnesota law when Safe Place law provisions do not apply, it may encounter several barriers to making and finalizing an adoptive placement of a newborn under guardianship of the commissioner. These include:

- Reconciling legal parents when birth record and termination of parental rights court order do not match
- Providing full disclosure to prospective adoptive families, as required by Minnesota law, when information is known but not recorded in newborn's social and medical history
- Attempting to determine eligibility for Northstar Adoption Assistance when reasonable but unsuccessful efforts to place without adoption assistance were not made, as required by state and federal law. [Minnesota Statutes, sections 256N.23, subdivisions 2\(d\) and \(f\), 260C.609, and 260C.615, subdivisions 1\(b\)\(2\) and \(3\).](#)

II. Safe Place for Newborns law resources

The department maintains the following resources about Safe Place:

- [Frequently Asked Questions](#) (DHS-6504A) answers general questions about Minnesota's Safe Place law
- [Safe Place flyer](#) (DHS-6504B) has information for parents about the Safe Place law and other parenting resources
- [Safe Place Facilities](#) (DHS-6504C) is signage to be posted at hospitals, urgent care facilities and designated safe places.

The department's website, [Safe Place for Newborns](#), contains the above-listed documents. Additionally, information for individuals considering adoption and parenting as an alternative to Safe Place for Newborns is available. The above listed resource documents are available in alternate languages of Spanish, Hmong, Somali, Vietnamese and Russian.

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-4660 (voice) or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.