

CHILD PROTECTION

Check-up



COVID-19 Impact: Crisis Nurseries, Respite Care and Safe Haven

Recommended Action Steps

COVID-19 is creating a cascading effect of stressors for families. As stressors multiply for parents (or resource families or grandparents unexpectedly raising grandchildren), infants are isolated from extended family, pediatric health care visits and safe high-quality early childhood care and education environments. All during April - National Child Abuse Prevention Month. Protecting children and ensuring they are connected to safe and supported families is not about a single month nor is it a job assigned to another. Each one of us have a role and responsibility. Some of the outlined recommendations will require that an agency inside Pennsylvania's state government take the needed action step. As public officials do their part, we must do ours to keep babies safe and support parents and caregivers - now more than ever.

1. Commit – strongly and fully – to preventing infant injuries and deaths and interrupting permanency.
2. Avoid punitive actions against vulnerable parents, particularly pregnant and postpartum women.
3. Resolve any gaps in (physical and behavioral) health care coverage for infants and their mothers (during pregnancy and the postpartum period, which ideally is recognized as 12 months following the infant's birth).
4. Get resources, critical to families with newborns (e.g., diapers, formula), into the hands of those entities and professionals still readily available to families, including hospitals, emergency childcare services, and children and youth service (CYS) agencies.
5. Partner with (traditional and social) media on a range of Public Service Announcements (PSAs) to promote practical calming and coping strategies. Do not recreate the wheel rather create a central repository of the voluminous amount of existing (and effective) PSAs and other prevention resources.
6. Refuse to overlook or leave unaddressed the dire shortage (in ordinary times) of crisis nurseries and respite care for families. Explore if such resources can safely be made available and accessed during the current crisis.
7. Immediately disseminate accurate Safe Haven information on the Pennsylvania Department of Human Services (PA DHS) website and all Commonwealth websites and/or materials.
8. Ensure broad dissemination of accurate Safe Haven information with a variety of stakeholders (e.g., faith leaders, 211 information and referral lines, district attorneys, emergency services and health care professionals, legislators and police).
9. Make sure the Safe Haven Helpline (1-866-921-7233) is still operating (or redirecting) calls 24 hours a day, 7 days a week. Minimize wait times so that the parent afraid to ask for help doesn't lose their patience or nerve before connecting with a person in a position to listen and offer connections.
10. Explore all legal and/or administrative options that could reasonably and safely enhance (e.g., age of child) or expand designated Safe Haven locations, including consideration of entities and services that remain operational under the Governor's disaster declaration.

Background

On March 31st in Clinton County (Pennsylvania), an 18-year-old woman was criminally charged with endangering the welfare of children (EWOC) – a felony offense.ⁱ The young woman was charged approximately a week after state police were called to the discovery of a male infant, who was alive and found at a house adjacent to St. Paul’s Evangelical Lutheran Church. The following details were included in the criminal complaint:

“She said she walked to the church to leave him and stated that she thought the church was a safe place to leave babies. She said she saw the sign on the door that the church was closed due to COVID-19, so she left him on the porch next door to the church. She said she figured the house next to the church belonged to the pastor of the church and thought it would be safe to leave him there. She said she went home and got a shower. She said she wanted to go back and check on the baby to make sure he was okay but her father was awake and she knew she would not be allowed to leave the house around midnight. She then went to bed.”ⁱⁱ



Several years ago, it was the discovery of another infant at a Pennsylvania church that drew the attention of the National Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF)ⁱⁱⁱ:

Research finds a correlation between public awareness of these “safe haven” laws and their effectiveness. However, news accounts, such as a recent story about an infant found at a church in Pennsylvania, highlight a continued lack of awareness among the public about safe havens. (In Pennsylvania law, churches are not considered to be safe havens.).

CECANF offered specific Safe Haven recommendations:

- “Provide examples of best practices in state level policies, including expanding infant safe haven laws to cover infants up to age 1.
- Amend state infant safe haven laws to expand the age of protected infants to age 1 and to expand the types of safe havens accepted, including more community-based entities such as churches, synagogues, and other places of worship. States also should expand public awareness campaigns for safe haven laws, given the correlation between awareness and effectiveness.”

Pennsylvania initially enacted its Safe Haven ([Newborn Protection](#)) law in 2002 defining (then and now) that the infant (up to 28-days of age) can be safely surrendered by the parent(s) at statutorily defined Safe Haven locations.. If the infant has not been abused, the state statute is to insulate the parent from criminal prosecution.^{iv} The immunity from criminal prosecution resides within Pennsylvania’s Crimes Code (Title 18, Section 4306).^v Ultimately, discretion to prosecute a parent(s) rests with the local district attorney.

Today, COVID-19 has resulted in diminished access to routine and even emergency health care services. COVID-19 has also significantly elevated anxieties particularly for women who are pregnant and those individuals about to become or who recently became the parent to a newborn.

Pennsylvania must weave awareness about and access to infant Safe Havens, as well as other immediate supports for new parents, into the state’s COVID-19 emergency responses and resources.

Immediately, the Pennsylvania Department of Human Services (PA DHS) must rectify that its website is inaccurate. Act 68 of 2017 amended Pennsylvania’s Newborn Protection Act to include surrendering an infant with an “Emergency services provider” defined as “An emergency medical responder, emergency medical technician, advanced emergency medical technician or a paramedic as defined in 35 Pa.C.S. §8103 (relating to definitions)”.^{vi} Today then the legally recognized safe havens in Pennsylvania include:

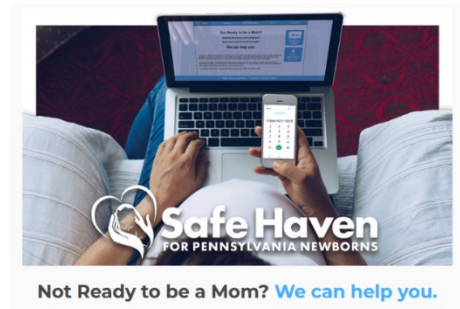
- Title 23 § 6504. Health care providers accepting newborns,
- Title 23, § 6504.1. Police officers accepting newborns, and
- Title 23, § 6504.2. Emergency services providers accepting newborns.

Examples of Pennsylvania websites that have not been updated to reflect the 2017 state statutory change include:

- [PA DHS website](#)^{vii} – “*Safe Haven of Pennsylvania, also known as the Newborn Protection Act, was enacted in 2003 and amended in 2014. It states that a parent of a newborn may **leave a child in the care of a hospital or a police officer at a police station** without being criminally liable, as long as the child is no older than 28 days and is not harmed.*”
- [PA DHS Save Haven](#) (Secret Safe main webpage and the [resources page](#)) – and/or resources page -) “*If you’re not ready to take care of a newborn and don’t have anyone to ask for help, there’s a place where you can take your baby to ensure his or her safety and health. Under the Safe Haven law, you may bring your newborn (up to 28 days old) to any Pennsylvania **hospital or to a police officer at a police station.***”

Non-Commonwealth websites also do not accurately represent all legally available Safe Havens for infants (e.g., PA Families^{viii}, Commonwealth Health^{ix}, Lehigh Valley Health Network^x, Tower Health/Reading Hospital^{xi}, Allegheny Department of Human Services^{xii}).

In 2006, the state unveiled its educational website (www.secretsafe.org) “tailored to expectant mothers.”¹ Within its PA DHS 2020-2021 budget request, the state agency reports that in state fiscal year 2019-2020, advertisements for Safe Haven were supported with federal Title IV-B in the amount of \$118,000 (reflecting a \$50,000 increase over 2018-2019).^{xiii}



PA DHS reports that since 2003, 46 babies have been safely surrendered at a Safe Haven.

In 2018, DHS’ statewide, toll-free helpline, 1-866-921-SAFE (7233) received 53 calls.^{xiv} In that same year, 2 infants were safely surrendered.

Fewer than a half dozen crisis nurseries are operational in Pennsylvania (and that was in ordinary, not COVID-19 times).

Children's Aid Society in York County is home to the Lehman Center. The Center offers day and overnight respite care.^{xv} Operating for more than 30 years, families who “otherwise have no support” are offered access to voluntary “short term respite care (day/overnight), 24 hours a day, 365 days a year, for children newborn through six years of age.” In 2018, the Center provided “612 intakes on 122 children.”^{xvi} More than 2,400 hotline calls were answered by Center staff. According to the Center’s website, the crisis nursery has temporarily shuttered through April 13th.^{xvii}

Jeremiah’s Place serves children and families in Allegheny County. Emergency childcare is offered for children from birth through age 6 with a child being able to “stay with us for a few hours or a few days based on the needs of each individual family.”^{xviii} This emergency childcare may be needed for a parent to safely escape an abusive partner, or to tend to the medical needs of a family member or when the parent (or resource family) can’t locate safe childcare as they go to work.

In March, leadership wrote, “There are no words for what we are all experiencing during these difficult and critical times. Jeremiah's Place is doing its best to maintain the health and wellness of our staff, volunteers, and families. Due to the mandate from Governor Wolf to close childcare centers across Pennsylvania, we sadly closed our doors on Monday, March 16th.”^{xix}

ⁱ Docket Number: MJ-25302-CR-0000067-2020

ⁱⁱ <https://www.lockhaven.com/news/local-news/2020/04/mother-of-abandoned-baby-found/>

ⁱⁱⁱ Commission to Eliminate Child Abuse and Neglect Fatalities. (2016). Within our reach: A national strategy to eliminate child abuse and neglect fatalities. Washington, DC: Government Printing Office.

^{iv} <https://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2002&sessInd=0&smthLwInd=0&act=201>

^v <https://www.legis.state.pa.us/WU01/LI/LI/CT/PDF/18/18.PDF>

^{vi} <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2017&ind=0&body=H&type=B&bn=1139>

^{vii} <http://www.keepkidssafe.pa.gov/about/safehavenlaw/index.htm>

^{viii} <http://pafamiliesinc.org/understanding-systems/office-of-children-youth-and-families/what-is-the-safe-haven-law-in-pennsylvania>

^{ix} <https://www.commonwealthhealth.net/safe-haven-for-pennsylvania-newborns>

^x <https://www.lvhn.org/safe-haven>

^{xi} <https://reading.towerhealth.org/patients-families/safe-haven/>

^{xii} <https://www.alleghenycounty.us/Human-Services/Resources/Safety-and-Consumer-Protection/Children-and-Youth.aspx>

^{xiii} <https://www.dhs.pa.gov/docs/Publications/Documents/Budget%20Information/20-21%20DHS%20Blue%20Book.pdf>

^{xiv} <https://www.dhs.pa.gov/docs/OCYF/Documents/2018%20Annual%20Child%20Protective%20Services%20Report.pdf>

^{xv} <https://www.cassd.org/crisisnursery.html>

^{xvi} <https://www.cassd.org/financialinfo.html>

^{xvii} <https://www.cassd.org/covid-19.html>

^{xviii} <https://jeremiahsplace.org/how-we-help/our-services/>

^{xix} <https://jeremiahsplace.org/jp-update-covid-19-update/>