

ARKANSAS LAW

Infant's Age

Ann. Code § 9-34-202

A child who is 30 days old or younger may be relinquished.

Who May Relinquish the Infant

Ann. Code §§ 9-34-202; 5-27-205(c)

A child may be relinquished by his or her parent or a person designated by the parent.

Who May Receive the Infant

Ann. Code § 9-34-202

The child may be left with any medical provider or law enforcement agency.

Responsibilities of the Safe Haven Provider

Ann. Code §§ 9-34-202; 9-34-203

Any medical provider or law enforcement agency shall, without a court order, take possession of a child who is 30 days old or younger if the child is left with or voluntarily delivered to the medical provider or law enforcement agency by the child's parent who does not express an intent to return for the child.

A medical provider or law enforcement agency that takes possession of a child shall perform any act necessary to protect the physical health and safety of the child.

Upon delivery of the child, the law enforcement officer or an appropriate hospital employee shall take the child into protective custody for 72 hours and immediately notify the Division of Children and Family Services of the Department of Human Services.

Immunity for the Provider

Ann. Code § 9-34-202

A medical provider or law enforcement agency shall incur no civil or criminal liability for any good faith acts or omissions performed pursuant to this section.

Protection for Relinquishing Parent

Ann. Code § 5-27-205(c)

The fact that a parent voluntarily delivered a child to and left the child with, or voluntarily arranged for another person to deliver a child to and leave the child with, a medical provider or law enforcement agency serves as an affirmative defense to a prosecution for endangering the child.

This section specifically does not constitute a defense to any prosecution arising from an act of abuse or neglect committed prior to the delivery of a child to a medical provider or law enforcement agency.

Effect on Parental Rights

Ann. Code § 9-34-203

The department will initiate a dependency action [to place the child in a permanent home].