

# Birth Registry

## Q.A. Bulletin

This bulletin is issued by the Arizona Department of Health Services Office of Vital Records as part of a continuing effort to improve the quality, completeness and accuracy of data submitted to the State's Vital Records System.

If you have any questions, please call us at 602-364-0042.

### FOUNDLING

#### **What is the definition of foundling?**

Foundling means:

- a. A newborn infant left with a safe haven provider pursuant to section 13-3623.01.
- b. A child whose father and mother cannot be determined.

#### **A child is not a foundling if:**

1. The parentage is known.
2. The child is born in a hospital or birthing center.

#### **Can a hospital or birth center enter a foundling certificate into the Electronic Birth Certificate (EBC) system?**

**No.** Only the State Office of Vital Records shall enter foundling information into EBC.

1. The hospital shall complete the lower portion of the Certificate of Live Birth form (blue border) titled "Foundling Report." The top portion titled "Certificate of Live Birth shall be completed by the State Office of Vital Records.
2. If the child is released to Child Protective Services (CPS), the social worker should complete the Custodian information.
3. The Certificate of Live Birth/Foundling Report form shall be forwarded to the State Office of Vital Records for registration and further processing.

The Certificate of Live Birth form (Foundling w/blue border) can be ordered from the State Office of Vital Records by contacting Karen Jorgensen at 602-364-1763.

#### **What does the Arizona Law State Regarding the Registration of Foundlings?**

##### **36-335. Birth registration for foundlings**

A. A person who has custody of a foundling shall submit to the state registrar or to the local registrar or a deputy local registrar of the registration district where the foundling was found the following information:

1. The date the foundling was found.
2. The location where the foundling was found.

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3. The sex, approximate race and approximate age of the foundling.
4. The name and address of the person who has custody of the foundling.
5. The name given to the foundling by the person who has custody of the foundling.
6. Any other data required by rules adopted pursuant to this chapter.

B. The **state registrar shall create and register a birth certificate for a foundling** and enter on the birth certificate the following information:

1. The location where the foundling was found as the place of birth.
2. The date of birth based on the approximate age of the foundling.

C. A person who has custody of a foundling and determines the foundling's identity shall notify the state registrar in writing of the determination.

D. If the identity of a foundling is determined, the state registrar shall seal the foundling's registered birth certificate and provide access to the foundling's registered birth certificate only pursuant to a court order issued in this state.

#### **A.R.S. 13-3623.01. Safe haven for newborn infants; definitions**

- A. A person is not guilty of abuse of a child pursuant to section 13-3623, Subsection B solely for leaving an unharmed newborn infant with a safe haven provider.
- B. If a parent or agent of a parent voluntarily delivers the parent's newborn infant to a safe haven provider, the safe haven provider shall take custody of the newborn infant if both of the following are true:
  1. The parent did not express an intent to return for the newborn infant.
  2. The safe haven provider reasonably believes that the child is a newborn infant.
- C. The safe haven provider shall report receipt of a newborn infant to child protective services of the department of economic security as soon as practicable after taking custody of the newborn infant. Child protective services shall include the number of newborn infants delivered to safe haven providers pursuant to section 8-526.
- D. A parent or agent of a parent who leaves a newborn infant with a safe haven provider may remain anonymous, and the safe haven provider shall not require the parent or agent to answer any questions. A safe haven provider shall offer written information about information and referral organizations.

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- E. A safe haven provider who receives a newborn infant pursuant to this section is not liable for any civil or other damages for any act or omission by the safe haven provider in maintaining custody of the newborn infant if the safe haven provider acts in good faith without gross negligence.
  
- F. This section does not preclude the prosecution of the person for any offense based on any act not covered by this section.
  
- G. For the purposes of this section:
  - 1. "Newborn infant" means an infant who is seventy-two hours old or younger.
  - 2. "Safe haven provider" means any of the following:
    - (a) A firefighter who is on duty.
    - (b) An emergency medical technician who is on duty.
    - (c) A staff member at a health care institution that is classified by the department of health services pursuant to section 36-405 as a hospital or an outpatient treatment center.
    - (d) A staff member at any of the following that posts a public notice that it is willing to accept a newborn infant pursuant to this section:
      - (i) A private child welfare agency licensed pursuant to title 8, chapter 5, article 1.
      - (ii) An adoption agency licensed pursuant to section 8-126.
      - (iii) A church. For purposes of this item, "church" means a building that is erected or converted for use as a church, where services are regularly convened, that is used primarily for religious worship and schooling and that a reasonable person would conclude is a church by reason of design, signs or architectural or other features.