



Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect

Abandoned Infant Protection Act Fact Sheet

The Abandoned Infant Protection Act is part of New York State's efforts to stop people from abandoning newborns in unsafe and dangerous places. Each year newborn children are found in public places where they have been left—abandoned—with no plan and no one to care for them.

The Abandoned Infant Protection Act (AIPA) created an affirmative defense to the criminal charges of abandonment of a child and endangering the welfare of a child. In short, an affirmative defense means that a person accused of a crime *did* commit the criminal act but will not suffer a conviction so long as the elements of the affirmative defense are met. Under AIPA the elements of the affirmative defense are:

- 1) The child is not more than thirty days old.
- 2) The person abandoning the infant must have intended the child be safe and well cared for. He/she cannot have intended the child any harm.
- 3) The infant must be left in an appropriate or suitable location. Should the infant be left in a suitable location, an appropriate person must be notified immediately of the child's location so the child can be taken into custody and cared for.

Neither the term "suitable location" nor "appropriate person" is defined by law. However, district attorneys have stated that hospitals, police stations, and fire stations could be suitable locations if they are open and staff is present. Appropriate persons would be employees of the suitable location that are trained to deal with emergency situations. At a hospital, a doctor, nurse, or emergency room personnel would be suitable. Any on-duty police officer at a police station or firefighter or EMT at a fire station would also be appropriate.

It is important to know that AIPA *does not affect your responsibilities as a mandated reporter* of suspected child abuse or maltreatment. AIPA does not amend the law in regard to mandated reporters and *does not in any way change or lessen the responsibilities of mandated reporters. Any mandated reporter who learns of abandonment is still obligated to fulfill their mandated reporter responsibilities.* Even if you are unsure of the name of the person who abandoned a child, the reporter must nevertheless make a report. The unknown parties will be listed as "unknown," but the mandated reporter will still have fulfilled his/her legal responsibility.

It is also important to be aware that AIPA does not change the laws pertaining to child abuse or maltreatment in either the Social Services Law or the Family Court Act. Persons who abandon infants under AIPA will still be indicated as subjects of child maltreatment reports and may still have petitions for child neglect brought against them in Family Court.

If you have any questions, please call the AIPA Informational Hotline operated by the New York State Office of Children and Family Services (OCFS) at 1-866-505-SAFE. Alternatively, you may contact the OCFS Public Information Office at (518) 473-7793.