

NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

LISA TUCKER CAULEY • Division Director, Human Services

July 26, 2024

DEAR COUNTY DIRECTORS OF SOCIAL SERVICES

**ATTENTION: DIRECTORS, CHILD WELFARE PROGRAM ADMINISTRATORS, MANAGERS,
SUPERVISORS, AND SOCIAL WORKERS**

SUBJECT: UPDATES TO SAFE SURRENDER LEGISLATION AND POLICY

PURPOSE/BACKGROUND: SAFE SURRENDER POLICY ALIGNMENT FOR CHILD WELFARE

REQUIRED ACTION: Information Only **Time Sensitive** Immediate

NCDSS is committed to ensuring that local child welfare agencies are provided with the most up-to-date policy and guidance to support compliance with the law and best practice of child welfare services. As part of [SESSION LAW 2024-34, SENATE BILL 425](#) there were two updates to the Safe Surrender Law that impact Child Welfare practice.

The first update clarifies that first responders, to whom an infant may be surrendered, must also be 'on duty,' the same as healthcare providers and social services workers. This update becomes effective **August 1, 2024**, and applies to all Safe Surrender cases that occur on or after that date. Child welfare policy manuals will reflect this change as of August 1, 2024. This update will primarily impact the Intake policy regarding screening of a legal Safe Surrender case.

SECTION 5.(a) G.S. 7B-521 reads as rewritten:

"§ 7B-521. Persons to whom infant may be surrendered.

"...(2) A first responder, who is on duty, including a law enforcement officer, a certified emergency medical services worker, or a firefighter."

The second update of the Safe Surrender Law allows local child welfare agencies to apply for an ex parte order once the notification by publication has been initiated, rather than waiting for notification completion. This portion of the law will go into effect **October 1, 2024**, and child welfare policy will reflect the update on the same date. This update primarily impacts Permanency practice to allow counties to document legal and physical custody of safely surrendered infants in a more timely manner.

SECTION 6.(a) G.S. 7B-525 reads as rewritten:

"§ 7B-525. Social services response.

(a) A director of a department of social services who receives a safely surrendered infant pursuant to this Article has, by virtue of the surrender, the surrendering parent's rights to legal

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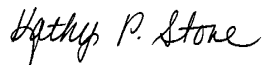
and physical custody of the infant without obtaining a court order. A county department of social services to whom an infant has been safely surrendered may, after the notice by publication set forth in G.S. 7B-526 has been initiated, apply for ex parte to the district court for an order finding that the infant has been safely surrendered and confirming that the county department of social services has legal custody of the minor for the purposes of obtaining a certified copy of the child's birth certificate, a social security number, or federal and State benefits for the minor..."

Policy will be published on the Division's web page that can be found at:

<https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals>.

If you have any questions, please contact Jadie Baldwin-Hamm at Jadie.Baldwin@dhhs.nc.gov, DSS Policy Consultant, or your Regional Child Welfare Specialist.

Sincerely,



Kathy Stone
Section Chief for Safety and Prevention
North Carolina Division of Social Services

Lisa Tucker Cauley, Senior Director of Human Services
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