



**Guidelines for Prevention and
Response to Abandonment of
Infants**

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Guidelines for Prevention and Response to Abandonment of Infants

1. Background and rationale

With the concerning trend in infant abandonment and infanticide cases in our communities, immediate policy and social intervention have become urgent. While some services are currently available, they are fragmented and calls for proper coordination amongst key stakeholders. There is a clear indication for the need to have a comprehensive guiding mechanism to ensure that abandoned infants receive immediate care and support.

In Bhutan, the Penal Code considers abandoning infants as a punishable offense. But, it also includes a provision that allows for a legal defense if the child is left in the custody of appropriate caregivers¹. However, a place where parents can safely surrender an infant without disclosing their identity, has not been identified. Thus, mechanism must be introduced to prevent infanticides and abandonment of infants. The approaches must be designed to ensure that those in distress find a safe environment for handing over infants.

The Child Care and Protection Act prescribes the age of a child² including infants and identifies who falls in difficult circumstances³. Upon confirmation as a child in difficult circumstances, subsequent care and assistance must be made available and any action undertaken must be in the best interest of the child. The services provided must focus on ensuring full and harmonious development.

Further, it is crucial for the existing laws to be implemented and strengthen reporting and response mechanisms to support mothers in distress who opt to give up their infants. There should also be a systematic approach for smooth transition of placing the infants in conducive family environments. As a result, this guideline establishes a transparent framework that guarantees the safeguarding and advancement of the welfare of infants.

¹ Section 217 of the Penal Code of Bhutan states, “A defendant shall have a defence to the offence of abandonment of an infant or a child, if the defendant leaves the infant or a child in a place or with a person where the infant or a child will be cared for appropriately.”

² Section 16 of the Child Care and Protection Act “A person below the age of 18 years shall be treated as a child.”

³ Section 59 of Child Care and Protection Act “A child in difficult circumstances is a child who: is found without having any home or settled place of abode and without any ostensible means of subsistence and is a destitute; has a parent or guardian who is unfit or incapacitated to take care of or exercise control over the child; is found to associate with any person who leads an immoral, drunken or depraved life; is being or likely to be abused or exploited for immoral or illegal purposes; or is a frequent victim at the hands of individuals, families or the community.”

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2. Purpose

The purpose of this Guideline is to enhance programs and strategies to prevent abandonment of infants and establish mechanisms to respond to abandonment of infants.

3. Guiding Principles

Any person or entity working for the prevention and response to abandonment of infants must be guided by the following core guiding principles.

3.1. Non-discrimination

It is essential to provide equal treatment to all infants⁴. Neonates⁵ who are entrusted to service providers should receive fair and unbiased treatment, without any discrimination based on factors such as color, gender, ethnicity, and religion or health status”.

3.2. Best Interest

All actions carried out by any agency should prioritize the best interest of the infant and neonate as the primary concern. The focus should be on preserving the life of the infant or neonate and facilitating their transition to a nurturing home environment, ensuring their overall growth and well-being.

3.3. Protection

Both neonates and infants given up must be protected from abuse and any other harm.

4. Prevention of abandonment

- i. The Ministry of Health and The PEMA must develop a strategic plan to prevent abandonment of infants.
- ii. The PEMA must also develop roles and communication channels with key agencies.
- iii. The National Medicinal Services must focus on incorporation of Maternal Mental Health Screening in all health facilities across the country to ensure early detection of pregnant women in need of support.

⁴ *Infant means a child below 1 years of age.*

⁵ *Neonate means a newborn under 28 days of age.*

5. Helpline Services

The Helpline Services focus on providing assistance to women of all ages in distress due to unplanned pregnancy. The services will also be available for a mother of a neonate who wishes to give up her parental rights due to unavoidable circumstances.

It will provide a safe alternative to unlawful actions by allowing to handover the neonate to:

- i. Identified person of The PEMA Secretariat by maintaining confidentiality of the mother; or
- ii. Identified caregiver.

5.1. Role of The PEMA Secretariat

The PEMA Secretariat shall:

- i. Dedicate a number at The PEMA Helpline for women with unplanned pregnancy and a mother of a neonate who opts to give it up for care;
- ii. Ensure the helpline is operational;
- iii. Identify and appoint a designated Protection Officer upon receiving the case through the helpline; and
- iv. Refer the neonate for placement in a safe family home environment.

5.2. Roles of The PEMA Helpline

The PEMA Helpline service provider shall provide services to distress calls as per the Terms of Reference.

The PEMA Helpline shall respond to calls 24 hours a day, 7 days a week.

On receiving the call, the counsellor attending the call must:

- i. Communicate in friendly, approachable, and respectful manner;
- ii. Build rapport and make the caller feel comfortable and safe;
- iii. Prioritize on safety of the caller;
- iv. Ensure confidentiality of the caller's information with exception to situation as per the professional code of ethics; and
- v. Refer to a Protection Officer for appropriate support services including subsequent care and protection.

5.3. Role of Protection Officer

The Protection Officer upon receiving the case from the helpline must assess the case and ensure that no infant or neonate is being given up due to disability, health conditions or other inconveniences while the parents have the capacity to provide care.

However, the Protection Officer must refer the individuals to relevant service providers if the case does not qualify for case management.

Upon the determination of the case, the Protection Officer must develop a case plan as per the existing Standard Operating Procedures on Child Protection Case Management.

The Protection Officer must identify and link with other service providers for services and support based on the needs identified including mental health.

The Protection Officer must outline a birthing plan for the pregnant woman to ensure institutional delivery to safeguard the health of both mother and the neonate.

The Protection Officer must outline support services for the mother to ensure care and protection during her stages of pregnancy and subsequent care.

The Protection Officer must clearly outline plans as to when and how the neonate must be handed over after delivery.

If the mother is a child, the Protection Officer will manage the cases as per the Standard Operating Procedures on Child Protection Case Management.

The Protection Officer must facilitate handing-taking of the neonate from the mother, if the neonate was already delivered during the initiation of the call.

The following documents must be handed over during the handing over of the neonate.

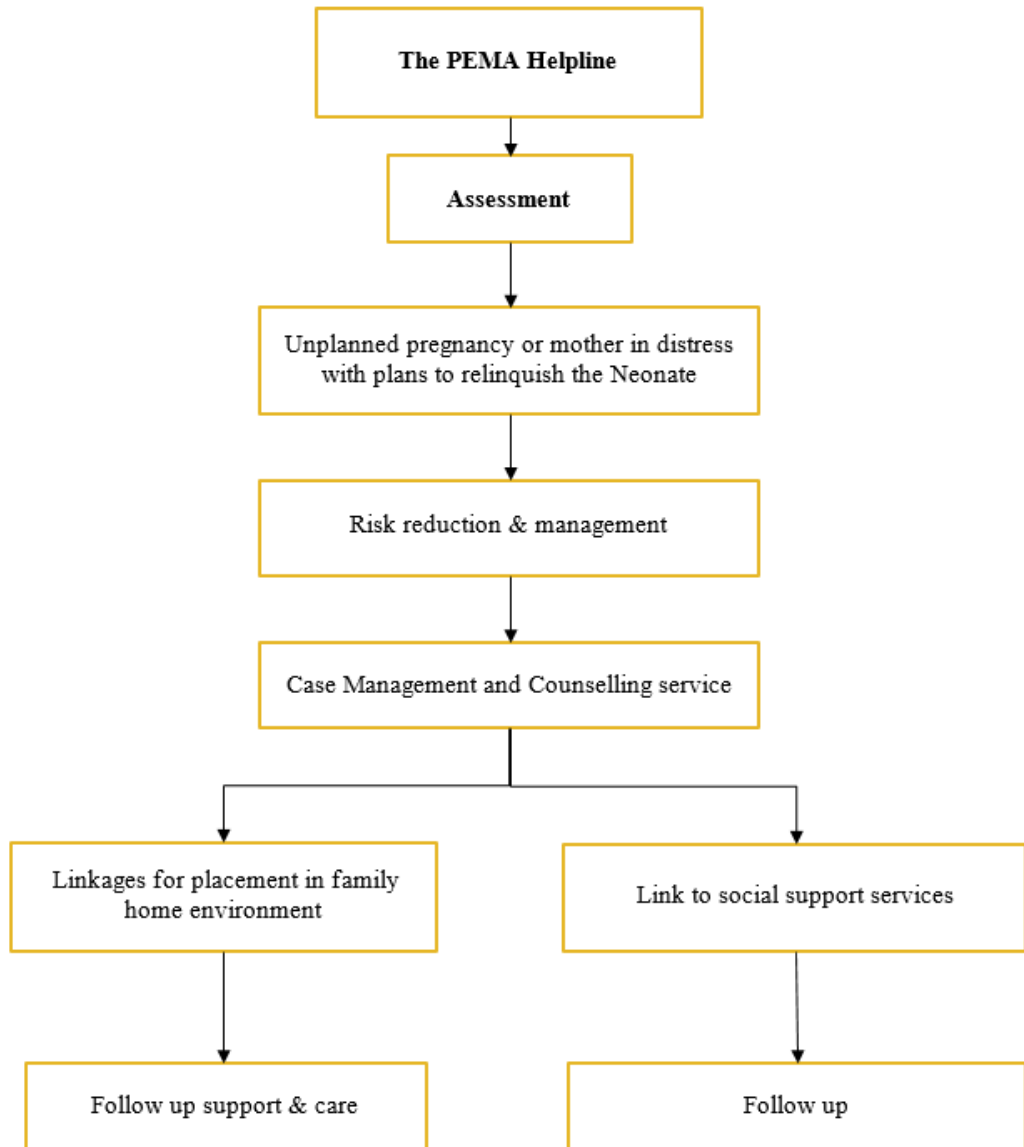
1. Consent form as per *Annexure 1*;
2. Copy of identity document of the mother; *and*.
3. Health information of the neonate.

If the mother is not able to furnish the health information, the Protection Officer must facilitate medical screening for both the mother and the neonate.

The Protection Officer must discuss and get endorsement from the client on all decisions involving relinquishment and way forward.

If the mother is a child, the parents or legal guardian must be involved in all the decisions taken. In addition, the view and opinion of the minor must also be respected.

5.4. Flow chart for The PEMA Helpline



6. Case Management

The PEMA Secretariat will also accept walk-in cases for individuals in distress due to unplanned pregnancy and unavoidable circumstances.

The Protection Officer must assess the case and ensure that no infant or neonate is being given up due to disability, health conditions or other inconveniences while the parents have adequate capacity and social support.

Upon the determination of the case, the Protection Officer must follow the existing Standard Operating Procedure on case management. However, the Protection Officer must also provide required assistance based on the roles as prescribed in this Guideline.

Placement of the infant in alternative care must be carried out by The PEMA Secretariat as per the Child Care and Protection Act 2011, Child Care and Protection Rules and Regulations, and Guidelines for the Alternative Care of Children 2017.⁶

Adoption of the infant must be processed by The PEMA Secretariat as per the Child Adoption Act 2012, Child Adoption Rules and Regulations, and Child Adoption Guidelines.⁷

7. Type of Abandonment

7.1. Lawful Abandonment

Lawful Abandonment means when a parent in distress leaves an infant in a safe place⁸ or with The PEMA with the intention to relinquish their parental rights.

7.2. Open Abandonment

Open abandonment means when parents who cannot care or do not want the infant, and want to give up the parental rights and responsibility.

Open abandonment can occur when:

- i. The parents approach The PEMA to facilitate placement of infant under the care of an identified caregiver;
- ii. The mother is a child who is in difficult circumstances; or
- iii. The mother approaches The PEMA to place the neonate in the care of The PEMA without having to disclose her identity and to be protected from being known.

⁶ <https://www.ncwc.gov.bt/allpublications?>

⁷ <https://www.ncwc.gov.bt/allpublications?>

⁸ *Safe place means a place where care and support is available to the infant.*

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If it is for facilitation of placement of the infant to an identified caregiver, confidentiality of the parents must be ensured as per the existing laws.

If the mother is a child, the case will be managed as per the Standard Operating Procedures on Child Protection Case Management.

If the mother opts to give up the neonate without disclosing her identity to anyone except to The PEMA, non-disclosure of the identification of the mother at all times must be ensured. However, for the purpose of birth registration of the neonate, the information may be shared to the concerned agencies only.

The concerned agencies must maintain confidentiality of the information. The Head of the concerned agency must sign a non-disclosure agreement with The PEMA Secretariat as per Annexure 2.

If the mother changes her mind after placing the neonate in the care of The PEMA, the mother may reclaim the neonate within a month after birth. However, if the infant is not placed under alternative care or adoption even after a month, the mother may reclaim the neonate from The PEMA.

The reclaim of the neonate must be processed as per the procedures outlined in Annexure 3.

The staff of The PEMA will sign Non-Disclosure Undertaking on all lawful abandonment cases as per Annexure 4.

7.3. Unlawful Abandonment

Unlawful Abandonment means when a parent, guardian, or other person legally charged with the care or custody of an infant leaves the infant in places that poses risk to health and life of the infant.

7.4. Roles of Key stakeholders on Unlawful Abandonment of Infant Cases

If an infant is abandoned in other places, the key stakeholders must activate services and response as per the roles as outlined in the Guideline.

7.4.1. Royal Bhutan Police

Upon receiving the case, the Royal Bhutan Police (RBP) as one of the first responders to assist the abandoned infant, shall:

- i. Coordinate with the nearby hospital to provide the abandoned infant with medical care;
- ii. Ensure that the infant is free from risks and harm;

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- iii. Carry out a thorough investigation to locate the unknown parents of the abandoned infant;
- iv. Inform The PEMA Secretariat for subsequent support;
- v. Facilitate and brief the complainant on the existing laws and the way forward; and
- vi. Inform all designated border entry points to be vigilant on infant movements;

In addition, the RBP shall carry out preventive measures including timely patrolling of likely areas, to minimize chances of abandonment of infants.

7.4.2. Hospital

The Hospital, as the primary health care service provider and at times as the first responders to abandonment cases shall:

- i. Conduct medical examination of the infant;
- ii. Monitor the health condition of the infant;
- iii. Provide the infant with all the necessary medical services/facilities;
- iv. Franchise with nearby hospitals and check about any recent birth; and/or
- v. Report to the Royal Bhutan Police and inform The PEMA Secretariat about the case.

7.4.3. The PEMA Secretariat

The PEMA Secretariat as the concerned agency providing services upon receiving cases of abandonment of infant shall:

- i. Coordinate with the Royal Bhutan Police to register the case and to locate the unknown parents of the infant;
- ii. Provide the abandoned infant with necessary and subsequent care and support;
- iii. Maintain case record;
- iv. Franchise with relevant agencies to provide for the infant's basic needs such as shelter, food, clothing, and medical care;
- v. Coordinate with other stakeholders on the way forward.

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7.4.4. Royal Court of Justice

The Royal Court of Justice (RCJ) shall:

- i. Register the case of abandonment of infant;
- ii. Cross examines the defendant;
- iii. Grant order in relation to the custody of the infant after assessment.

7.4.5. Department of Law and Order

The Department of Law and Order shall:

- i. Facilitate and assist the concerned agency, by coordinating with the counterparts across the border, on determining the identity of the abandoned infant; and
- ii. Facilitate repatriation of the infant to the country of origin.

7.4.6. Department of Immigration

The Department of Immigration shall:

- i. Provide necessary assistance to the RBP wherever required;
- ii. Take prompt action on the information and report or notify The PEMA Secretariat or Royal Bhutan Police about the case; and
- iii. Coordinate with relevant stakeholders and make arrangements for repatriation of the non-Bhutanese infant to the country of origin if parents/guardians are identified/found.

7.4.7. Department of Civil Registration and Census

The Department of Civil Registration and Census (DCRC) shall:

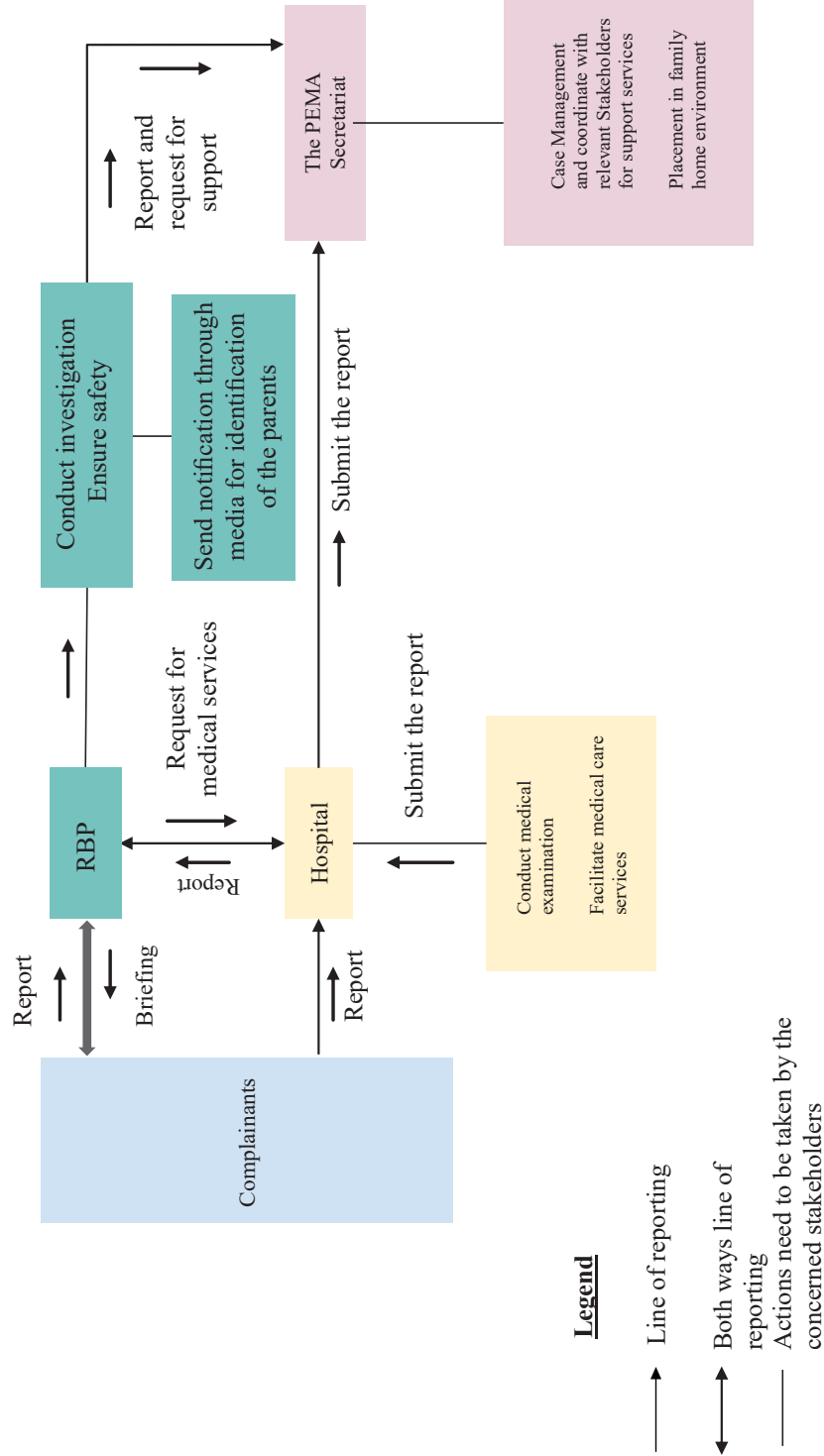
- i. Provide necessary support in locating and verifying the identity of biological parents; and
- ii. Coordinate with stakeholders and provide any necessary support required.

7.4.8. Civil Society Organizations

Civil Society Organizations (CSOs) shall:

- i. Provide shelter services as required; and
- ii. Coordinate with stakeholders to facilitate and provide services.

7.5. Flow chart on Case Handling Procedure



Letter of Consent

I (*NAME*) bearing (*IDENTIFY CARD NO*) in my full capacity would like to relinquish my parental rights of the neonate born on (*DD/MM/YY*). I understand to the full of my knowledge and agree that:

1. After the placement of the neonate in the care of The PEMA, I have no rights to reclaim the neonate after a month since birth.
2. Upon the completion of the reclaim period, I will have no rights over the neonate whatsoever.
3. Any action taken by The PEMA will be in the best interest of the neonate.

Affix Legal Stamp

(Signature/Thumb Impression)

Sign and Seal of The PEMA Secretariat

Name:

Place:

Date:

Letter of Consent on behalf of Child

I (*NAME*) bearing (*IDENTIFY CARD NO*) in my full capacity as the Parent/Legal guardian understand that the act of giving up on the neonate born on (*DD/MM/YY*) to (*NAME*) would relinquish any parental rights provided to us. I understand to the full of my knowledge and agree that:

1. After the placement of the neonate in the care of The PEMA, we will have no rights to reclaim the neonate after a month since birth.
2. Upon the completion of the reclaim period, we will have no rights over the neonate whatsoever.
3. Any action taken by The PEMA will be in the best interest of the neonate.

Affix Legal Stamp

(Signature/Thumb Impression)

Sign and Seal of The PEMA Secretariat

Name:

Relation to the Birth Mother: (Father/ Mother/ Legal Guardian)

Place:

Date:

Non-Disclosure Agreement

This Non-Disclosure Agreement is entered into *DD/MM/YY*

BETWEEN

The PEMA Secretariat hereinafter referred to as the "Disclosing Party"

AND

Mr./Ms. hereinafter referred to as "Receiving Party"

WHEREAS Disclosure contains confidential information and details relating to the mother who has handed over a neonate to The PEMA as per the Guidelines in place.

WHEREAS the Receiving Party is to receive confidential information and details to facilitate birth registration of the neonate as per the existing procedure in place.

NOW, THEREFORE, for and in consideration of the mutual clause contained in this agreement, the parties agree to terms as follows:

1. Both parties must not disclose any information related to mother of the neonate and the information is used to facilitate services to the neonate;
2. Both parties must ensure to keep all information in safe and secure place;
3. Both parties must take all steps reasonably necessary to protect the secrecy of information and to prevent the information from falling into the public domain or in the possession of unauthorized persons.

On Behalf of Disclosing Party

On Behalf of Receiving Party

(Affix legal stamp)

(Head of The PEMA Secretariat)
Sign and Seal

(Head of the Concerned Agency)
Sign and Seal

Procedure to reclaim Neonate

If the mother changes her mind and wishes to reclaim her infant, the mother must within one month after birth officially communicate with The PEMA Secretariat.

The PEMA Secretariat must, before making any decision, assess the mother's mental wellbeing.

During the assessment, the psychosocial conditions of the mother must be assessed.

The PEMA Secretariat reserves the right to deny, if it is not in the best interest of the infant.

The waiting period may be extended beyond one month, if the infant is not placed under alternative care or adoption to ensure unnecessary separation of the infant from the mother.

Non-Disclosure Undertaking

This undertaking is entered on and made effective on *DD/MM/YY*

The undertaking party hereby agrees and undertake as follows:

1. All information related to secret abandonment of lawful abandonment must not be disclosed;
2. All information collected must be kept in safe and secured place;
3. Take all steps reasonably necessary to protect the secrecy of the information
4. Prevent the information from falling into the public domain or in the possession of unauthorized persons;
5. If any information is disclosed, the undertaking party shall be liable as per the existing law of the land.

Undertaken:

(Affix legal stamp)

(Signature)

Name:

Designation: