ADVANCE SHEET HEADNOTE
June 8, 2026

2026 CO 43

No. 26SA91, *In Re People in Int. of G.D.M.*—Safe Haven Law—Dependency and Neglect—Abandonment—§ 19-3-304.5, C.R.S. (2025)—Parent's Right to Anonymity and Confidentiality.

The supreme court holds that a parent properly invoking Colorado's Safe Haven Law, § 19-3-304.5, C.R.S. (2025), is entitled to anonymity and confidentiality. Accordingly, a county department of human or social services (a "county department") may not take steps to discover the identity of a parent who surrenders a newborn pursuant to the statute, and, if it nevertheless learns that identity, may not contact family members to search for a potential placement. And because parents who fall under the protective mantle of the Safe Haven Law are entitled to anonymity and confidentiality, a county department may not treat proceedings under this law as it would other abandonment cases. Instead, when a newborn is abandoned under the terms of the Safe Haven Law, a county department must, as soon as possible, (1) place the child with a potential adoptive

parent, and (2) move to terminate the parents' parental rights while respecting their right to anonymity and confidentiality.

The juvenile court reached the same conclusions. Accordingly, the supreme court discharges its order to show cause.

The Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

2026 CO 43

Supreme Court Case No. 26SA91
Original Proceeding Pursuant to C.A.R. 21
Morgan County District Court Case No. 26JV30001
Honorable Dina M. Christiansen, Judge

In Re
The People of the State of Colorado,

In the Interest of Minor Child:

G.D.M.,

Petitioner:

Morgan County Department of Human Services,

and Concerning

Respondents:

M.O.M. and Unknown Father.

Order Discharged
en banc
June 8, 2026

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No appearance on behalf of: M.O.M. and Unknown Father.

JUSTICE SAMOUR delivered the Opinion of the Court, in which **CHIEF JUSTICE MÁRQUEZ**, **JUSTICE BOATRIGHT**, **JUSTICE BERKENKOTTER** and **JUSTICE BLANCO** joined.
JUSTICE HOOD, joined by **JUSTICE GABRIEL**, dissented.

JUSTICE SAMOUR delivered the Opinion of the Court.

¶1 For as far back as recorded history reaches, newborns have been surrendered by mothers facing difficult—and often painful—circumstances. Today, all fifty states protect newborns through Safe Haven Laws—sometimes called "Baby Moses Laws," a reference to the biblical story of the loving mother who placed her infant in a reed basket and set him afloat on the Nile River, where he was found by the Egyptian Pharaoh's daughter. *See Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 258–59, 259 n.45 (2022); Lawrence M. Friedman, *The Unwanted Child: A Historical Note*, 73 Clev. St. L. Rev. 685, 718 (2025); Margaret Graham Tebo, *Texas Idea Takes Off: States Look to Safe Haven Laws as a Protection for Abandoned Infants*, 87-Sep A.B.A. J. 30, 30 (2001). "These laws offer mothers who might otherwise kill or recklessly abandon their newborns an alternative: Bring your newborn to a designated location and then leave, no questions asked." Carol Sanger, *Infant Safe Haven Laws: Legislating in the Culture of Life*, 106 Colum. L. Rev. 753, 754–55 (2006).

¶2 Colorado's Safe Haven Law, section 19-3-304.5(1)(b), C.R.S. (2025), affords parents of newborns a vital refuge: It allows them to voluntarily relinquish a child who is seventy-two hours old or younger into the protective hands of either a firefighter (when the firefighter is at a fire station) or certain hospital or clinic staff members (when they are at a hospital or community clinic emergency center), as

long as the parent does "not express an intent to return for the child."[1] In extending this lifeline, the legislature also provided an assurance: Any parent who takes advantage of the Safe Haven Law "shall not, for that reason alone, be found to be responsible in a confirmed report of abuse or neglect." § 19-3-304.5(8).

¶3 In this case, M.O.M. ("Birth Mother") gave birth to G.D.M. in the back of an ambulance in the parking lot of a hospital. She immediately told medical staff that she neither wanted nor had the means to care for G.D.M. She added that the baby's father was not in the picture, so she wanted to give the baby up for adoption.

¶4 The Morgan County Department of Human Services ("MCDHS") promptly initiated this dependency or neglect proceeding. Treating this case like any other abandonment matter, MCDHS conducted an investigation and, after discovering Birth Mother's identity, undertook "due diligence" efforts by contacting her family members in search of appropriate placement options. When the juvenile court realized what was occurring, it intervened to course correct by written order. The

[1] Section 19-3-304.5 was amended just weeks ago. The legislature (1) changed the seventy-two-hour cutoff to thirty days, and (2) directed the state Department of Human Services to adopt rules establishing a process that would permit either parent of a newborn surrendered under the Safe Haven Law to voluntarily seek reunification with the child. Ch. 74, sec. 1, § 19-3-304.5(1)(a), (5.5), 2026 Colo. Sess. Laws 291, 291. We apply here the pre-amendment version of section 19-3-304.5 because the recent amendments postdate the events at issue.

court halted MCDHS's efforts, concluding that Birth Mother had a right to anonymity and confidentiality under the Safe Haven Law.

¶5 MCDHS disagreed. It filed a C.A.R. 21 petition asking us to shed light on the question, and we issued an order to show cause. MCDHS contends that the juvenile court went astray in determining that Birth Mother is entitled to anonymity and confidentiality under the Safe Haven Law. As a result, MCDHS asserts, the court improperly blocked its efforts to identify appropriate placement options for G.D.M. among Birth Mother's family members.[2]

¶6 We now discharge the order to show cause. Although the legislature did not install a provision within the Safe Haven Law expressly addressing whether parents are entitled to anonymity and confidentiality, we are not without recourse. Three interpretive aids come to our rescue: the statute's broader text and integrated structure, the language of a related dependency or neglect statute, and the Safe Haven Law's animating goals. Together, these tools of construction speak in a quiet but unmistakable voice, leading us to infer that parents who avail themselves of this law are entitled to anonymity and confidentiality.

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[2] MCDHS criticizes additional facets of the juvenile court's handling of this proceeding. But the heart of its challenge is the court's determination that Birth Mother was entitled to anonymity and confidentiality under the Safe Haven Law, thereby precluding MCDHS from investigating her family members as potential placement options.

¶7 Accordingly, we hold that, under the Safe Haven Law, a county department of human or social services (a "county department") may not take steps to uncover the parents' identities and, if it nevertheless learns those identities, may not contact family members to search for a potential placement. And because parents who fall under the protective mantle of the Safe Haven Law are entitled to anonymity and confidentiality, a county department may not treat proceedings under this law as it would other abandonment cases. Instead, when a newborn is abandoned under the terms of the Safe Haven Law, a county department must, as soon as possible, (1) place the child with a potential adoptive parent, and (2) move to terminate the parents' parental rights while respecting their right to anonymity and confidentiality.[3]

I. Facts and Procedural History

¶8 After being transported to a local hospital's parking lot, Birth Mother gave birth to G.D.M. in the back of an ambulance. Immediately after the delivery, Birth Mother told medical staff, "I don't want the baby and do not have the means to care for the baby"; she added that "there is no baby father." Accordingly, she stated that she wanted to give the baby up for adoption.

[3] Given this disposition, we do not address the juvenile court's reliance on the Health Insurance Portability and Accountability Act.

¶9 The day after G.D.M. was born, an officer from the local law enforcement agency and an MCDHS representative jointly signed an "Emergency Placement Form," memorializing their agreement that a forty-eight-hour hold on the newborn was necessary based on the "imminent risk of abuse or neglect." The following day, MCDHS initiated these proceedings by filing a dependency or neglect petition. Along with the petition, MCDHS submitted a motion for an emergency custody hearing within forty-eight hours. The juvenile court obliged and held a hearing the next business day. Neither birth parent attended the hearing, and the court granted MCDHS temporary custody over G.D.M. MCDHS then placed G.D.M. with a foster family that had a positive track record and was willing to adopt G.D.M. G.D.M. remains with that family today. In this proceeding, G.D.M.'s interests are represented by a court-appointed guardian ad litem.

¶10 With the juvenile court's approval, MCDHS served notice of this case on G.D.M.'s birth parents by publication in the Fort Morgan Times. Unbeknownst to the court, however, MCDHS separately undertook efforts to discover Birth Mother's identity by obtaining G.D.M.'s birth certificate, which Birth Mother had completed shortly after the delivery. Upon learning Birth Mother's identity, MCDHS served her personally and then, without her consent, sent a "due diligence" letter to at least four family members. The purpose of the letter was to

inform Birth Mother's family members about G.D.M.'s birth and to explore potential placement options. Birth Mother's biological niece was among the family members who received the letter; although she lives out of state, she expressed a strong desire to have G.D.M. placed with her and to become G.D.M.'s adoptive parent.

¶11 Because MCDHS's investigation suggested that Birth Mother may be a member of a tribe in Canada, MCDHS also attempted to comply with the Indian Child Welfare Act ("ICWA"). To that end, it had discussions about G.D.M. and Birth Mother with the tribe in question.[4]

¶12 In light of the interest expressed by Birth Mother's biological niece in adopting G.D.M., MCDHS filed a motion for an expedited home study pursuant to the Interstate Compact on Placement of Children. This is what alerted the juvenile court to MCDHS's investigation. The realization prompted the court to issue an order (the "Anonymity Order"), bringing these proceedings to a standstill.

¶13 In the Anonymity Order, the court concluded that "birth parents have a right to privacy and anonymity under the Safe Haven Act." Drawing inferences from the record, the court expressed great concern that MCDHS had investigated

[4] The tribe later moved to intervene in this proceeding, but the juvenile court denied the motion for lack of standing. That ruling is not before us.

Birth Mother's identity and, without her consent, obtained information from her confidential medical records. Although the court observed that it was not casting aspersions on MCDHS, it noted that it was nevertheless compelled to order MCDHS to immediately cease "any further disclosure[] or actions" based on the information contained in G.D.M.'s birth certificate or Birth Mother's confidential records. The court further directed that Birth Mother's name be suppressed from these proceedings and that all pleadings in this case containing her name be sealed. Lastly, the court informed the parties that it would not "consider any information" derived from G.D.M.'s birth certificate or Birth Mother's confidential medical records, "including her name."[5]

¶14 A few weeks after issuing the Anonymity Order, the juvenile court entered an order denying MCDHS's request to appoint counsel for Birth Mother (the "Final Order"). The court explained that if the legislature had intended for a parent invoking the Safe Haven Law to receive appointed counsel, it presumably would have said so expressly. In fact, the court continued, appointing Birth Mother counsel would conflict with the legislative intent inferred from the statute.

[5] In a separate order distributed simultaneously with the Anonymity Order, the court instructed MCDHS to file a pleading detailing how it learned of Birth Mother's identity. Before us, MCDHS represents that, after accessing G.D.M.'s birth certificate and discovering Birth Mother's identity, it found her family members and their contact information by conducting research on Google and social media platforms such as Facebook and Instagram.

In particular, the court pointed to three statutory features supporting this conclusion: (1) the removal of legal barriers that might discourage the safe surrender of a newborn; (2) the assurance that a parent who properly invokes the Safe Haven Law will not be held responsible in a confirmed report of abuse or neglect; and (3) the statute's overarching goal of encouraging a responsible surrender—rather than an unsafe abandonment—of an unwanted newborn by eliminating any fear of legal consequences. In the court's view, the protection of a parent's anonymity and confidentiality was in lockstep with the legislature's intent. Thus, the Final Order solidified the contours of the anonymity and confidentiality the court believed the Safe Haven Law demanded.

¶15 MCDHS then invoked our original jurisdiction, and we issued an order to show cause. We explain next why the exercise of our original jurisdiction is justified in this case.

II. Original Jurisdiction

¶16 The decision to exercise our original jurisdiction pursuant to C.A.R. 21 is within our sole discretion. C.A.R. 21(a)(2). Relief under C.A.R. 21 "is extraordinary in nature"—we grant it only when "no other adequate remedy is available, including relief available by appeal." *Id.* In the past, we've exercised our original jurisdiction in limited circumstances, such as "when an appellate remedy would be inadequate, when a party may otherwise suffer irreparable

harm, or when a petition raises issues of significant public importance that we have not yet considered." *People in the Int. L.S.*, 2023 CO 3M, ¶ 10, 524 P.3d 847, 851 (quoting *People v. Rainey*, 2021 CO 53, ¶ 9, 488 P.3d 1081, 1084).

¶17 MCDHS argues that it lacks an adequate appellate remedy and that, in any event, its petition raises an unsettled question of statewide significance. We agree on both fronts: Without our intervention, the novel issue presented risks drifting into legal waters where no meaningful remedy remains.

¶18 G.D.M.'s future likely hinges on the resolution of this C.A.R. 21 petition. And MCDHS asserts that the juvenile court's Anonymity Order and Final Order are erroneous. Forcing MCDHS to wait until a direct appeal to challenge those orders would be about as useful as installing a handbrake on a canoe. By then, these proceedings will have concluded, and G.D.M. will have been adopted without any home study of the biological niece's home ever being conducted.

¶19 We also agree that this case presents a legal question arriving on our doorstep for the very first time. We have never before been called upon to illuminate whether a parent shielded by the Safe Haven Law holds a right to anonymity and confidentiality. And because this question is likely to make another appearance in future cases, it carries meaningful implications for Coloradans.

¶20 Having explained why this case properly landed here as a C.A.R. 21 petition, we move now to the standard of review, and thereafter, to our analysis.

III. Standard of Review

¶21 Whether we should make absolute or discharge our order to show cause is tethered to our interpretation of section 19-3-304.5. Questions of statutory interpretation are questions of law subject to de novo review. *Johnson v. People*, 2023 CO 7, ¶ 15, 524 P.3d 36, 40.

IV. Analysis

A. Our Construction of Colorado's Safe Haven Law

¶22 Colorado's Safe Haven Law, section 19-3-304.5, allows a parent to "voluntarily deliver[]" a newborn who is seventy-two hours old or younger "to a firefighter . . . or a staff member who engages in the admission, care, or treatment of patients at a hospital or community clinic emergency center . . . when the firefighter is at a fire station or the staff member is at a hospital or community clinic emergency center," so long as the parent does not express an intent to return for the newborn. § 19-3-304.5(1). Neither this provision nor any other in the statute speaks about whether such a parent is entitled to anonymity and confidentiality.

¶23 On this much the parties agree: The Safe Haven Law governs this case. Implicit in that agreement is their acknowledgment that Birth Mother properly

placed herself under the protective canopy of the Safe Haven Law. Where the parties part ways is in their interpretation of that law. That's where we come in.

¶24 Like all legal treks to discern the legislature's intent, this one begins at the trailhead: the statute. *See Mostellar v. City of Colo. Springs*, 2026 CO 22, ¶ 17, 587 P.3d 168, 172 (explaining that, in interpreting a statute, we seek to determine the intent of those who enacted the measure). When a statute is clear, we give effect to its "plain and ordinary meaning and look no further." *Daniel v. City of Colo. Springs*, 2014 CO 34, ¶ 12, 327 P.3d 891, 894. But when the legislature is not explicit about a matter, "we may use extrinsic aids to interpret and apply the statute to effectuate legislative intent." *Snedeker v. People*, 2025 CO 10, ¶ 11, 564 P.3d 301, 305. In that toolbox of extrinsic aids, we find, among other instruments, the broader statutory provisions and the cohesive framework they compose. *Dorsey v. People*, 2023 CO 51, ¶ 16, 536 P.3d 314, 318. Adjacent to that instrument lies "the language of laws on the same or similar subjects." *Associated Gov'ts of Nw. Colo. v. Colo. Pub. Utils. Comm'n*, 2012 CO 28, ¶ 11, 275 P.3d 646, 649. And digging a little further, we come across yet another tool—"the end to be achieved by the statute." *Snedeker*, ¶ 11, 564 P.3d at 305 (quoting *McCoy v. People*, 2019 CO 44, ¶ 38, 442 P.3d 379, 389). Armed with these interpretive aids, we proceed with our analysis.

1. The Statute's Broader Provisions and the Architecture They Establish Light the Path Forward

¶25 Section 19-3-304.5(1) does not authorize parents to relinquish their newborn to a county department. Instead, the statute prescribes a different handoff: the newborn must be surrendered to firefighters or designated hospital/clinic personnel. *Id.* Those individuals stand as the statute's first guardians, required to "perform any act necessary . . . to protect, preserve, or aid" the child. § 19-3-304.5(2)(a). They are also charged with alerting law enforcement and a county department of the abandonment within twenty-four hours. § 19-3-304.5(2)(b). At that point, law enforcement—and only law enforcement—automatically gains temporary custody over the newborn. § 19-3-304.5(4). Thus, the statute builds a deliberate buffer, leaving a county department with no doorway into the abandoning parent's identity.

¶26 To be sure, a county department eventually enters the scene. Section 19-3-304.5(7) tasks it with expeditiously securing a potential adoptive placement and initiating court proceedings to terminate the abandoning parent's parental rights. But the statute erects at least two intervening layers before a department ever appears in any operative capacity: The first layer is the firefighter or designated hospital/clinic personnel receiving the newborn; the second is the law enforcement officer who steps in next and takes temporary custody of the infant. Only then does a county department have a role to play. And whatever

information it receives comes indirectly through those intervening layers—not from the abandoning parent directly.

¶27 Another aspect of the Safe Haven Law provides added fodder for inferring that the legislature intended to cloak a parent in anonymity and confidentiality. Under section 19-3-304.5(1), a parent need not actually contact, let alone speak with, the receiving firefighter or designated hospital/clinic staff member. A parent may, for example, leave the newborn at the doorstep of an occupied firehouse. Indeed, this appears to be the more common Safe Haven scenario—and certainly the most culturally familiar.[6]

¶28 The Safe Haven Law's expedited placement and termination requirements fortify our understanding of the legislature's intent regarding a parent's right to anonymity and confidentiality. *See* § 19-3-304.5(7) (directing a county department both to place an abandoned newborn with adoptive parents "as soon as possible" and to seek the termination of the abandoning parent's parental rights "as soon as lawfully possible"). These mandates are out of sync with typical adoption proceedings, which generally take months—or even years—to complete. As MCDHS admits, in an ordinary case, a court may declare a child "abandoned"

[6] Given the seeming prevalence of this anonymous practice, the legislature was almost certainly aware of it when crafting the Safe Haven Law. Had it intended to bar anonymity and confidentiality, it presumably would have built in a requirement that parents disclose their identity.

only if (1) the parent has surrendered physical custody of the child for six months, or (2) the identity of the child has been unknown for three months. *See* § 19-3-604(1)(a)(I)–(II), C.R.S. (2025).

¶29 Yet MCDHS seeks to treat this Safe Haven case like all other abandonment proceedings. That includes investigating Birth Mother's family members as potential placement options and complying with ICWA. But the extended months-long timeline inherent in MCDHS's proposed approach cannot be squared with the legislature's command for expediency in the Safe Haven Law. The statute was built not as a gauntlet of legal hurdles, but as a clear emergency path for parents in crisis to safely surrender a newborn.

¶30 MCDHS overlooks that section 19-3-304.5's safeguarding curtain provides cover only when the abandoning parent immediately (within seventy-two hours or less) and voluntary disavows interest in and involvement with the newborn. § 19-3-304.5(1). The statutory directive to resolve Safe Haven proceedings quickly is feasible precisely because the parent has affirmatively chosen not to be involved in the newborn's life and is effectively out of the picture. Forcing the parent back into the picture, as MCDHS urges us to do, would thwart the legislative intent. And the fact that MCDHS has already pulled Birth Mother back into the picture in this case is of no moment—we decline to adopt an exception when a county

department, despite acting in good faith in the absence of appellate guidance, improperly investigates an abandoning parent's identity.

¶31 Lastly, as mentioned, an abandoning parent who properly invokes the Safe Haven Law is exempt from responsibility in a confirmed report of abuse or neglect. § 19-3-304.5(8). This, too, reflects a statutory scheme that eliminates any need for a county department to ascertain the abandoning parent's identity or to name that parent as a respondent in a dependency or neglect petition. Likewise, section 19-3-304.5's design offers no foothold for the court to require a parent's identification.[7]

¶32 In short, the statute's broader provisions and the architecture they blueprint signal that the legislature meant to bestow a parent who properly invokes the Safe Haven Law with anonymity and confidentiality. With that understanding in place, we turn to the next interpretive tool.

2. A Related Statute Points in the Same Direction

¶33 Notably, a separate statute within the same jurisprudential ecosystem—one that addresses the transfer of a child's custody outside court

[7] We caution that the immunity provided by section 19-3-304.5(8) applies only when a parent *properly* invokes the Safe Haven Law. The statute makes clear that a parent who relinquishes a newborn in compliance with that law cannot, "for that reason alone," be found responsible in a confirmed report of child abuse or neglect. § 19-3-304.5(8).

proceedings—reinforces the reasonableness of the inference we draw from the Safe Haven Law's text and scaffolding vis-à-vis a parent's right to anonymity and confidentiality. *See* § 19-5.5-203, C.R.S. (2025). Section 19-5.5-203(1) generally forbids the parent, guardian, or custodian of a child, or a person with whom a child has been placed for adoption, from transferring custody of the child to another person with the intent to abandon all rights and responsibilities with respect to the child. But there are two categories of transfers that are excepted: (1) those completed through specified legal proceedings and (2) those that occur pursuant to "Colorado's safe haven law as described in section 19-3-304.5." § 19-5.5-203(2). Translation: Where, as here, a parent has properly invoked the Safe Haven Law, the parent hands over custody of the newborn outside the usual corridors of custody adjudication and without the participation of a county department. And that transfer of custody is as lawful and binding as if it had been put through the crucible of typical judicial proceedings involving a county department.

¶34 Two regulations function as support beams for our understanding of section 19-5.5-203. Social Services Rule 7.710.650(B)(4), Dep't of Hum. Servs., 12 Colo. Code Regs. 2509-8:7.710.650(B)(4) (2025), exempts safe haven proceedings from the definition of unregulated child-custody transfers, and Social Services Rule 7.107.11(K)(3), Dep't of Hum. Servs., 12 Colo. Code Regs. 2509-2:7.107.11(K) (2022)

("Rule 7.107.11(K)(3)"), provides that family members of newborns abandoned pursuant to the Safe Haven Law need not undergo a placement assessment. Because section 19-5.5-203(2) specifically blesses child-custody transfers under the Safe Haven Law, it is logical that 12 Colo. Code Regs. 2509-8:7.710.6(B) excludes safe haven proceedings from the definition of unregulated child-custody transfers. Likewise, given that a county department will find itself in the dark about an abandoning parent's identity, it cannot be expected under Rule 7.107.11(K)(3) to survey the suitability of the infant's family members for placement—an evaluative pathway simply inaccessible under the Safe Haven Law's structural makeup.

¶35 Thus, to the extent the Safe Haven Law's own provisions and structural anatomy stop short of fully revealing the legislature's intent, section 19-5.5-203(2) fills in the remainder of the picture: The legislature intended the Safe Haven Law to serve as a lawful passage for transferring custody outside ordinary proceedings and, correspondingly, without requiring the disclosure of a parent's identity to a county department or the court. This brings us to our final interpretive instrument, which we now consider.

3. The Safe Haven Law's Animating Goals Buttress Our Conclusion

¶36 Safe haven laws throughout the United States were enacted "in response to rare situations in which birthing mothers in crisis would kill their newborns or leave them to die." *Dobbs*, 597 U.S. at 397 n.16 (Breyer, J., dissenting) (citing

Rebecca F. Wilson et al., *Infant Homicides Within the Context of Save Haven Laws—United States, 2008–2017*, 69 Morbidity and Mortality Weekly Report 1385 (2020)). The impetus for Colorado's Safe Haven Law is equally evident. *See generally* Debbe Magnusen, *From Dumpster to Delivery Room: Does Legalizing Baby Abandonment Really Solve the Problem?*, 22 J. Juv. L. 1, 23 n.184 (2001–02) (noting that "[t]he law served its primary purpose" when two eighteen-year-olds, who decided they could not care for their newborn girl, neither killed her nor left her to die, taking her instead to the Aurora Medical Center's staff members). Thus, the animating goals of section 19-3-304.5 are the survival and well-being of newborns whose lives would otherwise be at risk and the incentivization of parents to avail themselves of the legislatively crafted safe harbor.

¶37 Protecting the anonymity and confidentiality of a parent who takes advantage of the Safe Haven Law is essential to fulfilling the purposes behind that law. If the aim is to protect newborns by persuading parents who may be tempted to negligently or recklessly abandon them—or do something worse to them—promising immunity alone may not suffice. Parents may not trust the system, or they may not want their family members or others to learn about the pregnancy or birth. But if the promise of immunity is accompanied by a promise of anonymity and confidentiality, the intended incentive stands a reasonable

chance of succeeding. Indeed, "[t]he two incentives thought most likely to succeed are anonymity and immunity from prosecution." Sanger, *supra*, at 755.

¶38 Others have come to the same realization. In *In re Doe*, 3 A.3d 657, 665 (N.J. Super. Ct. Ch. Div. 2010), for instance, the New Jersey Superior Court observed that "safety, *anonymity*, and legal immunity are the cornerstones of Safe Haven, providing an uncomplicated, safe way to surrender an unwanted . . . child that could otherwise be left in dangerous circumstances." (Emphasis added.); *see also In re Commitment of Baby Girl Hope*, 932 N.Y.S.2d 832, 833 n.1 (N.Y. Fam. Ct. 2011) (indicating that New York's safe haven law "promised a parent anonymity in return for thus assuring the infant's safety"); *In re Doe*, No. W10CP20018240A, 2021 WL 761802, at *2 (Conn. Super. Ct. Jan. 11, 2021) (unpublished order) (stating that Connecticut's Department of Children and Families does not search for the family of an abandoned safe haven child, which affords "safety to the child [and] anonymity and privacy to the parents"); 2 Ann M. Haralambie, *Handling Child Custody, Abuse and Adoption Cases* § 14:12, Westlaw (database updated Dec. 2025) (explaining that safe haven laws permit parents to "anonymously leave their very young, unharmed babies in certain places (such as hospitals and fire stations) without being subject to criminal prosecution for abandonment or child endangerment" (footnotes omitted)).

¶39 We recognize that Colorado's Safe Haven Law does not expressly grant parents the right to anonymity and confidentiality. But Colorado is not alone in this regard. As one commentator has observed, "[a]nonymity and confidentiality are not always addressed explicitly" in safe haven laws. Laura Oren, *Thwarted Fathers or Pop-Up Pops?: How to Determine When Putative Fathers Can Block the Adoption of Their Newborn Children*, 40 Fam. L.Q. 153, 187 (2006).

¶40 Still, there is no denying that anonymity and confidentiality are essential for many parents to properly invoke a safe haven law. Notably, it "would appear that most mothers" taking advantage of such a law "deliver their babies in secret because they desire to keep the fact of the pregnancy confidential." Dayna R. Cooper, Note, *Fathers Are Parents Too: Challenging Safe Haven Laws with Procedural Due Process*, 31 Hofstra L. Rev. 877, 880 n.21 (2003) (quoting Justin Unruh, *Saving Abandoned Newborns: Frequently Asked Questions about the Baby Moses Project*, http://www.babymoses.org/faq.html. (last visited Jan. 12, 2001))). Indeed, a study suggests that concealment or denial of pregnancy often influences the decision to surrender a child pursuant to a safe haven law. Stephanie E. Dreyer, Note, *Texas' Safe Haven Legislation: Is Anonymous, Legalized Abandonment a Viable Solution to Newborn Discardment and Death?*, 12 Tex. J. Women & L. 167, 185–86.

¶41 In sum, even in the absence of an express legislative guarantee of anonymity and confidentiality, that protection remains as integral a cog in the safe haven

wheel as immunity from prosecution. *See* Jeffrey A. Parness & Therese A. Clarke Arado, *Safe Haven, Adoption and Birth Record Laws: Where Are the Daddies?*, 36 Cap. U. L. Rev. 207, 212 (2007). And because we must presume that our General Assembly enacts laws that are intended to be effective and to yield feasible results, *see* § 2-4-201(1)(b), (d), C.R.S. (2025), we infer that a parent who properly seeks shelter under the Safe Haven Law's protective aegis is entitled to anonymity and confidentiality. To strip the Safe Haven Law of anonymity and confidentiality would frustrate its purpose.

B. Application

¶42 As noted, there is no dispute here that Birth Mother properly invoked the Safe Haven Law. Accordingly, the juvenile court correctly determined that she was entitled to anonymity and confidentiality.

V. Conclusion

¶43 For the foregoing reasons, we discharge our order to show cause and remand the case to the juvenile court for further proceedings consistent with this opinion.

JUSTICE HOOD, joined by **JUSTICE GABRIEL**, dissented.

JUSTICE HOOD, joined by JUSTICE GABRIEL, dissenting.

¶44 Although the majority's anonymity rule could very well be a sound policy choice, I worry about the interpretive precedent the majority sets in adopting it. However well-intentioned this exercise in gap-filling might be, it exceeds the bounds of traditional textualism, a methodology that permits the use of some of the same tools deployed by the majority—but only to examine an existing statutory term or provision. Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 395 (2012) ("The truth is that '[a]scertaining the "intention of the legislature" . . . boils down to finding the meaning of the words used. If courts do otherwise, they engage in policy-based lawmaking . . . .'" (alteration and first omission in original) (footnote omitted)).[1] Because we are not at liberty to don our robes and conjure a legislative subsection based on our intuition about the spirit of a law, I must respectfully dissent.

¶45 I start by reiterating some of the underlying facts. The district court issued an order, which found that "birth parents have a right to privacy and *anonymity*

[1] While textualism may have its roots in the conservative legal movement, it's now ubiquitous. As Justice Kagan famously remarked, "[W]e're all textualists now." Harvard Law School, *The 2015 Scalia Lecture: A Dialogue with Justice Elana Kagan on the Reading of Statutes*, at 8:22 (YouTube, Nov. 25, 2015), https://www.youtube.com/watch?v=dpEtszFT0Tg (accessed June 3, 2026); *see also* Kevin Tobia, Brian G. Slocum & Victoria Nourse, *Progressive Textualism*, 110 Geo. L.J. 1437, 1455–58 (2022) (establishing the methodological appeal of textualism as a tool across ideology).

under the Safe Haven Act."[2] (Emphasis added.) So, as the majority acknowledges, we address not just whether the statute requires some degree of confidentiality but whether it requires absolute anonymity.

¶46 As always, we start with language of the statute. Here, the parties and every member of this court agree on one thing: Colorado's Safe Haven Law, section 19-3-304.5, C.R.S. (2025), says *nothing* about a parent's right to anonymity. Maj. op. ¶ 22. On the contrary, it explicitly creates the same measure of confidentiality that ordinarily exists for all dependency or neglect records, which falls well short of any anonymity requirement. *See* § 19-3-304.5(4.5) ("Any document prepared by a firefighter, a hospital or community clinic emergency center staff member, or a law enforcement officer pursuant to this section is a dependency and neglect record and is subject to the confidentiality provisions of section 19-1-307[, C.R.S. (2025)]."). Under those general confidentiality provisions, any identifying information regarding the child or a family member of the child is presumptively not "public information." *See* § 19-1-307(1)(a). Such identifying information, however, may be disclosed for "good cause." § 19-1-307(1)(b). This allows the department of human services ("DHS") to comply with its obligation to seek a

[2] Apparently realizing that this anonymity order could impede adoption, the court permitted the guardian ad litem to obtain all relevant information and to decide whether to waive confidentiality on behalf of G.D.M. To my knowledge, no such waiver occurred.

permanent home for the child while maintaining a substantial degree of privacy for those immediately involved in the expedited termination proceeding. *See also* § 19-1-307(2)(a) (exempting DHS from the confidentiality requirements when it is "treating" a child who is the subject of the report).

¶47 So, what allows the district court and the majority to jump from a general confidentiality requirement to a complete anonymity requirement? I have yet to see a good answer to that question.

¶48 The majority seems to view the legislature's silence regarding anonymity as simply a careless omission that we may fix by deploying a few familiar tools. To this end, the majority focuses on (1) the broader text and structure of the statutory scheme, (2) a related statute in a different act, and (3) its impression of the goal that the General Assembly sought to achieve. Maj. op. ¶ 24. As applied here, however, the first and third tools undermine our practice of treating legislative omissions as intentional choices. *See, e.g.*, *Auman v. People*, 109 P.3d 647, 656 (Colo. 2005) ("Just as important as what the statute says is what the statute does not say.").

¶49 Perhaps more importantly, I cannot think of a time when we have inferred a statutory provision into existence. In recent years at least, we have heeded a de facto maxim: Interpretation should not involve creation. *Compare People v. Jones*, 2020 CO 45, ¶ 70, 464 P.3d 735, 748 (using the rule of lenity to define "person" in

context), *with Turbyne v. People*, 151 P.3d 563, 568 (Colo. 2007) (refusing to infer an alternative sanction scheme that, albeit reasonable, wasn't present in the statutory text). Our role is to interpret, not supplement. *See* John F. Manning, *What Divides Textualists from Purposivists?*, 106 Colum. L. Rev. 70, 108 (2006) ("[T]he obligation of the faithful agent is to respect not the legislature in the abstract, but rather the specific outcomes that were able to clear the hurdles of a complex and arduous legislative process.").

¶50 Yet the majority supplements the Safe Haven Law. I would rather see us stick to what courts do best and respect the legislature's choice of language without adding or subtracting words from the statute. *See People in Int. of B.C.B.*, 2025 CO 28, ¶ 25, 569 P.3d 74, 79.

¶51 The majority's use of the second tool (the related statute) strikes me as equally misguided. The other statute to which the majority points, section 19-5.5-203, C.R.S. (2025), applies to dependency or neglect proceedings. Although it cross-references the Safe Haven Law, this other statute is likewise silent regarding confidentiality. And the executive-branch regulations on which the majority leans, even if they could somehow reveal legislative intent, also fail to address confidentiality.

¶52 We would do better to let the legislature consider how trial courts should balance potential conflicts between the broad right to anonymity the majority

announces today and other longstanding obligations of DHS under the Children's Code. If we showed such restraint, we could reasonably expect hearings at which our elected representatives could also test the majority's main factual premise; namely, that a lack of absolute anonymity would yield a higher rate of infanticide or abandonment without care. *See* Maj. op. ¶ 36. We could also count on our representatives to hear from relevant stakeholders, some of whom might urge more disclosure to address any unusual medical problems affecting a newborn child or to safeguard the relational interests of biological fathers, other blood relatives, and tribes. In making this observation, I don't mean to suggest that these interests should take priority over general concerns about the safety and privacy of newborns and mothers. I simply submit that the task of weighing the competing considerations is better left to the legislature.

¶53 The General Assembly is certainly willing to address concerns in this area. Just this year, it amended the Safe Haven Law by expanding the window of time during which parents can avail themselves of the law and ordering the creation of rules regulating reunification after a child is surrendered under the law. Ch. 74, sec. 1, § 19-3-304.5(1)(a), (5.5), 2026 Colo. Sess. Laws 291, 291. Committees in both chambers held hearings where experts testified for and against the law. *See* Hearing on H.B. 1024 before the H. Health & Hum. Servs. Comm., 75th Gen. Assemb., 1st Sess. (Feb. 10, 2026); Hearing on H.B. 1024 before the S. Health &

Hum. Servs. Comm., 75th Gen. Assemb., 1st Sess. (Mar. 26, 2026). Waiting another year for this kind of deliberation by the General Assembly would better serve the public in the long run.

¶54 Because I believe that the majority exceeds our authority today, I respectfully dissent.