

Safe Haven Law Needs Changing
By Governor Dave Heineman
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Dear Fellow Nebraskans:

Today, I want to discuss Nebraska's safe haven law.

Nationally, state legislatures enacted legislation to address infant abandonment in response to a reported increase in the abandonment of infants, primarily newborns. Beginning in Texas in 1999, infant safe haven laws were enacted as an incentive for mothers in crisis to safely relinquish their babies to designated locations where the babies would be protected and provided with medical care until a permanent home was found.

Safe haven laws generally allow the parent, or an agent of the parent, to remain anonymous and to be shielded from prosecution for abandonment in exchange for surrendering the baby to a safe haven. All fifty states now have safe haven laws.

Nebraska is the only state in the country without an age limit for abandonment of a child. Forty-nine states specify that safe haven laws apply only to an infant, ranging from those a few hours to no more than one year old.

Nebraska's safe haven law provided that protection for infants, but substituted the word child for infant. Today, under Nebraska statutes, any child up to the age of 18 meets the criteria. Unfortunately Nebraska has seen several instances of exactly what no one hoped would ever happen. Parents and guardians have abandoned older children at hospitals.

Children from eight families have been left at hospitals under the safe haven law. None of the children involved were infants and none was in immediate danger. While they cannot be charged for abandoning a child, parents and guardians using Nebraska's safe haven law can be charged for other offenses. Courts are also likely to require parents and guardians to participate in parenting classes, family therapy, conflict resolution or other services in an effort to reunite youth with their families. Child support payments may be ordered while children are in state custody.

Safe haven legislation is designed to prevent infants from being left outside or left unattended. Safe haven laws were not designed to allow families having difficulty with older youth and teenagers to abandon their children or responsibilities as parents.

Abandonment of an older child is potentially very devastating. Human services professionals have highlighted the difference in giving up a baby who will grow up knowing their birth family wanted a better life for them versus the impact of a parent giving up on an older child.

Nebraskans believe strongly in parental responsibility. The essential element defining any family is the knowledge that parents provide unconditional love for their children.

As many parents know, however, raising a child can be challenging at times. But I want every Nebraska parent to know that when it seems like there's nowhere to turn, even in the most difficult and challenging situations, there are resources to help.

Nebraskans are caring people and in time of need, we help each other. If you are experiencing difficulty with a child, reach out to another family member, a friend or a neighbor. There are community and faith-based groups that will help.

Support networks can help parents learn from the experience of others. Respite care can provide periods of rest and relief for a struggling parent or caregiver.

You can contact one of the following organizations. The United Way 2-1-1 referral system encompasses most of Nebraska and can be accessed by dialing 211 from any phone. Nationally-known Boys Town is headquartered here in Nebraska, with a crisis hotline available by calling 800-448-3000. Both are resources to help find answers and direct those in need to someone who can help.

You can contact your local health and human services office. The Nebraska Department of Health and Human Services offers information on services and other resources for help online at <http://www.dhhs.ne.gov/safehaven>.

Please remember that no matter the challenge, Nebraska has community, faith-based and health and human services organizations ready to help families and children.

The few situations we've seen so far demonstrate the need for a change in Nebraska's safe haven law. In the coming legislative session, I will advocate for changes that put the focus back on protecting an infant in danger. That should be our priority.