

Nebraska's "Safe Haven" Program

By Bob Brandt, Executive Director, Nebraska Children's Home Society

A memorial service was held August 12, 2004 in Norfolk for a two-day-old infant discovered abandoned in a canal near the Elkhorn River. This marked a sad day in Nebraska history. Could it have been prevented? Would legislation making it legal to safely abandon your child have stopped it?

Research into this disconcerting, serious problem suggests laws legalizing abandonment may not be the best solution. "Safe Haven" legislation has swept the nation since Texas enacted the first such law in 1999. 44 additional states have followed with similar legislation. The laws in general offer anonymity and immunity from prosecution when desperate mothers abandon unwanted newborns at hospitals or police stations rather than in trash bins or along the river bank. However, the well-intentioned laws were not thoughtfully planned before implementation. Most are not funded properly to even make people aware of their existence.

The Safe Haven laws are not working. Infants are still being illegally abandoned in states that have such laws. Desperate, distraught mothers in denial of their pregnancies are not likely to ask their boyfriend for a ride to the police station. They need support and counseling as well as medical assistance. These new laws circumvent adoption laws already in place. The legal rights of biological fathers to parent or family members to assist are denied. Worst of all these laws send the message that abandoning a child is socially appropriate behavior. In June of 2003, Hawaii Governor Linda Lingle did her own research, decided it would cause more harm than good, and sent Bill # 133 back to her legislature unsigned.

The number of children abandoned in Nebraska over the years is small, but even one is too many. However, rather than legalize abandonment we need to better educate on the positive options available.

Since the year 2000, research of cases at the Nebraska Children's Home Society (a private, non-profit organization) offers a far more positive plan. When the first laws were being written in Texas, **the Nebraska Children's Home Society (NCHS) initiated a statewide, 24-hour/365 days a year hotline for unplanned pregnancies answered by a NCHS social worker.** This state-wide agency can have a supportive caseworker to the mother quickly anywhere in Nebraska. The worker will help the mother get to the hospital or if already there, **offer her the opportunity to provide safe, confidential care for her infant in a temporary, safe, "cradle care" home** The intent is to provide mom with time to step back and evaluate her situation while keeping baby safe. When she is ready, a more permanent plan, either parenting or adoption can be discussed. Mom's identity remains confidential and her rights to the child remain intact. The program has been more successful than legislation in other states.

But how do these high-risk mothers in denial know of the program? Education is the key. **The Nebraska Children's Home developed a high school curriculum to heighten awareness of young people experiencing unplanned pregnancies.** The curriculum first introduced in 2001 now has over 120 trained teachers in 70+ schools across Nebraska. **A comparable middle school curriculum** was piloted in the 2002-2003 school year and implemented in 2003. **Flyers with the hotline number are posted in colleges across the state. Crisis pregnancy centers are aware of the program.** In addition, NCHS has worked with the Nebraska Medical Association in **supplying information to doctors and hospitals for their high risk patients.** Realizing the need to continue to reach out, in the fall of 2004, NCHS began a **statewide billboard campaign publicizing the hotline number.** Nebraska Children's Home has been and continues to be proactive.

Results of these efforts since 2000 would indicate more success than other states with Safe Haven laws. Nebraska Children's Home has received an average of 600 calls annually on the hotline. Many of the calls are seeking basic information about unplanned pregnancies. However, 19 were deemed extremely high risk, where mom had denied the pregnancy and there was genuine concern for the safety of the baby. In addition to the hot line calls, NCHS also received 34 other referrals from clients, doctors, and hospitals with the same concerns, bringing the total to 53 identified cases. Most of the moms were in panic mode. Nebraska Children's Home caseworkers went to them, offered support, education on her options and rights, and the rights of the father. Of the 53 cases, 38 moms chose to immediately put the infant into cradle care, the NCHS version of safe haven. Later, sometimes days later, moms returned to discuss plans for their child. The interim when baby is safe and mom has time to herself is extremely important. After discussing the options with NCHS staff, 12 moms decided to parent while the other 26 made an adoptive plan. Of the 15 moms that initially chose not to use cradle care, 7 parented while 8 moms made an adoptive plan. When a parenting plan was made, they were supplied with diapers, formula, clothing and other needs to help them with their child. The agency continues to make their services available to them. Again, the key was to insure the safety of the child and allow mom the time to evaluate her situation.

Had Nebraska passed a law legalizing abandonment through Safe Haven legislation we may have far different outcomes to the 53 cases. Based on what has happened in other states with Safe Haven laws we make the following analysis. Of the 34 children whose mom chose to make an adoptive plan, most would have been deprived of family history and health records. Most would grow up knowing they were abandoned rather than placed in a loving home following a decision made out of love by their birth parents. They may have spent a year or two in the foster system waiting a permanent placement. Judges may be slow to finalize due to concerns with birth father rights. 19 of the 53 moms chose to parent. The 12 moms that used NCHS 'cradle care', then chose to parent may be fighting the system to get their child back. Safe Haven laws may feel good, but may also create unnecessary problems for children and families.

The NCHS "Safe Haven" program allows for the child to be safe, first and foremost. It works within the framework of our present adoption laws. Unlike other states that have laws that encourage abandonment, Nebraska Children's Home has moved forward to discourage it. Time and resources have been spent on education and advertising promoting positive choices for children.

The Nebraska Children's Home Society, the only agency in the country with no fees for its adoption services, has provided safe and loving care to children of all ages for over 111 years. It has ten offices across Nebraska with its headquarters in Omaha.

We, as an agency, recognize we may not reach every high-risk mom in denial, but we continue to try. A child may still be abandoned in Nebraska. We hope not! However, we have instituted a thoughtful and carefully implemented plan. We hope it prevents infant abandonment and saves babies' lives.