

Legislature limits safe haven to infants

Over the course of seven legislative days comprising the first special session of the Nebraska Legislature, the applicability of Nebraska's safe haven law was reduced from children aged 17 and younger to infants aged 30 days and younger.

On Nov. 21, the Legislature passed **LB1** on a vote of 43-5.

Introduced by Speaker Mike Flood of Norfolk, LB1 originally would have set the law's age limit to infants aged 72 hours or younger. The bill was modified by a Judiciary Committee amendment during general file debate on Nov. 18 to cover infants aged 30 days or younger. The amendment was adopted by a vote of 44-0.

Some health care and child advocacy representatives argued for a one-year age limit for the safe haven law at the bill's public hearing.

Ann Schumacher, CEO of Alegent Health Immanuel Medical Center, testified that the appropriate age limit for the safe haven law is one year. She said safe haven cases in Nebraska usually have involved families that have run out of options.

"It is time that we as a state, community and country address the mental health crisis that permeates our (society)," Schumacher said.

Jim Blue, speaking on behalf of the Children and Families Coalition of Nebraska, said the age limit for the safe haven law should be one year because half the deaths of Nebraska children from birth to age 17 occur

among children aged one year and younger.

"The more the state can do to provide a safety net for that child, the better Nebraska will be," Blue said.

During general file, Lincoln Sen. Bill Avery proposed an amendment that would have extended the provisions of the bill to children aged one year and younger.

Avery said that the 30-day limit was not adequate, because a 2007 Nebraska Hospital Association report revealed that 314 newborns remained in the hospital for 31 days or longer. Mothers in hospitals have support systems that may not exist after they are discharged, Avery said.

The Avery amendment failed on a vote of 23-26.

Another attempt to expand the

scope of LB1 was an amendment offered on general file by North Platte Sen. Tom Hansen to increase the age limit to 120 days.

Hansen pointed to higher occurrences of shaken baby syndrome and postpartum depression among mothers of children younger than 120 days, though he recognized that any age cap will have its limitations.

"We are trying to pick a date that the majority can go along with. It's not a magical date," Hansen said.

The Hansen amendment failed on a vote of 20-29.

Some senators took an opportunity during the special session to express their support for the safe haven law as it stood. Others opposed the safe haven concept on principle.

Previous to the special session,



Speaker Mike Flood of Norfolk introduces LB1 to the Judiciary Committee Nov. 17. The bill originally would have limited the safe haven provisions to infants up to 72 hours old. A committee amendment extended the bill to cover infants up to 30 days old.

"Nebraska's Safe Haven Law: The Passage of LB157" is a multimedia presentation on the original safe haven bill. View it and other educational materials at www.NebraskaLegislature.gov.

A CLOSER LOOK.....



Sens. Annette Dubas of Fullerton and Bill Avery of Lincoln advocated for extending the age limit to one year.

Nebraska's safe haven law prohibited the prosecution of a parent or guardian for the sole act of leaving a child at a hospital. LB157 was passed by the Legislature during the 2008 regular session.

Omaha Sen. Tom White voiced concerns about what he called misconceptions regarding the safe haven law. He said common law in Nebraska defines a child as a person who has not reached his or her 14th birthday, so the original law had a definite age limit when it used the word "child."

White also said LB157 did not terminate parental rights, but rather required those exercising the law's provisions to remain involved in the process of finding their children a home.

"That is light years from being able to drop off the child and walk away," White said. "We did not allow or license the abandonment of children."

Sen. Dwite Pedersen of Elkhorn

urged his colleagues to preserve the safe haven law and not add a new age limit, which he said would adversely affect adolescents.

"By passing this bill today, (we) will be abandoning a lot of teenagers by this legislation," Pedersen said.

Sen. Ernie Chambers of Omaha expressed his opposition to safe haven laws and said larger issues were not being addressed, including sex education and counseling for children. Chambers, who had initially called for a special session on Oct. 10, said his intention during the session was to restrict the age limit of the safe haven law to prevent older children from being surrendered.

"I am unalterably opposed to safe haven bills," Chambers said. "My green vote is a vote against the safe haven concept and in favor of bringing an end to the dropping off of these unfortunate children."

Some senators were apprehensive about narrowing the age range, because they said families had voiced

concerns that the only way for them to obtain needed services for their children was to surrender them under the safe haven law.

But Omaha Sen. Steve Lathrop said current state law allows law enforcement to take temporary custody of juveniles without warrants. He said this law presents an alternative for families exercising the current safe haven law to place their children in state custody to grant them access to needed services.

"Law enforcement has the authority to pick up juveniles without a warrant under certain circumstances," Lathrop said. "I believe that the current law will provide an access point."

During the special session, lawmakers also passed LB2, which appropriated funds needed to conduct the session.

After passing LB1 and LB2, the Legislature adjourned sine die. The first session of the 101st Legislature is scheduled to begin Jan. 7.

VIEWS FROM THE CAPITOL

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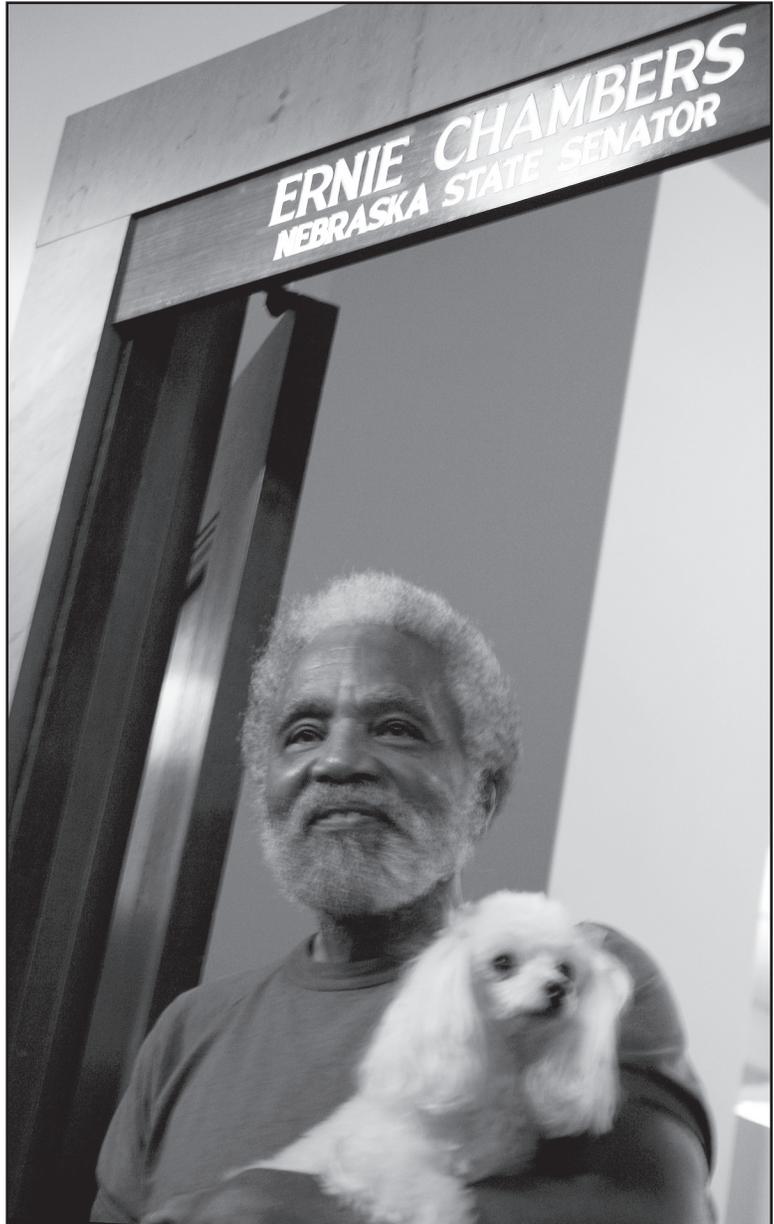
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Sen. Ernie Chambers was honored Nov. 12 as lawmakers designated Room 1113 of the State Capitol as the Ernie Chambers Hearing Room.

The room hosts Judiciary Committee hearings during the legislative session each year. Chambers, who is leaving the Legislature due to term limits, spent his 38-year legislative career as a member of the Judiciary Committee.

The committee's current chairperson, Omaha Sen. Brad Ashford, called Chambers "a great teacher."

The hearing room recently was renovated as part of the State Capitol renovation project.

"He taught generations of new senators the ropes of this place," said Speaker of the Legislature Mike Flood, who also served with Chambers on the Judiciary Committee. "It may not be a glamorous room, but it is where Sen. Chambers did his work for the people of this state."

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