



Hundredth Legislature - Second Session - 2008
Committee Statement
LB 6

Hearing Date: January 25, 2007
Committee On: Judiciary

Introducer(s): (Pahls)
Title: Adopt the Nebraska Safe Haven Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - Advanced to General File with Amendments
 - X Indefinitely Postponed
-

Vote Results:

7	Yes	Sen. Ashford, Sen. Lathrop, Sen. McDonald, Sen. McGill, Sen. Pedersen, Sen. Pirsch, Sen. Schimek
	No	
	Present, not voting	
1	Absent	Sen. Chambers

Proponents:

Sen. Pahls
 Jim Gordon
 Sara Juster
 Sharon McArdle
 Jessica Kolterman
 Bruce Rieker
 Judith Billings

Representing:

Citizen
 Methodist Health System
 Methodist Health System
 Citizen
 Advocacy for the Nebraska Hospital Assoc.
 Nebraska Nurse’s Assoc

Opponents:

Chris Costantakos
 Susan Sapp
 David Buntain
 Grace Sundermeier

Representing:

Citizen
 Citizen
 Nebraska Medical Association
 Citizen

Neutral:

Vanesa Hernandez

Representing:

Voices for Children

Summary of purpose and/or changes:

Legislative Bill 6 proposes to allow parents to anonymously abandon a newborn infant without criminal liability if the child is left at a designated safe haven facility.

The act defines a designated facility as a hospital, police station or fire station with persons on duty. A parent or his or her designee is allowed to anonymously leave a newborn infant who is 30 days old or less at a designated facility. Immunity from criminal prosecution for child abuse is provided to parents under the act, but the immunity is only for the act of leaving the child with the safe haven provider. No immunity is given for any preexisting abuse or any other criminal act, and persons accepting an infant at a designated facility are required to report suspected abuse or neglect if it is not based solely on the act of leaving the infant at the facility.

Persons receiving an infant pursuant to the act are required to ask the parent or designated person to provide the location where the child was born, relevant health care and medical history information, and any other information which may be relevant to the best interests of the child. The bill, however, specifically prohibits the solicitation of the names of the parents by a safe haven provider who can only record such information if voluntarily offered. The safe haven provider must also make their best efforts to inform the parent or designee that parental termination proceedings may be commenced 90 days after the infant is left with the safe haven provider.

A parent who leaves a child at a designated facility is given 90 days to reconsider the decision to give up the child. Once a child is placed at a designated facility, the staff there are required to notify the Department of Health and Human Services (HHS), which upon receiving said notice, is required to accept the infant for placement in foster care, but is prohibited from initiating any actions to terminate the parental rights of the parents until at least 90 days have passed. The bill does not provide any specifics as to how a parent may regain custody of a child abandoned under the act.

The remaining provisions of the bill require HHS to create a public information campaign for the safe haven program, require a detailed report to the legislature on the implementation and results of the safe haven program, and provide a sunset date for the act.

The reporting requirement is to be performed by HHS in conjunction with one representative designated by each of the following entities:

- Juvenile Court;
- Foster Care Review Board;
- Family Violence Council;
- Voices for Children; and
- Nebraska Children's Home.

The report is intended to evaluate the overall effectiveness of the safe haven program and shall include an analysis of each the following:

- The effectiveness of the act in preventing the unsafe abandonment of infants in Nebraska;

- The success or lack thereof in finding permanent placements for infants abandoned under the act;
- The average length of foster care placement for infants abandoned under the act;
- Issues relating to the termination of parental rights;
- Success or failure of the public information campaign;
- Administrative burdens placed on HHS as a result of the act;
- Issues regarding the eligibility of infants abandoned under the act for federal services, such as Medicaid; and
- How often parents provide information requested under the act and the impact of the presence or lack of such information has on the placement of abandoned infants.

The report is to be filed with the legislature by January 1, 2010, and the act itself terminates on September 1, 2011.

Another bill dealing with safe haven issues, LB 157, was advanced to general file by the judiciary committee and did not advance past that stage of debate during the 2007 session.

Explanation of amendments, if any:

Senator Brad Ashford, Chairperson