

HB

29



HOUSE JUDICIARY COMMITTEE

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Rep. Lindsey Holmes
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MEMORANDUM

Date: Tuesday, March 13, 2007

To: Representative Kevin Meyer
Co-Chairman House Finance Committee

From: Representative Jay Ramras
Chairman House Judiciary Committee

Re: Judiciary Referral File
CSHB29(JUD)

Attached please find the following documents:

- CSHB29(JUD) 25-LS0192\L
- Sponsor Statement
- Sectional
- Fiscal Notes
 - 1) LAW – 0 fiscal note
 - 2) HSS – fiscal note
- Fax to Leg. legal with two amendments
- House Judiciary Committee Report
- CSHB29(HES) 25-LS0192\K
- HB29 25-LS0192\C
- Leg. legal memo re: amendments
- Backup documentation
- Letters of support/opposition

ALASKA STATE LEGISLATURE



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Representative Gabrielle LeDoux

Sponsor Statement for House Bill No. 29 Safe Haven for Infants Act

This is a bill that will allow parents to safely surrender infants shortly after birth without fear of being criminally prosecuted. The parent may, without expressing an intent to return for the infant, leave the infant in the physical custody of a person who the parent reasonably believes to be a peace officer, a physician or hospital employee in a hospital or hospital emergency room, or a volunteer with or employee of a fire station or emergency medical service who is performing activities within the scope of the volunteer's or employee's fire services or emergency medical services duties.

There are similar laws in 47 other states. This is a way of encouraging people to avoid abandoning infants in a way that could lead to injury or death. A record regarding the surrender of an infant is confidential and is not subject to public inspection.

ALASKA STATE LEGISLATURE



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Representative Gabrielle LeDoux

MEMO

TO: REPRESENTATIVE GABRIELLE LEDOUX
FROM: CHRISTINE R. MARASIGAN, LEGISLATIVE AIDE *CRM*
SUBJECT: HB 29, SAFE HAVEN BILL SECTIONAL SUMMARY
DATE: 2/20/2007

The following information is based on the sectional summary from SCHB 322. This should not be considered an authoritative interpretation of the bill.

- Section 1.** Provides short title.
- Section 2.** Adds a new section in title 11 prohibiting the criminal prosecution for surrendering an infant under AS 47.10.013(c), as added by sec. 3 of the Act.
- Section 3.** Provides requirements and procedures for safely surrendering an infant less than 21 days of age, including reporting requirements and immunity provisions.
- Section 4.** Makes a conforming amendment necessitated by sec. 5 of the Act.
- Section 5.** Provides an exception for providing family support services when an infant has been safely abandoned as described in the Act.
- Section 6.** Provides a definition of infant as a child who is less than 21 days of age.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB029-LAW-HSCP-2-6-0
 Bill Version: HB 29
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act relating to safe haven for infants. RDU Civil
 Component Human Services Child Protection
 Sponsor Representative LeDoux
 Requester House Health, Education & Social Services Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|-----------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | .0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The bill prohibits prosecution of a parent who safely surrenders an otherwise uninjured infant in the physical custody of a person who the parent reasonably believes is a peace officer, a physician or hospital employee in a hospital or hospital emergency room, or a volunteer with or employee of a fire station or emergency medical service who is performing activities within the scope of the volunteer's or employee's fire services or emergency medical services duties. The department does not anticipate any significant fiscal impact.

Prepared by: Robert Meiners, Acting Director
 Division: Administrative Services Division
 Approved by: Robert Meiners for Talis Colberg, Attorney General
 Agency: Department of Law

Phone 465-5427
 Date/Time 2/6/07 7:20 AM
 Date 2/6/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB029-DHSS-OCS-01-23-07
 () Publish Date: _____
 Dept. Affected: Health & Social Services
 RDU Children's Services
 Component Family Preservation

Revision Date/Time (Note if corrector.): _____
 Title SAFE SURRENDER OF INFANTS

Sponsor LEDOUX
 Requester HOUSE (HES)

Component No. 1628

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES (0) | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| 1037 GF/Mental Health | | | | | | |
| Other(Specify Type-do not abbreviate) | | | | | | |
| Other(Specify Type-do not abbreviate) | | | | | | |
| TOTAL | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |

Estimate of any current year (FY2007) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill provides for the safe surrender of infants whereby the parent may not be criminally prosecuted for surrendering an infant in the manner described.

Drawing on other states' experience with similar laws, the OCS believes that adequate public education is key to success. If the desired effect of this bill is to stop abandonment of babies, the public needs to be made aware of their options. This fiscal note would cover estimated costs for a campaign that provides for media advertising, brochures, posters, etc., to be distributed in hospitals, clinics, doctors' offices, public assistance offices, and other public areas. Estimated costs are based on similar campaigns and promotions managed within the department.

Prepared by: Tammy Sandoval
 Division: Office of Children's Services
 Approved by: Karleen Jackson, Commissioner
 Agency: Department of Health and Social Services

Phone 465-3191
 Date/Time 01/22/2007
 Date 01/23/2007

ALASKA STATE LEGISLATURE
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Vice-Chairman
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

State Capitol, Room 120
Juneau, Alaska 99801-1182

Fax

To: Leg Legal

Fax #: 2029

Number of pages including cover: 4

From: Jane Pierson

Date: March 12, 2007

Re: House Judiciary Final for HB29(HES) - 25-LS0192\K

Please draft a final for HB29(JUD) to reflect the attached two amendments.
Thank you

AMENDMENT

OFFERED IN THE HOUSE JUDICIARY COMMITTEE

BY Rep. Ramras

TO: CSHB 29(HES)

Page 2, line 13, following "is":

Delete "abandoned safely within the meaning of"

Insert "surrendered in the manner described in"

Page 2, line 17:

Following "identity,":

Insert "and"

Following "history":

Delete ", or"

Insert "of the infant and"

Page 2, line 23:

Following "(4)":

Insert "immediately"

Following "the":

Insert "nearest office of the"

Page 2, line 23 - 24, following "department":

Delete "for initiation of custody, placement, and adoption proceedings as appropriate"

Insert "that the infant has been surrendered in the manner described in (c) of this section"

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 29(HES)

BY REPRESENTATIVE DAHLSTROM

- 1 Page 2, line 7, following "peace officer,"
- 2 Insert "member of the clergy."



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clergy

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cler·gy [klur-jee] Pronunciation Key - Show IPA Pronunciation

noun, plural -gies.

the group or body of ordained persons in a religion, as distinguished from the laity.

[Origin: 1175-1225; ME *clerge*, *clergie* < OF *clergē* (< LL *clericātus* office of a priest; see CLERIC, -ATE³), *clergie*, equiv. to *clerc* CLERIC + *-ie* -Y³, with *-g-* after *clerge*]

—*Related forms*

cler·gy·like, *adjective*

Usage note See COLLECTIVE NOUN.

Dictionary.com Unabridged (v 1.1)

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American Heritage Dictionary - Cite This Source

cler·gy (klūr'jē) Pronunciation Key

n. *pl.* **cler·gies**

The body of people ordained for religious service. See Usage Note at collective noun.

[Middle English *clergie*, from Old French (from Vulgar Latin **clercia*, from Late Latin *clericus*; see **clerk**) and from Old French *clergie*, *body of clerks* (from Vulgar Latin **clercatus*, from Late Latin *clericatus*, from *clericus*, *clerk*, *cleric*).]

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Indicates premium content, which is available only to subscribers.

ALASKA STATE LEGISLATURE



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Representative Gabrielle LeDoux

MEMO

TO: REPRESENTATIVE GABRIELLE LEDOUX
FROM: CHRISTINE R. MARASIGAN, LEGISLATIVE AIDE *CR*
SUBJECT: HB 29, SAFE HAVEN BILL, CHANGES FROM 25-LS0192C TO 25-LS0192M
DATE: 2/20/2007

After consulting with several agencies and sponsors, a sponsor substitute was requested. The information below outlines the changes from the "C" version to the "M" version.

Page 1, Sec. 1, Line 5 Safe Haven for Infants Act replaced [Safe Surrender of Infants Act]

Page 2, Sec. 3, Line 7 community health aide was added.

Page 2, Sec. 3, Line 17 medical history was added.

Page 2, Sec. 3, Line 23 (4) notify the department for initiation of custody, placement, and adoption proceedings as appropriate. was added.

Rationale: There are several additions in CSHB 29. The short title change makes the bill consistent with similar laws in 47 other states. Community health aides were added to the list of persons to whom an infant can be surrendered to because Alaska has many communities where a community health aide might be the only medical provider. Medical history was added to the types of information a surrendering parent can choose to disclose for the abandoned infant. Lastly, (4) in Sec. 3 directs anyone receiving a surrendered infant contact the department. Previously there was no explicit requirement to report an infant. This section further directs the department to initiate custody, placement and adoption proceedings.

| | A | B | C | D | E | F |
|----|---------------|--|---|--|--|---|
| 1 | STATE | Limits Prosecution/ Statute states not a violation of law | Relinquishing parent is provided immunity from prosecution | In any prosecution- *If child is 6 days old or older, but less than 30 days | Relinquishing parent may reclaim child (I did not see where age was determined) prior to terminating rights | Few states who have returned child after relinquishment of parental rights |
| 2 | Alabama | Yes | | Yes | | |
| 3 | Arizona | | | | | |
| 4 | Arkansas | | | Yes | | |
| 5 | California | | Yes | | Yes | |
| 6 | Colorado | | | Yes | | |
| 7 | Connecticut | Yes | | | Yes | |
| 8 | Delaware | | | Yes | Yes | |
| 9 | Florida | | Yes | | Yes | |
| 10 | Georgia | | Yes | | | |
| 11 | Idaho | | Yes | | Yes | |
| 12 | Illinois | Yes | | | Yes | |
| 13 | Indiana | | | Yes | | |
| 14 | Iowa | | Yes | | Yes | |
| 15 | Kansas | | Yes | | | |
| 16 | Kentucky | | Yes | | Yes | |
| 17 | Louisiana | Yes | | | | Yes |
| 18 | Maine | | | Yes | | |
| 19 | Massachusetts | | | | | |
| 20 | Maryland | | Yes | | | |
| 21 | Michigan | | | Yes | Yes | |
| 22 | Minnesota | | Yes | | | |
| 23 | Mississippi | | Yes | Yes | | |
| 24 | Missouri | | | Yes | Yes | |
| 25 | Montana | | Yes | | Yes | |
| 26 | Nevada | Yes | | | | |
| 27 | New Hampshire | | | | | |
| 28 | New Jersey | | | *Yes | | |
| 29 | New Mexico | | Yes | | Yes | |
| 30 | New York | | | *Yes | | |

| | A | B | C | D | E | F |
|----|----------------|---|---|--|---|---|
| 1 | STATE | Limits Prosecution/ Statute states not a violation of law | Relinquishing parent is provided immunity from prosecution | In any prosecution- *If child is 6 days old or older, but less than 30 days | Relinquishing parent may reclaim child (I did not see where age was determined) prior to terminating rights | Few states who have returned child after relinquishment of parental rights |
| 31 | North Carolina | | Yes | | | |
| 32 | North Dakota | | Yes | | | |
| 33 | Ohio | | Yes | | | |
| 34 | Oklahoma | | Yes | | | |
| 35 | Oregon | | | *Yes | | |
| 36 | Pennsylvania | Yes | | | | |
| 37 | Rhode Island | | Yes | | Yes | |
| 38 | South Carolina | | Yes | | | |
| 39 | South Dakota | Yes | | | | Yes |
| 40 | Tennessee | | Yes | | Yes | Yes |
| 41 | Texas | | | *Yes | | |
| 42 | Utah | | | *Yes | | Yes |
| 43 | Virginia | | | *Yes | | |
| 44 | Wisconsin | | Yes | | | |
| 45 | Washington | | Yes | | | |
| 46 | West Virginia | | | *Yes | | |
| 47 | Wyoming | | | *Yes | Yes | |

State by State

| STATE | Days to surrender | Who can surrender | Focus of Law | Anonymity for parent or agent of parent may be expressly gaurenteed in statute | Statute states that the safe haven cannot compel parent or agent of parent to provide indendifying info |
|-------------|-------------------|---|---------------------|--|---|
| Alabama | 3 days | | Protecting newborns | | |
| Arizona | 3 days | a parent or a parents agent | Protecting newborns | Yes | Yes |
| Arkansas | 30 days | a parent or a parents agent | | | |
| California | 3 days | a parent or a parents agent or another person having custody of the child | Protecting newborns | | Yes |
| Colorado | 3 days | | Protecting newborns | | |
| Connecticut | 30 days | a parent or a parents agent | | | Yes |
| Deleware | 14 days | not specified | | Yes | Yes |
| Florida | 3 days | | Protecting newborns | Yes | |
| Georgia | Less than 1 week | Mother only | | | |
| Idaho | 30 days | Custodial parent | | | Yes |
| Illinois | 3 days | | Protecting newborns | Yes | |
| Indiana | 45 days | | | | Yes |
| Iowa | 14 days | a parent or a parents agent | | | Yes |

| STATE | Days to surrender | Who can surrender a parent or a parents agent or another person having custody of the child | Focus of Law | Anonymity for parent or agent of parent may be expressly gaurenteed in statute | Statute states that the safe haven cannot compel parent or agent of parent to provide indendifying info |
|---------------|-------------------|--|------------------------|--|---|
| Kansas | 45 days | | | | |
| Kentucky | 14 days | | Protecting newborns | yes | |
| Louisiana | 30 days | | | | Yes |
| Maine | 31 days | not specified | | | Yes |
| Massachusetts | Less than 1 week | | | | Yes |
| | | Mother only/or another person approved by the mother to deliver infant on her behalf | Protecting newborns | | |
| Maryland | Less than 3 days | | | | |
| Michigan | 3 days | | Protecting newborns | | Yes |
| | | Mother only/or another person approved by the mother to deliver infant on her behalf | Protecting newborns | | |
| Minnesota | 3 days | | Protecting newborns | | Yes |
| Mississippi | | | Protecting newborns | | |
| Missouri | Less than 30 day | a parent or a parents agent | | | |

| STATE | Days to surrender | Who can surrender | Focus of Law | Anonymity for parent or agent of parent may be expressly gaurenteed in statute | Statute states that the safe haven cannot compel parent or agent of parent to provide indendifying info |
|----------------|-------------------|-----------------------------|---------------------|--|---|
| Montana | 30 days | | | | Yes |
| Nevada | 30 days | | | | Yes |
| New Hampshire | | | | | Yes |
| New Jersey | 30 days | not specified | | | Yes |
| New Mexico | 90 days | not specified | | | Yes |
| New York | 5 days | not specified | | | |
| North Carolina | 7 days | | | | Yes |
| North Dakota | 1 year | a parent or a parents agen | | | Yes |
| Ohio | 3 days | | Protecting newborns | Yes | |
| Oklahoma | 7 days | | | Yes | Yes |
| Oregon | 30 days | | | | Yes |
| Pennsylvania | | | | | |
| Rhode Island | 30 days | a parent or a parents agent | | | |
| South Carolina | 30 days | a parent or a parents agent | | | Yes |
| South Dakota | 60 days | | | | Yes |
| Tennessee | 3 days | Mother only | Protecting newborns | | Yes |
| Texas | 60 days | | | Yes | |
| Utah | 3 days | a parent or a parents agent | Protecting newborns | Yes | |
| Washington | 3 days | | Protecting newborns | Yes | |

NAIC

National Adoption Information Clearinghouse
and Child Welfare League of America

| STATE | Days to surrender | Who can surrender | Focus of Law | Anonymity for parent or agent of parent may be expressly guaranteed in statute | Statute states that the safe haven cannot compel parent or agent of parent to provide identifying info |
|---------------|-------------------|-----------------------------|---------------------|--|--|
| West Virginia | 30 days | | | Yes | Yes |
| Wisconsin | 3 days | | Protecting newborns | Yes | |
| Wyoming | | a parent or a parents agent | | Yes | Yes |



NCSL STATE LEGISLATIVE REPORT

ANALYSIS OF STATE ACTIONS ON IMPORTANT ISSUES

SEPTEMBER 2001

VOLUME 26, NUMBER 8

Safe Havens for Abandoned Infants

By Nina Williams-Mbengue, *Policy Specialist*

After 13 infants were abandoned in the Houston, Texas, area within a 10-month period in 1999, state lawmakers acted to encourage desperate parents to leave their children in a safe location rather than simply abandoning them. Since the Texas law was adopted, 34 more states have enacted so-called "safe haven" laws. All the statutes generally promise that women who relinquish unharmed infants in designated safe places will not be prosecuted or provide that abandonment in compliance with the law constitutes an affirmative defense to prosecution.

So far, the effects of the new laws appear to be limited. Although some newborns have been left at hospitals or police and fire stations, others continue to be found in unsafe places. Serious concerns remain regarding the general lack of research on abandoned babies and their mothers, the implications of these laws on states' adoption and child welfare practices, the rights of the infant's father and the relatively small number of infants involved. Some child welfare experts have expressed concern that the laws do not include an examination of existing statewide child abuse prevention strategies and services for women at risk.

This report examines what is known about infant abandonment, provides an overview of key aspects of the legislation, describes state experience with the new laws and discusses some policy implications for lawmakers.

The Scope of the Problem

What do we know about the incidence of infant abandonment? Unfortunately, national and state data on the number of abandoned infants are practically nonexistent. Most states do not keep track of these infants and, so far, the federal government does not require states to do so. A recent media survey

Discarded Infants and Boarder Babies

The infants referred to are those abandoned in public places—other than hospitals—such as parks, roadsides and dumpsters. They also are known as "discarded infants" and should be distinguished from "boarder babies," who are abandoned in hospitals due to pre- or perinatal drug or HIV exposure as described in the Abandoned Infants Assistance Act (P.L. 104-23). In the law, Congress defined abandoned infants as "...infants and young children who are medically cleared for discharge from acute care hospital settings but who remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives."

conducted by the U.S. Department of Health and Human Services (HHS) reported 65 babies abandoned in public places in 1991. This number increased to 105 in 1998, with 33 of the babies found dead. HHS officials state these numbers could simply reflect heightened media interest in the issue and do not necessarily indicate an actual increase in baby abandonment.

Abandonment of infants in public places appears to be part of a much larger problem. Due to parental drug addiction, 31,000 infants were abandoned in hospitals in 1998. The number of children who suffer abuse and neglect from parents or caretakers each year is even greater. According to HHS, 836,000 children were confirmed as abused in 1999. Of those children, 1,100 died.

What Do We Know about Mothers Who Abandon Their Infants?

Little is known about women who discard their newborns. Most of the women are never found. Anecdotal evidence indicates that most of the women are very young; their race and income vary. Most are very much in denial of their pregnancies and appear to be unaware of or afraid to use the resources available to help them before and during their pregnancies. Questions also exist about the fathers' role, the mothers' family situation and how often the pregnancy is the result of rape or sexual abuse.

Most women who discard their newborns are very much in denial of their pregnancies and appear to be unaware of or afraid to use the resources available to help them before and during their pregnancies.

Some experts suggest that women who are likely to abandon their infants also are the most likely to commit infanticide. In 1996, researcher Michelle Oberman studied women who commit infanticide. Her conclusions may shed light on women who abandon their babies. Oberman noted that the most fundamental shared characteristic of these women is their "seemingly self-imposed silence and isolation during pregnancy." Often, not even the woman's family and close friends are aware of her pregnancy. Oberman also asserted that women who commit infanticide are in "massive denial." The combination of denial and isolation means that these women do not seek prenatal care and do not make any plans for the birth or care of the baby.

The women Oberman studied represent every race, ethnicity and socioeconomic background. Most are young, single and live with parents, guardians or other relatives. If forced to live on their own, they would be poor and, presumably, financially unable to care

for an infant. The women may have suffered rape or abuse and the pregnancy is most likely their first. Surprisingly, women who commit infanticide are unlikely to have a history of substance abuse.

In response to the limited information on infant abandonment, federal House Resolution 465, introduced and passed in April 2000, recommended that local, state and federal statistics be kept on the number of infants abandoned in public places. Federal House Resolution 422, also introduced in 2000, sought to establish a Baby Abandonment Task Force to collect information and maintain a database (through the Bureau of Justice Statistics) on incidents of child abandonment, including information on demographics, circumstances, outcomes and trends. The legislation was reintroduced in January 2001 as H.R. 7, the "Baby Abandonment Prevention Act of 2001." Additionally, the "Safe Havens Support Act of 2001," H.R. 2018, proposes using TANF funds to support infant safe haven programs and requires HHS to conduct a study to determine the number of infants relinquished, abandoned or found dead and the characteristics and demographics of parents who have abandoned an infant.

Thirty-five states (including 19 that passed laws in the 2001 session) now have some type of safe haven legislation.

Review of State Laws

Most states have child abandonment laws that allow authorities to prosecute parents or caretakers who willingly and permanently abandon their children. The goal of the new safe haven laws is to allow a parent to safely leave a baby without fear of prosecution for child abandonment and without resorting to the dangerous practice of leaving an infant in a trash bin, in a wooded area or beside a highway.

Thirty-five states (including 19 that passed laws in the 2001 session) now have some type of safe haven legislation. Most of the laws designate hospitals, emergency medical services, fire stations and police stations as safe locations. One exception is New York, which stipulates that the baby may be left with a suitable person or may be left in a suitable location so long as an appropriate person is promptly notified. Immunity is granted generally to employees who are required to accept and care for relinquished infants. About half of the states will not prosecute parents who relinquish unharmed infants. The remainder allow an affirmative defense to prosecution. State laws vary on the age of infants who may be relinquished. The ages range from 72 hours old or younger up to 5 days old or younger. The most common ages found in the statutes are 72 hours and 30 days.

Some of the issues addressed in statute include anonymity, parental rights public awareness and court procedure. (See sidebar for additional provisions.)

Anonymity

A number of states with safe haven legislation do not specifically mention anonymity. Twenty-four states do allow for anonymity, in which the person leaving the child is not required to disclose any information or may remain anonymous. The laws state that the receiving entity may request relevant medical history information about the infant and the infant's parents, but the parents are not required to provide that or any other information. Most of the laws also require that the receivers offer the parent written or verbal information about the safe haven law, what will happen to the baby, adoption alternatives and how to contact social services. They also may offer medical history forms that the parent may voluntarily and anonymously mail in later.

Anonymity provisions, while meant to encourage parents to safely drop off their newborns, create difficulties for the child welfare and legal systems.

The goal of the anonymity provisions is to encourage women to safely surrender their infants without fear of identifying themselves. South Carolina requires the person accepting the infant to offer information about the legal repercussions of relinquishment. The person receiving the infant also must attempt to obtain information about the infant, but the parent is not required to share anything. In addition, the parent must receive a self-addressed, stamped envelope to mail to the Department of Human Services with information about the child. Minnesota receivers must not inquire about identity, but may ask about medical history and may tell the parent how to contact social services. California, Connecticut, New Mexico and North Dakota issue the parent a numbered identification bracelet. If the parent changes his or her mind, possession of the bracelet in Connecticut, New Mexico and North Dakota creates a presumption that the parent has standing to participate in a custody hearing. In California, a parent can reclaim custody within 14 days of surrendering the child if he or she has a matching bracelet. Tennessee requires the facility receiving the infant to seek identifying and medical history information whenever possible and to inform the parent that such information will facilitate the infant's adoption. The parent is not required to provide the information.

Termination of Parental Rights

The anonymity provisions, while meant to encourage parents to safely drop off their newborns, create difficulties for the child welfare and legal systems. In order to free abandoned infants for adoption, states must hold termination of parental rights proceedings in court

to remove a parent's legal rights and obligations to his or her child. To abide by constitutional requirements for due process for parents, the state must attempt to locate and notify the parents of the termination proceeding and give them an opportunity to respond and appear in court.

Twenty-one states (see sidebar) address the termination of parental rights proceeding notification requirement in several different ways. Generally, they either state that the act of voluntarily surrendering the infant to a safe haven terminates parental rights or they provide for some type of notice to parents or require the department to conduct a reasonable search to locate the biological parents. South Carolina requires the Department of Social Services to publish notice of an abandoned newborn and to send a news release to broadcast and print media in the area with information about the infant, including the permanency hearing date and location. Iowa's law outlines the termination of parental rights process and the timelines for filing petitions. The legislation also requires notice to be provided to any known parent and to possible putative fathers registered with the state registrar of vital statistics. Florida's law creates a presumption that the parent leaving the newborn consents to the termination of his or her parental rights; however, the parent may claim the child up until the court enters a judgment terminating parental rights. The law also requires the department or a child-placing agency that has custody of the infant to initiate a diligent search to notify and obtain consent from the parent whose identity and location are unknown, other than the surrendering parent. Several states give parents a specified amount of time in which to claim maternity or paternity of the infant. If they do not petition for custody within that time period, they waive right to notice of, or participation in, any judicial proceeding for the adoption of the infant.

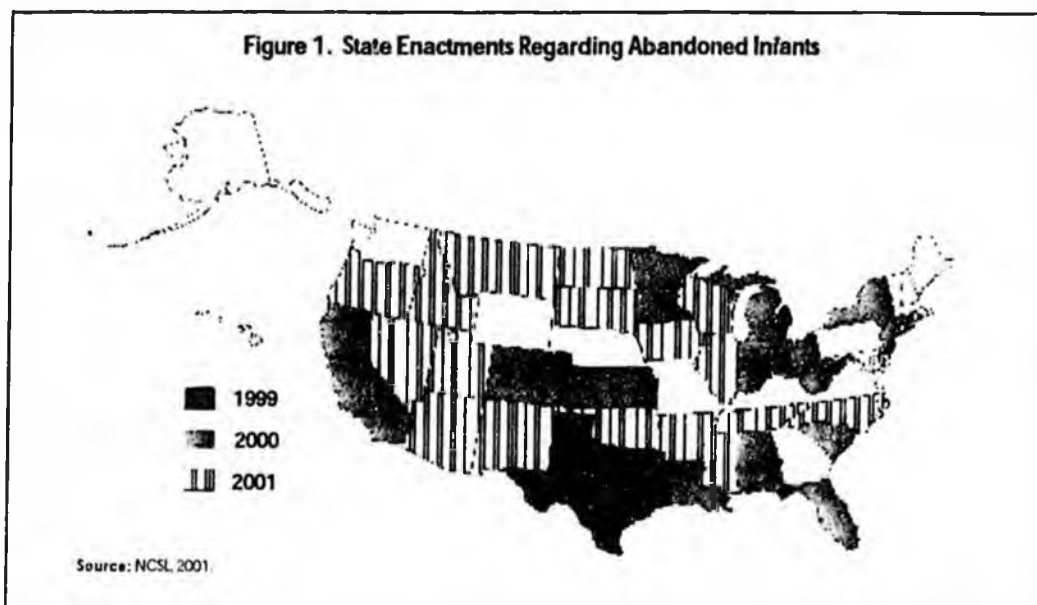
South Carolina requires the Department of Social Services to publish notice of an abandoned newborn.

Public Awareness

Thirteen states require media and public awareness campaigns to alert parents who are at risk of abandoning their infants to the new legal alternative. New Jersey's legislation requires the establishment of a public information program to promote safe placement alternatives for newborns, including a 24-hour, toll-free hotline. The law also appropriated \$500,000 for the program.

In addition to the 19 states that enacted legislation so far in 2001 (see figure 1), 11 considered bills. As was the case in 2000, the proposals seek to grant immunity to parents who

surrender unharmed infants in designated locations. Most of the provisions are similar to those already discussed.



State Experience: How Effective Are the New Laws?

So far, the laws appear to have had a limited effect. Several states have begun to report on infants abandoned after the passage of the safe haven legislation. Approximately 33 babies have been legally relinquished including five each in Texas, Michigan and Alabama, six in

Major Provisions of Safe Haven Legislation

Parent will not be prosecuted: Ariz., Calif., Conn., Fla., Idaho, Iowa, Ill., Kan., Minn., Mont., Nev., N.M., N.D., Ohio, Okla., R.I., S.C., S.D. Tenn. and Wis.

Affirmative defense: Ala., Ark., Colo., Del., Ind., La., Mich., Miss., N.J., N.Y., N.C., Ore., Texas, Utah and W. Va.

Termination of parental rights: Calif., Conn., Del., Fla., Idaho, Ill., Iowa, La., Mont., Nev., N.J., N.C., Ohio, Ore., R.I., S.C., S.D., Tenn., Utah, W. Va., and Wis.

Missing child registry search: Ark., Fla., La., N.J., Okla. and S.C.

Public awareness: Conn., Fla., Iowa, Ill., Mont., N.J., N.Y., N.C., Okla., Ore., S.C. and Tenn.

Funds available for infant: N.M. and Wis.

Genetic testing to determine maternity/paternity: Del., Fla., Idaho, Ill. And Ohio

Putative father registry search: Ill., Tenn., and Utah

Additional study of infant abandonment: Colo., Idaho, Ill., La. and N.J.

New Jersey, four in California, two in Connecticut, Minnesota and Ohio and one each in Kansas and South Carolina. The numbers are approximate because officials in several states reported that they are not officially tracking the numbers of infants or that they had unofficial media counts of infants. Officials in New York, West Virginia and Florida reported that they were not sure that any infants had been relinquished because their laws do not require reporting or tracking that information.

Unfortunately, safe haven legislation has not prevented all cases of unlawful abandonment. Texas reported at

least 12 infants have been abandoned illegally since the passage of its law, but the abandonments occurred before the start of a public awareness campaign. None have been abandoned outside safe havens since this publicity. Louisiana reported that five infants have been abandoned illegally since passage of its law. Three babies died, and the parents are being prosecuted. At least five babies were illegally abandoned in California; two more of them were found dead. In Connecticut, one baby was discarded near a highway. Three babies have been abandoned illegally in Colorado. In one case, the mother is attempting to regain custody. Michigan reported nine attempts including one in which a judge ruled that the case was not a safe haven surrender because the parents had not been given enough information on their legal rights.

Updated links to abandoned infant enactments and bills can be found at NCSL's Child Welfare Web Site at <http://www.ncsl.org/programs/cw/cw.htm>.

Several states also reported on their public awareness campaigns, which they believe will be key to the effective implementation of the new laws. Texas did not include provisions for public awareness and continued to find abandoned babies until a private foundation donated money for a campaign. New Jersey used its \$500,000 appropriation to produce public service announcements, posters, pocket cards and brochures and has advertised the program in local and college newspapers, on billboards and on buses. Michigan included a \$200,000 appropriation to establish a toll-free information line and distribute press releases, a brochure and a poster targeting youth. Connecticut developed a brochure for distribution in high schools, middle schools, homeless shelters and drug treatment centers. The effects of these campaigns remain to be seen.

States reported on their efforts to provide training for personnel responsible for receiving and caring for infants as an essential component. The New Jersey Hospital Association provides ongoing training for hospital staff, and the state's attorney general works with prosecutors to ensure that parents who legally relinquish infants are not prosecuted. Michigan developed protocols and training material to be sent to entities that are designated to receive the infants. California sent material to hospitals and conducted a training for hospital supervisors on procedures for accepting infants. Connecticut will work with the state hospital association to train hospital workers and will develop training material for law enforcement officers.

Finally, many officials see voluntary data collection about the mothers as a critical element in developing better policy to address the needs of women who abandon their babies. The

Many officials see voluntary data collection about the mothers as a critical element in developing better policy to address the needs of women who abandon their babies.

information could include the mother's medical history, race, length and condition of the pregnancy, any history of sexual or substance abuse, family situation, economic background, presence of domestic violence and information about the father. There is also a need to collect as much information as possible about the infant, including medical history, date of birth, preferred name for the child, sex, location of the birth and any problems encountered at birth.

Areas of Concern for Policymakers

Proponents of safe haven legislation believe that these laws will significantly reduce the risk that a newborn will be abandoned in a manner that may result in death. They also feel that the laws will protect parents who believe they have no option other than abandonment, but who want to deliver their newborn to a safe shelter. Others hope that the laws may offer young women an immediate alternative to abandoning their infants, while giving policymakers and the public time to examine the issue and create system-wide reform to include teen pregnancy prevention programs, prenatal counseling, health services, adoption promotion and other support programs.

Critics of safe haven laws continue to voice concern in a number of areas that could have major implications for state lawmakers.

Need for Examination of Statewide Services for Women at Risk

Many child welfare experts state that, although safe haven legislation may be a good idea, it needs to be part of a larger effort to enhance services for women who are at risk of abandoning their infants. Experts from the fields of child welfare, mental health, youth services, the medical establishment and teen pregnancy will want to work with young parents to examine the existing system of services. Such an examination might provide some answers about why this population of parents is unable -or unwilling- to use these services.

Lack of a Comprehensive Strategy for the Prevention of Infant Abandonment

Critics are concerned that states are not viewing safe haven programs as an integral part of child abuse prevention. Has infant abandonment been considered in the state's child abuse prevention efforts? Does the strategy target young women at risk of abandonment? These are just a few questions policymakers may want to ask as they work with public

Many child welfare experts state that safe haven legislation needs to be part of a larger effort to enhance services for women who are at risk of abandoning their infants.

health, child protection, child abuse prevention, mental health, families and others to develop a comprehensive strategy to prevent infant abandonment.

Anonymity and Termination of Parental Rights

Child welfare experts are apprehensive that the anonymity provided to parents in the safe haven laws conflicts with biological parents' due process rights in termination of parental rights proceedings. As previously mentioned, states have attempted to address this critical issue by providing some type of notice or search for the biological parents of the abandoned infant in an effort to include them in judicial proceedings related to the adoption of the infant. States will want to carefully examine their termination of parental rights statutes to avoid conflicts with safe haven laws.

Relationship to Existing Child Welfare Statutes

Likewise, states may want to examine all their existing statutes related to adoption, paternity, custody and all judicial proceedings associated with child abandonment. It also is important that states clarify their definitions of infant abandonment. For example, several states with new laws exempt safe haven abandonment from the statutory definition of abandonment, child abuse or child neglect. Other states add safe haven abandonment to their existing definition of abandonment.

Father's Rights

A few states require a check of the putative father registry and include provisions to contact the putative father, but most do not contain provisions to address notification of fathers who may not be aware of the child's birth. Critics contend that denying notification unfairly presumes that these fathers do not want to care for their children. Utah's legislation addresses this concern by requiring a search of the confidential registry for unmarried biological parents and requiring that notice be sent to each potential father identified in the registry. The termination of parental rights hearing must be scheduled as soon as possible if no one has identified himself as the father (or if the mother has not identified herself) within two weeks after notice is complete. If a non-relinquishing parent is not identified, the surrender of the newborn shall be considered grounds for termination of parental rights of both parents.

Child welfare experts are apprehensive that the anonymity provided to parents in the safe haven laws conflicts with biological parents' due process rights in termination of parental rights proceedings.

Adoption advocates are particularly concerned about the lack of medical and family history.

Adoption

Adoption advocates are particularly concerned about the lack of medical and family history. They note that a lack of information about their backgrounds is often troublesome for adopted children and worry about the stability of the child and his or her adopted family later in life. They fear that the lack could be a setback to the trend in adoption policy to provide the adoptee with information about the birth family. Adoption and other child welfare experts also point out that the legislation may not be necessary because most states will not prosecute women who give birth and relinquish their newborns in the hospital. Additionally, every state allows women to voluntarily relinquish their infants for adoption.

Parental Inresponsibility

Many policymakers are concerned that these laws may only encourage parental irresponsibility. Since so little is known about the women who abandon their babies, there is no proof that the legislation will discourage mothers from leaving their infants in unsafe places. For women who might otherwise seek help from family, friends and social service agencies, the enactment of safe haven laws might encourage them to anonymously abandon their newborns rather than take advantage of their traditional network of support.

Conclusion

State safe haven laws are in various stages of implementation. The effectiveness of these new laws has yet to be measured. It is important that states begin to collect data about abandoned infants and their mothers. Such data could be researched to develop a profile of mothers who engage in this behavior to better target prevention and intervention efforts. Policymakers who are considering such legislation will want to carefully examine their states' existing statutory framework in the areas of juvenile court procedure, termination of parental rights and adoption practice to determine the future ramifications of abandoned infant laws.

References

1. "Brief Summary: Information Related to Discarded Infants," National Abandoned Infants Assistance Resource Center, August 2000 (<http://ist-socrates.berkeley.edu/~aiarc/discarded/discardfs.htm>).

State Legislative Reports

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| "Automobile Pollution and Efficiency in the Year 2000" (Vol. 25, No. 13) (ISBN 1-58024-124-7) | November 2000 |
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From: infoweb@newsbank.com
Sent: Wednesday, October 19, 2005 1:28 PM
Subject: Requested NewsBank Article

Paper: Anchorage Daily News (AK)
Title: INFANT FOUND AT UAA
Author: TRACY BARBOUR Daily News reporterStaff
✓ Date: June 13, 1995
Section: Metro
Page: B1

A newborn boy abandoned on the sidewalk in front of a University of Alaska Anchorage building Monday morning was in serious condition by the end of the day. A campus employee found 'Baby Doe' about 7

a.m. at the University Lake Building, which houses support services, said Nancy Killoran, a university spokeswoman.

Baby Doe, who appears to be white and a couple days old, was left wrapped in a blanket and with a shoestring tied around his umbilical chord, she said.

The university employee called campus security, who alerted the Anchorage Police Department.

Police found the newborn suffering from hypothermia. Otherwise, he appeared to be fine, Anchorage police Sgt. Gary Apperson said.

But by 7 p.m Monday, Baby Doe was listed in serious condition at Providence hospital, a spital spokeswoman said. She refused to say what the child was suffering from.

Police said they have no idea who deserted the baby and that there was no note or other clues to the identity of the boy's parents.

Whoever abandoned the child faces charges of child abandonment and neglect, police said.

Author: TRACY BARBOUR Daily News reporterStaff
Section: Metro
Page: B1

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From: infoweb@newsbank.com
Sent: Wednesday, October 19, 2005 1:59 PM
Subject: Requested NewsBank Article

Paper: Anchorage Daily News (AK)
Title: NEWBORN GIRL FOUND IN BATHROOM STALL AT HOSPITAL
Author: PETER S. GOODMAN Daily News reporter Staff
Date: December 1, 1994
Section: Nation
Page: A1

A newborn girl was found wrapped in a blanket in a bathroom stall at Alaska Regional Hospital on Wednesday morning. A hospital employee found the infant when she went into the first-floor women's restroom to get a cup of water about 7:30 a.m., police said. A note of explanation was found nearby, but investigators would not reveal what it said. Several people later told investigators they had heard the baby crying as they passed by the bathroom. Hospital staff rushed the newborn to the emergency room, said Mary Hofbauer, a nursing supervisor. Doctors pronounced her in satisfactory shape.

State child welfare authorities took formal custody of the child, who remained at the hospital late Wednesday.

Police spent much of the day trying to locate the baby's mother. Detective Terry Games said witnesses spotted a white woman with long brown hair near where the baby was found. She was described as being in her mid-to-late teens, 5-feet-6 to 5-feet-7-inches tall and wearing a long brown coat. Police "strongly believe" she is the baby's mother, Games said.

Hofbauer said the infant is a "pretty little baby" who appeared to be about 12 hours old at the time she was found. She had apparently been born full term. Police said she weighed early 7 pounds and measured about 19 inches long.

The state will likely place the baby in a foster home after doctors clear her to be released from the hospital, said Faye Moore, regional administrator at the Division of Youth and Family Services in Anchorage. What happens after that is uncertain.

Moore wouldn't discuss the particulars of the case, but she predicted there is less than an even chance the mother will be found. If the mother never enters the picture, the state would likely try to get court approval to put the baby up for adoption, she said.

Bob Newell, an intake officer with the youth services agency, said it would be several months before the baby can be adopted because the state is obligated to give the mother a chance to come forward and claim her child.

If the mother does turn up and shows an interest in taking the baby, the state would assess whether she's fit to be a parent, Moore said. She "would have the burden of demonstrating to us (she) can take care of the child."

According to Newell, the state typically does whatever it takes to help mothers become suitable parents. They may undergo drug or alcohol counseling, welfare assistance or job placement, Newell said.

According to Joyce Johnson at the Child Welfare League of America in Washington, D.C., women who abandon babies tend to be young, poor and isolated. They don't know how to cope with being pregnant and they lack the sophistication to get help, she said.

"Maybe they haven't located the father or they haven't told their family that they're pregnant," Johnson said. "It's a trauma. They're not thinking coherently. And there's fear. How are they going to take care of the child? Maybe they don't have any money."

Johnson said there are places for such women to go: social service organizations that counsel women on their options, provide shelter and find them medical care.

Elaine Stoneburner, the adoption coordinator at Catholic Social Services in Anchorage, has a list of two dozen couples waiting to adopt babies. They are likely to wait anywhere from 10 months to three and a half years for a child, she said. For those would-be parents, news of a newborn being left in a bathroom stings, she said.

Johnson said that abandoned children are usually left in public places where the mothers hope they'll be found and cared for. But not always. On New Year's Eve, police found a newborn girl outside a used-clothing store in Peters Creek. She was rushed to Providence Hospital and treated for hypothermia. She was eventually adopted.

If the mother of the hospital baby is found, she could face criminal charges for abandoning her child, police said. Assistant District Attorney Steve Branchflower said the mother's intentions would be weighed in any decision to prosecute.

"Is the baby in a Dumpster or in a hospital?" Branchflower asked. "That says something about a person's intent."

Joan Teel, a private adoption consultant and former state social worker, said that's an important detail.

"There should be no judgment passed," she said. "Let's applaud (the mother) for putting the baby somewhere safe and warm."

Author: PETER S. GOODMAN Daily News reporter Staff

Section: Nation

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From: infoweb@newsbank.com
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Paper: Anchorage Daily News (AK)
Title: ABANDONED BABY GETS A NEW YEAR'S EVE CHANCE DAY-OLD GIRL LEFT OUTSIDE
Author: S.J. KOMARNITSKYDaily News reporterStaff
Date: January 1, 1994
Section: Nation
Page: A1

It was a shocking discovery: a baby girl wrapped only in a blanket outside a used clothing store in Peters Creek in the freezing cold, her umbilical cord still attached and tied off with a piece of twine. The pudgy newborn would have faced a night outdoors in freezing temperatures if not for a woman's anonymous call to police and a quick search by two nurses from a nearby senior center. Instead, she was rushed to Providence Hospital, where she was listed in serious condition with hypothermia late New Year's Eve. A police investigator estimated she was about a day old.

Officers first heard about the baby just before 3 p.m. when a woman called from a pay phone at the Peters Creek Trading Post with an anonymous tip. The woman said there was a cold baby in a container at The Garret, a used-clothing store about a mile from the convenience store. The woman didn't make herself clear and hung up before dispatchers could get her name or ask her any questions.

But they made out enough to know there might be a baby somewhere around the clothing store. Dispatchers were still deciphering the message when they called the Chugiak Senior Center, where Sharon Cloud, 44, and Charlene Beckwith, 50, work as nurse's assistants. The center is just downhill from the store.

Beckwith said they were told a child had been dropped off in a container and were asked to take a look around.

So, she and Cloud started working their way up the hill toward the store, looking in Dumpsters along the way. Nothing. Then they started searching around the store, which was closed. Still nothing.

In the meantime, Officer Robert Dutton headed to The Garret to check things out. Dispatchers still weren't sure exactly what the woman had told them and sent Dutton without lights or sirens, he said. But another officer, hearing there might be a baby involved, told Dutton to speed up.

It was just after Dutton arrived that Cloud found the girl.

Beckwith said she and Cloud had already made one search around the building when Dutton showed up. They were about to go back, thinking it was a prank call. That's when Cloud started looking through a pile of donated clothes in plastic bags left on a walkway not in a container in front of the store and found the girl under a lampshade.

"I had just been going through the clothes and I had just seen a doll," Cloud said. "I thought it was another doll. But then she moved."

Dutton told the two women to get the baby into his car, where it was warm. He later said the temperature outside was about 21 degrees.

Beckwith said the girl never cried and it was hard to tell if she was suffering from hypothermia.

"She had that newborn baby look, kind of bluish-purple," she said.

But, once the two women got in the patrol car, Beckwith could see that the girl's toes and

fingers were "really blue." The baby acted like one of her feet was numb, Beckwith said.

Dutton drove Beckwith back to the senior center and headed for Providence Hospital with Cloud cradling the child in her arms in the back seat.

Arriving at Providence just before 4 p.m., the girl was rushed to an intensive care unit and immediately put under heat lamps.

Beckwith said she's glad they found the baby in time. The clothing store was closed for the day.

"She probably would not have made it through the night," she said.

Temperatures in Anchorage were forecast to be about 20 degrees Friday night.

So far, there are few clues to the mother's identity.

Dianne Hagerty, who works at the Trading Post, said nobody noticed a woman making a call from the store's pay phone around 3 p.m. The phone is around the corner, and the store gets a lot of traffic, she said.

"Usually you don't pay attention to who is on the phone anyway," she said.

Beckwith said a woman was dropping off clothes at The Garret when she and Cloud first came up the hill. But the woman looked to be in her 50s and she said she had just arrived, Beckwith said.

The woman was putting her donation right next to where the baby was. She said she never heard a peep, Beckwith said.

Police investigators are asking for the public's help in locating a woman who was in late pregnancy and now isn't, and who doesn't have a baby to show for it.

Lt. Bill Gaither said the woman could face a number of charges for abandoning the girl, including child abuse, child neglect, reckless endangerment and endangering the welfare of a minor.

That is if the child survives, he said. If she dies, the mother could face murder charges, he said.

Beckwith said that there's already a waiting list of staffers at the center and even one elderly resident who say they'd be happy to adopt the baby.

"She's a very cute little female, kind of pudgy infant," Beckwith said.

Beckwith said the image that stayed in her mind was what Cloud told her later, that, on the ride to the hospital, the girl clung to her finger the whole time.

"We couldn't believe anyone would do such an atrocity," Beckwith said. "It was just such a pathetic thing to see. The fact that she was so naked and outside was kind of devastating."

Author: S.J. KOMARNITSKY Daily News reporter Staff

Section: Nation

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From: infoweb@newsbank.com
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Subject: Requested NewsBank Article

Paper: Anchorage Daily News (AK)
Title: INFANT FOUND IN BIN
Author: DON HUNTER Daily News reporter Staff
✓ Date: September 6, 1986
Section: Metro
Page: 1

A newborn baby boy abandoned in a box in a Muldoon alley Thursday night was in good condition Friday at Humana Hospital. The infant was wrapped in a towel and hidden in a cardboard box left on the ground beside a Salvation Army collection bin. He was found by two teen-age boys who heard him crying as they rode by on their bicycles.

"It was crying, real loud," 15-year-old Christian Chain said. Chain was interviewed Friday while walking his dog, Duke, in the neighborhood.

"The box was closed," he said. "There was no lid, but the sides were folded up on top of the baby. We opened it up and, you know, there was a baby . . .

"It was wrapped in a towel, a tan towel," he said.

"It was real young, not that old at all."

Only minutes before Chain and Lamont Williams, 14, found the baby, an anonymous caller told an Anchorage Police dispatcher a baby had been left at the bin.

the time officers arrived, the boys had picked up the box, climbed back on their bikes, and taken the baby to the Chain home, where they called police.

The boys discovered the baby shortly after 9 p.m., according to police. Officers took him to Humana Hospital about 9:30 p.m. Police Spokesman Joe Young said the infant was "a few hours old, at most."

Salvation Army dispatcher Alice Phillips said donations left at the bin are picked up about 11 a.m. every day. The bin is directly behind a Salvation Army thrift shop at 101 Muldoon Road.

Lynn Whitley, a hospital spokeswoman, said the baby weighed seven pounds, one ounce and was in satisfactory condition in the Humana nursery late Friday afternoon. He was stable, with vital signs within normal limits, she said.

The infant is now in the custody of the state division of family and youth services. Dolly Coke, a social worker supervisor, said in cases where the state assumes custody of children, they are placed in a foster home until a permanent placement is arranged.

Authorities have named the baby John Doe.

Storekeepers and residents of a trailer park across the street from the thrift shop said they had seen no unusual activity Thursday night. But a delivery man for a sandwich shop directly across Muldoon Road said he saw a young couple acting a little strangely.

"I was fixing to go out and make some deliveries, and I was sitting in my car adjusting packages and something caught my eye just across the street at the Goodwill box," said Chuck Argo.

ere was a couple in a late model, foreign pickup, sort of rummaging around in the boxes there. I thought it was unusual to see people with a truck like that looking in the bin .

"Then they had a bundle, looked like a bundle of clothes, and just kind of laid it over there in the boxes and took off. I didn't think anything of it until I got back (from making deliveries) and my supervisor said" police had been there.

"It didn't dawn on me it could have been a child," he said.

Young, the police spokesman, said another person called police late Thursday night after seeing reports of the abandonment on television. The caller said he had seen "a very pregnant woman in the area of the bin an hour or two before," Young said.

"That's not very much to go on," he said.

Coke, the social worker, said state law prevents her from discussing Baby Doe's specific case. She did describe procedures used in similar cases, however.

"It's very rare" for a newborn infant to be abandoned, she said. "I've been here five years, and I don't know of another infant I can remember who was abandoned . . .

"Whenever a child is abandoned you can usually assume the mother was under a great deal of stress, and may have assumed she could not provide for the child," she said.

"In these cases, it's my experience the parent will eventually surface," Coke said.

"Sometimes, someone who has been pregnant suddenly isn't, and there's no baby, and someone who knows her will call. Or sometimes they have a second thought and the parent will come forth."

If the parent or parents do appear, social workers will counsel them and try to decide the best solution for the child, Coke said.

Author: DON HUNTER Daily News reporter Staff
Section: Metro
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E-mail citw@alaska.net

The Honorable Gabrielle LeDoux
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

February 5, 2007

Re: HB 29: Safe Haven Bill

Dear Representative LeDoux:

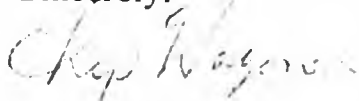
Thank-you for sponsoring House Bill 29, an Act relating to infants who are safely surrendered by a parent shortly after birth. The Alaska Conference of Catholic Bishops (ACCB) supports passage of this legislation.

The intent of the bill is not to circumvent the statutory adoption process a responsible parent would utilize in relinquishing a child. Rather, the intent of the bill is to provide an alternative to a parent who might otherwise abandon his or her child in an unsafe place. We support the bill because it might save the life of a child.

We find it truly sad that our society needs a "safe haven" bill at all. Unfortunately, the weak and vulnerable in society from conception to natural death are often treated as objects or things to be used, abused or discarded instead of being treated with dignity as very human life deserves. We also find it sad that a person with a newborn child feels so isolated and alone that abandoning his or her child in an unsafe place seems to be the only alternative available. The bill does not address these larger issues and is not a long term solution but even if only one life is saved, the legislation is worthy of passage.

We, therefore, urge support for HB 29. We further support the Office of Children's Services developing a public information campaign about the legislation should it pass to increase the bill's effectiveness.

Sincerely:

A handwritten signature in cursive script that reads "Chip Wagoner".

Chip Wagoner
Executive Director
Alaska Conference of Catholic Bishops

ALASKA WOMEN'S LOBBY

*AWL Mission: To defend and advance the rights and needs of Women,
Children and Families in Alaska*

P.O. Box 20891
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**2006
AWL Steering
Committee
Members**

Caren Robinson
Lobbyist

Geran Tarr,
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Diane DiSanto

Marissa Flannery

Torie Foote

Sherrie Goll

Janelle Hafner

Nacole Heslep

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Jy Lister

Mary Matthews

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Mary Elizabeth
Rider

Nancy Scheetz-
Freymler

Libby Silberling

Jana Varrati

Rose Wysocki

Position Paper

HB 322, SAFE SURRENDER OF BABIES

April 2006

The Alaska Women's Lobby supports HB 322. The bill is an important safety measure to increase the likelihood that troubled parents will turn over their newborns to medical or other emergency personnel instead of leaving them in potentially dangerous situations.

Beginning in Texas in 1999, "Baby Moses laws" or infant safe haven legislation has been enacted as an incentive for mothers in crisis to safely relinquish their babies to a safe haven where the baby will be protected and provided with medical care until a permanent home can be 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 or neglect in exchange for safely surrendering the baby to a safe haven. According to a report of the Alan Gattmacher Institute, as of June 2005, these laws exist in 45 states. It is time for Alaska to join these other states.

Variations by state include limits on the infant's age at time of relinquishment (72 hours to 1 year) and the people and places authorized to accept the infants (e.g., Emergency Medical Services, hospitals, fire stations, and police stations). Most state policies adopt a "no questions asked" approach, but some states require that a person accepting the infant ask for a medical history. We support the one year time length this bill suggests.

One important issue to consider as the bill moves through the committee process is public education about the bill when it becomes law. In 2003, 15 states had mandated public information campaigns to increase public awareness of safe haven legislation. Several common elements of such campaigns include toll-free hotlines, pamphlets and written material, and public service messages. Funding should be provided so that once the service is available, those who are eligible to receive the infants can be trained and the public can be made aware of the service throughout the state.

Thank you for hearing this piece of legislation. Creating avenues for parents to relinquish newborns in a way that protects both the parents and the newborns should lessen the odds of finding babies abandoned in dumpsters or empty parking lots.



**Testimony
House Bill 322**

Planned Parenthood of Alaska applauds Representatives LeDoux and Representative Gruenberg for introducing the "Safe Surrender" bill. House Bill 322 allows a parent to surrender a newborn at a designated safe place where someone can attend to the infant's needs. Any parent who relinquishes an unharmed infant under this bill will have total anonymity. Sixteen states have already passed similar laws. President Bush signed the first Safe Surrender bill into law while he was governor of Texas.

The decriminalization of infant abandonment is an important step to help young women deal with an unwanted pregnancy. Alaska's open adoption law, while securing adoptee rights, may deter women from adoption and push them toward abortion. Many of these women do not want their families to know about their pregnancy. There is no guarantee of privacy in open adoption; furthermore, adoption is a complicated and intrusive process. It requires permission from the father, questioning, paper work, etc. Safe Surrender is an offer of assistance to women who might otherwise abandon a newborn. Under existing law the police track down a woman who abandons an infant. Illegal abandonment can lead to a baby's death and the mother's prosecution.

This is a first step. Safe Surrender does not address the societal ills that lead to unintended pregnancy and the drastic acts of infanticide and abandonment. Teens need to know if they make a mistake their family and society will treat them compassionately. Young people need to have honest and medically accurate sex education. We need enhanced out-reach and support for at-risk parents. Greater access to birth control, including insurance coverage of all FDA approved contraception, should be made available.

Therefore, Planned Parenthood of Alaska supports this bill.

Sincerely,

A handwritten signature in black ink, appearing to read 'CS', with a long horizontal line extending to the right.

Clover Simon, MSW
Planned Parenthood of Alaska
4001 Lake Otis Pkwy
Anchorage, AK 99503
907.770.9705

FRANK H. MURKOWSKI, GOVERNOR

**DEPARTMENT OF HEALTH AND
SOCIAL SERVICES**

OFFICE OF CHILDREN'S SERVICES

P.O. BOX 110652
JUNEAU, ALASKA 99801-0652
PHONE 907-461-3176

April 24, 2016

Honorable Representative Gabrielle LeDoux
Alaska State Legislature
State Capitol, Room 412
Juneau, AK 99801-1182

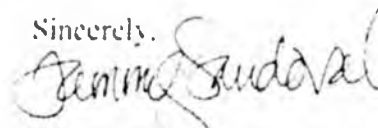
Dear Representative LeDoux:

Thank you for your work this legislative session on House Bill 322. Passage of this bill may prevent harm to some infants as it allows a parent to safely surrender their child without fear of criminal prosecution.

The Office of Children's Services supports HB 322 and is interested in collaborating with you on new state law that would provide an infant who may otherwise be abused or neglected with the opportunity for a stable and loving home.

Thank you for your commitment to Alaska's children and their families.

Sincerely,



Tammy Sandoval
Deputy Commissioner



Alaska Chapter-ACNM
P.O. Box 243091, Anchorage, Alaska 99524-3091
907-566-3775, Fax 907-561-1429
www.alaskamidwives.org

February 12, 2007

RE: In support of HB 29 "Safe Surrender of Infants Act"

I am writing on behalf of the Alaska Chapter of the American College of Nurse-Midwives (AK-ACNM) to express our support for HB 29.

We believe that providing parents who are overwhelmed, or otherwise incapable of caring for their infant, an avenue for safe surrender will save lives and protect these fragile, vulnerable children from harm.

We respectfully request that funding for training those eligible to receive infants and a public awareness/education campaign be addressed during the hearing process.

Thank you very much for taking our opinion into consideration during your deliberation on this important matter.

Sincerely,

Laura L. Sarcone, ANP, CNM
Legislative Liaison
AK-ACNM

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Lauree Morton

Mary Elizabeth Rider

Nancy Sheetz-Freymler

Libby Silberling

Jana Varrati

Rose Wysocki

Support for HB 29, Safe Havens February 2007

The Alaska Women's Lobby supports HB 29. The bill is an important safety measure to increase the likelihood that troubled parents will turn over their newborns to medical or other emergency personnel instead of leaving them in potentially dangerous situations.

Beginning in Texas in 1999, "Baby Moses laws" or infant safe haven legislation has been enacted as an incentive for mothers in crisis to safely relinquish their babies to a safe haven where the baby will be protected and provided with medical care until a permanent home can be 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 or neglect in exchange for safely surrendering the baby to a safe haven. According to the latest statistics these laws exist in 47 states. It is time for Alaska to join these other states. *We appreciate the sponsor's 21 day limit on the infant's age but would encourage committee discussion on what would be the best limit for Alaska.*

One important issue to consider as the bill moves through the committee process is public education about the bill when it becomes law. In 2003, 15 states had mandated public information campaigns to increase public awareness of safe haven legislation. Several common elements of such campaigns include toll-free hotlines, pamphlets and written material, and public service messages. Funding should be provided so that once the service is available, those who are eligible to receive the infants can be trained and the public can be made aware of the service throughout the state.

Thank you for hearing this piece of legislation. Creating avenues for parents to relinquish newborns in a way that protects both the parents and the newborns should lessen the odds of finding babies abandoned in dumpsters or empty parking lots.

OPPOSITION TESTIMONY: HB 29

Bastard Nation: The Adoptee Rights Organization--the largest adoptee rights organization in North America--opposes HB 29, which if enacted would permit parents to abandon infants 21 days old or less.

Because infants surrendered under HB 29 are expected to be placed for adoption, Bastard Nation's objections to HB 29 focus on how the law will erode the civil rights of adoptees.

(1) HB 29 erodes adoptee civil rights by making anonymous children available for adoption through unethical and unprofessional practices.

HB 29 establishes parallel child welfare systems, where one system opposes the long-standing principles of the other. Those long-standing principles are informed consent and a full record of identifying information and social and medical histories. HB 29 eliminates the right of identity to those "surrendered" through Safe Haven programs by denying them access to original birth and heritage records--a right Alaska's adoptees have enjoyed for decades. Safe Haven laws were enacted within a year of Oregon and Alabama restoring adopted adults' right to their original birth records. That was no coincidence. The National Council for Adoption (NCFA), a trade organization of conservative adoption agencies dedicated to sealed and secret adoptions, and opposed to adoptee identity rights, has admitted publicly that Safe Haven laws are the response to the increasingly successful movement in the US to restore the civil right of identity to adoptees.¹ NCFA's own research showed that Alaska, with its long record of adoption openness, has one of the highest rates of child placement in the US.² But by arguing in favor of Safe Havens, NCFA essentially states that only through anonymous abandonment can courts maintain "parental privacy." Adoption proceedings, however, are already closed and confidential in Alaska.

HB 29 denies parents, particularly non-surrendering parents (usually fathers), their due process right by rendering them unable to locate the dependency proceeding to which they are a party. By letting parents abandon solely for convenience or out of ignorance, HB 29 replaces professional best practice standards with unprofessional and unethical "non-bureaucratic placement." The law preys on parents who believe they are surrendering their child for adoption, instead of providing evidence to be used in an adversarial proceeding in which they have a right and duty to appear. The law literally encourages parents to default at their hearings. The supporters call that "proper" and "courageous."

¹ "Opponents of option of privacy in adoption attack Safe Haven laws." Press Release, National Council for Adoption, March 15 2003.

² Marshner, Connaught, ed, Adoption Factbook III. Washington, DC: National Council for Adoption, 1999, 28.

(2) HB 29 disenfranchises natural parents, encourages unethical behavior, and hides crime.

No evidence shows that Safe Haven laws have decreased unsafe abandonment or neonaticide. A 2005 survey of county coroners in California found that the number of newborns dying from abandonment and neglect since 2001 remained at 13-15 per year. (See attachment A).

Safe Havens are promoted as an easy solution for mothers so desperate they will kill their children unless permitted to abandon their newborns anonymously. State-written reports and news accounts tell a different story.

The "Safely Surrendered and Abandoned Infants in Los Angeles County" ICAN report published in 2002 and updated in 2005, identified Safe Haven-protected parents as poor, overwhelmed, and ignorant of child welfare practice. Some parents were undocumented workers, leery of professional assistance. News accounts regularly speak of clean, immaculately dressed newborns, with stuffed animals, baby blankets, and notes to doctors, left at ER's in no danger of neglect or death.³ Newspapers have reported about hospital officials encouraging confined mothers to leave their newborns at the hospital upon discharge, with no ethical parenting or child placement counseling to guide the parent. That occurs even though hospital policy discourages "boarder baby abandonment."

Safe Haven laws are open to further abuses as shown by the Twyana Davis case in Ohio. Davis, an adult, conceived a child with her 12-year old cousin. Davis recklessly abandoned the newborn. After years of supporting Safe Haven laws, Davis admitted the father's identity and age. In fall of 2006, she was sentenced to 10-25 years in prison for raping the father.⁴ In April 2006, in Rochester, New York, Lamar Brown, 31, tried to drop off a newborn he claimed he found in a nearby park. Brown later confessed that he had had sexual relations with the 13-year old mother and had helped deliver the baby. He was charged with 2nd degree rape and endangering the welfare of a child.⁵ Safe Haven proponents would have Davis and Brown legally abandon those babies anonymously and then call them heroes. The government is essentially offering parents who have committed, or are contemplating, crimes a cover up.

Abuses are not the exception. In several cases, the parent has communicated to the Safe Haven recipient that they were surrendering the child anonymously out of love or because they lacked resources. Those parents did not feel homicidal, but wanted a quick

³ Safe Haven for Abandoned Babies Task Force, "Data About Abandoned Newborns, 1999-2001." Los Angeles, 2002; Inter-Agency Council on Child Abuse and Neglect, "Safely Surrendered and Abandoned Infants in Los Angeles County, 200-2005." Los Angeles, 2006.

⁴ Columbus Dispatch, April 26, 2006.

⁵ Rochester Democrat and Chronicle, April 5, 2006.

or secret adoption. Due to the legal constraints placed on Safe Haven personnel, the parents, often ignorant of accepted child welfare practice, were kept from knowing about traditional ethical options and procedures. Temporary and permanent surrender options have existed for decades, and are used by thousands of new parents every year. We have welfare and other programs through children's services to help new parents.

Unfortunately, Safe Haven proponents have convinced parents they have only two options: The Dumpster or legalized abandonment. The responsible alternatives are not mentioned: counseling, public assistance, temporary surrender, permanent surrender for adoption, and family communication. Those omissions keep new and expectant parents ignorant of real solutions.

(3) HB 29 subverts sections of the federal Indian Child Welfare Act (ICWA), compromising the welfare and rights of the Alaska's approximate 98,000 American Indian and Alaska Natives.

The Indian Child Welfare Act of 1978 24 U.S.C. §§ 1912(a) states:

In any involuntary proceeding in a State court, where the court...has reason to know that an Indian child is involved, the party seeking the...termination of parental rights...shall notify the parent and...the Indian child's tribe...of the pending proceedings and of their right of intervention. If the identity or location of the parent and the...tribe cannot be determined, such notice shall be given to the Secretary...who shall have fifteen days...to provide the requisite notice to the parent and the...tribe.

ICWA authorizes tribes to intervene in child protection and adoption cases involving Indian children. HB 29 conflicts irreparably with ICWA by giving birthparents an absolute right to withhold information required to make American Indian Tribal jurisdiction determinations, and by directly prohibiting enforcement of 25 U.S.C. 1912(1) and 1913(a-c) (see attachment B: text of these sections of ICWA).

The National Council for Adoption has long opposed ICWA. Since at least 1996 NCFA has used its influence in Washington to dismantle ICWA by calling Tribal jurisdiction racist and obstructive of the right of Indian children to permanency.

David Simmons, author of the 1996 ICWA *Legislative Summary for the National Indian Child Welfare Association* documented several stand-alone bills and amendments submitted to Congress to limit ICWA. Simmons specifically wrote that NCFA sought an "all out repeal of ICWA."⁶

In 1997, NCFA continued to undermine tribes by blaming ICWA for a supposed

⁶ Simmons, David, ICWA Legislative Summary - 1996, Portland, Oregon: National Child Welfare Association, 1996.

<http://www.thepeoplespaths.net/govlaw/icwastry.htm>

increased abortion rate among native women. The Indian Child Welfare Association testified before the Senate Committee in Indian Affairs and House Resources regarding proposed amendments to ICWA. The association reported that the National Right to Life committee "based on suggestions by the National Council for Adoption that applications of ICWA may have the effect of encouraging abortion in Indian women." The ICWA witness unequivocally refuted that claim, showing documentation that abortion rates for Indian women had stayed constant or declined since 1978.⁷

The *NCFA Factbook III* (1999) cites ICWA as a "barrier to adoption." The Factbook is a 600 page adoption handbook, funded by the rightwing Scaife Family Foundation and the Lynde and Harry Bradley Foundation, and distributed free by NCFA to members of Congress and policymakers. The book's executive editor and founding NCFA president, the late Dr William Pierce, argued that ICWA was racist "stand[ing] in the way of civil rights in adoption as surely as Governor George Wallace blocked Black students from entering the University of Alabama." After complaining about "the obscene profits from [Indian] gambling operations, Pierce concluded that ICWA... "often facilitates racist tribal agendas that impose native American Cultural bias on non-Indian families by preventing children from being voluntarily placed for adoption by their parents with the families of their choice. Recommendation: it is past time to repeal the Indian Child Welfare Act because it is an unconstitutional, discriminatorily law."⁸ (NCFA otherwise opposes the placement of children in which the identities of birthparents and adoptive parents are known to are other.)

NCFA still opposes ICWA. In the Fall 2004 edition of its newsletter, *National Adoption Report*, NCFA complained that ICWA "impedes the adoption of Native American children." Proposed amendments to strengthen ICWA, NCFA claims, would be "harmful to adoption and the best interests of children," because they would "vest jurisdiction over adoption proceedings in the tribe, exclusively, in some cases, concurrently with the state in others; require notice to the child's tribe, extend the authority of tribal court judgments to other courts, and grant rights of intervention in state court proceedings, including the right of the child's extended family to intervene."⁹

Since NCFA has not successfully dismantled ICWA, we believe its promotion of Safe Havens seeks to undermine tribes by chipping away the law one child at a time. What better way to do that than to encourage undocumented birth and anonymous newborn abandonment that strips Indian children of their native identity, families, and tradition and place them in non-Indian homes?

⁷ "Testimony of the National Indian Child Welfare Association regarding proposed amendments to the Indian Child Welfare Act: S 569 and HR 1082, June 19, 1997.

https://www.nicwa.org/policy/legislation/HR2750/nicwa_testimony.pdf.

⁸ *Factbook III*, 566-567.

⁹ "Notes from the Hill: Congressional Update, National Adoption Report, Fall 2005, National Council for Adoption, 8.

Finally, Alaska law docs not need fixed.

No epidemic of newborn abandonment and neonaticide exists in Alaska. In fact, Alaska has one of the cleanest newborn abandonment records in the United States. A survey of The Anchorage Daily News, Fairbanks News-Miner, and Juneau Empire reveal only four reported newborn abandonment cases in Alaska since 1985: 2 in Anchorage (1995, 2005) and 1 each in Muldoon (1986), and Peters Creek (1994).¹⁰ All babies were left where they could be easily found, and all survived

HB 29 trivializes baby abandonment by presenting it as just another consumer choice. No blame. No shame. No name.

By encouraging identity erasure, parental ignorance, irresponsibility, and secrecy, and by subverting the due process rights of parents in Alaska and the mandates of ICWA, HB 29 endangers the integrity and safety of all families in Alaska--not just those at risk for unsafe abandonment.

No law is valid because it might "save a life." Otherwise, we would not have our Bill of Rights. We do not let the police pull drivers over randomly and give them Breathalyzer tests because "it might save a life." We do not outlaw guns because "it might save a life." The state should not help parents hide their own children's identities and histories because "it might save a life."

Alaska has a long history of protecting the rights of its adopted citizens. Let's keep it that way!

Protect Alaska families. Protect ICWA! Vote Do Not Pass on HB 29.

¹⁰ Anchorage Daily News, June 6, 1995, 1; August 6, 2005, B3; September 16, 1986, 1; January 1, 1994, 1A. No cases listed in other cases.

ATTACHMENT B - ICWA

From the U.S. Code Online via GPO Access

[wais.access.gpo.gov]

[Laws in effect as of January 20, 2004]

[Document not affected by Public Laws enacted between
January 20, 2004 and December 23, 2004]

[CITE: 25USC1912]

TITLE 25--INDIANS

CHAPTER 21--INDIAN CHILD WELFARE

SUBCHAPTER I--CHILD CUSTODY PROCEEDINGS

Sec. 1912. Pending court proceedings

(a) Notice; time for commencement of proceedings;
additional time for preparation

In any involuntary proceeding in a State court, where the court knows or has reason to know that an Indian child is involved, the party seeking the foster care placement of, or termination of parental rights to, an Indian child shall notify the parent or Indian custodian and the Indian child's tribe, by registered mail with return receipt requested, of the pending proceedings and of their right of intervention. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, such notice shall be given to the Secretary in like manner, who shall have fifteen days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe. No foster care placement or termination of parental rights proceeding shall be held until at least ten days after receipt of notice by the parent or Indian custodian and the tribe or the Secretary: Provided, That the parent or Indian custodian or the tribe shall, upon request, be granted up to twenty additional days to prepare for such proceeding.

From the U.S. Code Online via GPO Access
[wais.access.gpo.gov]
[Laws in effect as of January 20, 2004]
[Document not affected by Public Laws enacted between
January 20, 2004 and December 23, 2004]
[CITE: 25USC1913]

TITLE 25--INDIANS

CHAPTER 21--INDIAN CHILD WELFARE

SUBCHAPTER I--CHILD CUSTODY PROCEEDINGS

Sec. 1913. Parental rights; voluntary termination

(a) Consent; record; certification matters; invalid consents

Where any parent or Indian custodian voluntarily consents to a foster care placement or to termination of parental rights, such consent shall not be valid unless executed in writing and recorded before a judge of a court of competent jurisdiction and accompanied by the presiding judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, birth of the Indian child shall not be valid.

(b) Foster care placement; withdrawal of consent

Any parent or Indian custodian may withdraw consent to a foster care placement under State law at any time and, upon such withdrawal, the child shall be returned to the parent or Indian custodian.

(c) Voluntary termination of parental rights or adoptive placement; withdrawal of consent; return of custody

In any voluntary proceeding for termination of parental rights to,

or adoptive placement of, an Indian child, the consent of the parent may be withdrawn for any reason at any time prior to the entry of a final decree of termination or adoption, as the case may be, and the child shall be returned to the parent.

SELECTED ORGANIZATIONS OPPOSED TO SAFE HAVEN LAWS

UNITED STATES and CANADA

Bastard Nation: The Adoptee Rights Organization
Adoptee Caucus for Truth
Advocates for Pregnant Women
American Adoption Congress
American Coalition of Fathers and Children
Ariadne Group
Bay Area Birthmothers (San Francisco)
Canadian Council of Natural Mothers/Conseil canadien des meres naturelles
Center for Family Connections (Massachusetts)
Child's Best Interest
Concerned United Birth parents (CUB)
Ethica: A Voice for Ethical Adoption
Dad's Against Divorce Discrimination (DADS)
Green Ribbon Campaign for Open Records
Holt International
Home for Little Wanderers
Massachusetts Families for Kids
Massachusetts Society for the Prevention to Cruelty to Children
Mouvement Retrouvalles (Quebec)
National Congress for Fathers and Children
Nebraska Children's Home Society
Oregon Adoption Rights Organizations
Origins
Origins-USA
PACER (Post Adoption Center for Education and Research, San Francisco)
Prevent Child Abuse Virginia
Spence-Chapin Services to Family and Children
Virginia Department of Health
Virginia Poverty Laws Center
Virginians for Adoption Reform

INTERNATIONAL

France

Association des Mere de 'Ombre
Association pour le Droit aux Origins les Enfants Nes sous X (ADONX)
Coordination des Actions pour les Droit la Connaissance des Orgines (CADCO)

Germany

Babvklappen, Nein Danke!

Italy

Figli Adottvi de Genitori Naturall (FaeGN)

Spain

Andas (Derrecho a Saber)

Bastard Nation

Mary Deane Bridge RPh

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