

Honolulu, Hawaii

APR 05 2007

RE: H.B. No. 1830  
H.D. 2  
S.D. 2

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 1830, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILD PROTECTION,"

begs leave to report as follows:

The purpose of this measure is to establish a safe haven for  
newborns and to provide for their future health and safety.

The primary focus of this bill is the health and safety of  
the child. Your Committee finds that if the life of even one  
newborn is saved because a mother is able to safely leave her baby  
at a hospital or other safe haven instead of abandoning the child  
in a life threatening situation, then this bill would have  
accomplished its goal.

The bill would accomplish its goal by:

- (1) Providing immunity from prosecution to persons who leave  
an unharmed newborn at a hospital, fire station, police  
station, or with emergency services personnel  
within seventy-two hours of the child's birth;
- (2) Providing immunity from liability to the personnel of  
the hospital, fire station, or other personnel who  
receive the newborn;
- (3) Requiring the person leaving the newborn to provide



written information on the family medical history of the child; and

- (4) Requiring personnel to make a reasonable effort to obtain certain information of the family and medical history of the child.

Your Committee finds that this bill addresses the concerns expressed by the Governor when she vetoed a similar bill in 2003. The requiring of obtaining information on the child's medical and genealogical history will greatly aid in the development of the child. This would also allow for the development of a support system for the interest of the child.

Your Committee finds that as of January 2007, there are forty-seven states that have enacted some form of "safe haven" legislation. Your Committee further finds that efforts should be made and are being made to prevent, educate, and service unintended pregnancies and unwanted births. However, since programs may not be one hundred percent effective, a child should not be penalized by the mistakes of the adults. The innocent child should not be allowed to die or suffer in a life of misery or despair because of the failures of programs or adult behavior.

Your Committee heard testimony of incidents, in Hawaii, where parents did not want their child and were looking for a way to give up the child. Emergency medical service personnel responded to a child birth where the mother did not want her child. Your Committee finds that it is imperative that these children not be abandoned and be allowed to live in an environment that would assure their health and safety.

Your Committee received testimony in support of the bill from Parents and Children Together, Hawaii Family Forum, two emergency medical service personnel, and two individuals. Your Committee received testimony in opposition to the bill from the Governor's Policy Office and from the State Department of Human Services.

Your Committee amended the bill by changing the effective date from January 1, 2112 to July 1, 2007.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1830, H.D. 2, S.D. 1, as amended herein, and recommends that



it pass Third Reading in the form attached hereto as H.B.  
No. 1830, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



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CLAYTON HEE, Chair



