
HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF HEALTH TO CONDUCT A FEASIBILITY STUDY ON IMPROVING HAWAII'S SAFE HAVEN LAW BY REQUIRING THE IDENTIFICATION OF THE NEWBORN CHILD AND PERSON PRESENTING THE NEWBORN CHILD TO SAFE HAVEN PERSONNEL BEFORE ACCEPTING THE NEWBORN CHILD AND THE EFFICACY OF SAFE HAVEN LAWS IN OTHER STATES.

1 WHEREAS, under Section 587D-2 of the Hawaii Revised
2 Statutes, a person may leave a newborn child with the personnel
3 of a hospital, fire station, or police station or emergency
4 services personnel without being subject to prosecution for
5 abandonment of a child so long as the newborn child is presented
6 unharmed and was born within seventy-two hours of being left at
7 the hospital, fire station, police station, or with emergency
8 services personnel; and
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10 WHEREAS, under chapter 587D of the Hawaii Revised Statutes,
11 a person can abandon the newborn child anonymously; and
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13 WHEREAS, in February of this year, a person left an infant
14 outside of Presbyterian/St. Luke Medical Center in Denver,
15 Colorado, leaving the premises before any medical center
16 personnel could identify the person leaving the infant or the
17 health status of the infant, making it difficult for law
18 enforcement authorities as the infant died shortly after being
19 taken inside the medical center; and
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21 WHEREAS, our Safe Haven law was intended to provide a means
22 for individuals to safely relinquish newborns in cases where a
23 person determines that they will be unable to care for the
24 newborn; and
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26 WHEREAS, Colorado has a Safe Haven law that is very similar
27 to Hawaii's; and
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1 WHEREAS, neither Colorado's nor Hawaii's Safe Haven
2 legislation was intended to make hospitals, fire stations, or
3 police stations the dumping grounds for dead or dying infants;
4 and

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6 WHEREAS, in the numerous instances of floor debate in the
7 Hawaii State Legislature leading up to the passage of the Safe
8 Haven Law as Act 7 of the 2007 Special Session, the identity of
9 the newborn and the parent and the value of that information for
10 medical history and heritage purposes was acknowledged as
11 important, although the opportunity to allow a newborn to be
12 abandoned at a safe haven in lieu of being abandoned to die was
13 determined to be of primary importance by the 2007 Legislature;
14 and

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16 WHEREAS, a requirement of presenting identification of the
17 newborn and the person leaving the newborn at the safe haven
18 would not prove to be a disincentive to those truly abandoning a
19 newborn at a safe haven due to the perceived inability to care
20 for the newborn, which is the primary purpose of the Safe Haven
21 legislation; and

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23 WHEREAS, because the ability to discern health and genetic
24 information through identification of the newborn and, if a
25 parent, the person abandoning the newborn at a safe haven, would
26 increase the possibility of the better quality of life should
27 medical issues arise; and

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29 WHEREAS, the recent Colorado case demonstrates the lack of
30 efficacy of safe haven laws, and brings into question whether
31 these laws serve their stated purpose, to save and protect
32 babies; now, therefore,

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34 BE IT RESOLVED by the House of Representatives of the
35 Twenty-fourth Legislature of the State of Hawaii, Regular
36 Session of 2008, the Senate concurring, that the Department of
37 Health is strongly urged to conduct a feasibility study on
38 improving Hawaii's Safe Haven law by requiring the presentment
39 of identification of the newborn as well as the person
40 abandoning the child at a safe haven before safe haven personnel
41 accept the newborn; and

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43 BE IT FURTHER RESOLVED that the study also include the
44 efficacy of safe haven laws in other states; and



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BE IT FURTHER RESOLVED that certified copies of this
Concurrent Resolution be transmitted to the Governor and the
Director of the Department of Health.

OFFERED BY:



MAR 12 2008

