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## HOUSE 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, that the Department of Health is strongly urged  
37 to conduct a feasibility study on improving Hawaii's Safe Haven  
38 law by requiring the presentment of identification of the  
39 newborn as well as the person abandoning the child at a safe  
40 haven before safe haven personnel accept the newborn; and

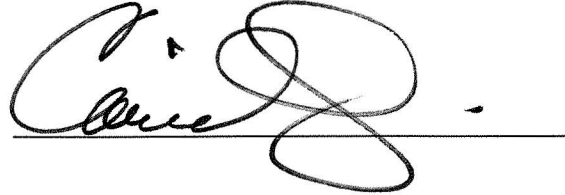


1 BE IT FURTHER RESOLVED that the study also include the  
2 efficacy of safe haven laws in other states; and

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

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OFFERED BY:



MAR 12 2008

