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# HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF HUMAN SERVICES TO REPORT ON THEIR WORK TO ENSURE PROTECTION FOR NEWBORNS SUBSEQUENT TO THE PASSAGE OF ACT 7 OF THE 2007 SPECIAL SESSION AND TO CONDUCT A FEASIBILITY STUDY ON IMPROVING HAWAII'S BABY SAFE HAVEN LAW TO DETERMINE BEST PRACTICES FOR A SAFE SURRENDER BY REVIEWING BABY 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, nothing under chapter 587D of Hawaii Revised  
11 Statutes repeals the Kidnapping sections of Hawaii's Criminal  
12 Code, Hawaii Revised Statutes 707-720 nor Hawaii Revised  
13 Statutes 707-726 relating to Custodial Interference; and  
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15           WHEREAS, under chapter 587D of the Hawaii Revised Statutes,  
16 a person can safely surrender an unharmed newborn child  
17 anonymously subject to the many requirements under said chapter;  
18 and  
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20           WHEREAS, in February of this year, a person left an infant  
21 outside of Presbyterian/St. Luke Medical Center in Denver,  
22 Colorado, leaving the premises before any medical center  
23 personnel could identify the person leaving the infant or the  
24 health status of the infant, making it difficult for law  
25 enforcement authorities as the infant died shortly after being  
26 taken inside the medical center; and  
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28           WHEREAS, our baby safe haven law was intended to provide a  
29 means for individuals to safely relinquish newborns in cases



1 where a person determines that they will be unable to care for  
2 the newborn; and

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4 WHEREAS, Colorado has a Baby Safe Haven law that appears to  
5 be similar to Hawaii's; and

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

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17 WHEREAS, a requirement of presenting identification of the  
18 newborn and the person leaving the newborn at the baby safe  
19 haven may not prove to be a disincentive to those truly  
20 surrendering a newborn at a baby safe haven due to the perceived  
21 inability to care for the newborn; 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 surrendering the newborn at a baby safe  
26 haven, would increase the possibility of the better quality of  
27 life should medical issues arise; and

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29 WHEREAS, the recent Colorado case may demonstrate the need  
30 to review the best practices of other states baby safe haven  
31 laws; now, therefore,

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33 BE IT RESOLVED by the House of Representatives of the  
34 Twenty-fourth Legislature of the State of Hawaii, Regular  
35 Session of 2008, the Senate concurring, that the Department of  
36 Human Services is strongly urged to conduct a feasibility study  
37 on improving Hawaii's Baby Safe Haven law by reviewing the best  
38 practices for the newborn and to report any activity on  
39 implementing Act 7 of 2007 Special session and when such action  
40 was taken and by which branch; and

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42 BE IT FURTHER RESOLVED that the study also include the  
43 possibility of seeking federal funding for Hawaii's Baby Safe



1 Haven law and reviewing baby safe haven laws in other states;  
2 and  
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4 BE IT FURTHER RESOLVED that certified copies of this  
5 Concurrent Resolution be transmitted to the Governor, the  
6 Director of the Department of Human Services, the Chair and Vice  
7 Chair of the House and Senate Committees on Health and Human  
8 Services and Housing.  
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