

LB 1 a.k.a. Safe Haven Act
Effective November 22, 2008
Considerations for Hospitals

Legislative Bill 157, also known as the “Safe Haven Act” was passed during the 2008 Legislative Session and became effective as law on July 18, 2008. On November 21, 2008, Governor Heineman signed into law LB 1 which makes an important change to LB 157. LB 1 was passed during the recent Special Session of the Legislature. Under an emergency clause provided in LB 1, the new law is effective November 22, 2008.

LB 1 provides that “No person shall be prosecuted for any crime based solely upon the act of leaving a child thirty days old or younger in the custody of an employee on duty at a hospital licensed by the State of Nebraska. The hospital shall promptly contact appropriate authorities to take custody of the child.” Below is a listing of considerations for hospitals as they implement LB 1.

1. Hospital staff will need to call law enforcement as soon as a person leaves a child at the hospital so law enforcement can come and take the child into a protective 48 hour police hold. Law Enforcement will then temporarily place the child into DHHS custody for placement and treatment needs and a juvenile court case is likely to be filed by the county attorney.
2. Hospital staff will need to provide custodial care and necessary medical care for the surrendered child prior to law enforcement’s arrival.
3. Hospital staff may use reasonable means to determine or verify the age of the child and provide the information and any available verification to law enforcement and to the Department of Health and Human Services.
4. Hospital staff may ask for information and attempt to contact the child’s parent(s) or guardian(s) if they are not present for the surrender, or if extended family members can be reached to care for the child as an alternative to surrender.
5. Hospital staff may provide a location for the person surrendering a child to have a period of time at the hospital to consider alternatives to surrender.
6. Hospital staff may offer emergency in-house counseling so the person surrendering a child can consider alternatives to surrender.
7. Hospital staff may partner with community social service agencies and have the agencies on stand-by to respond immediately so the person surrendering a child can consider alternatives to surrender and receive immediate services from local community-based providers.
8. Hospital staff may partner with licensed adoption agencies to arrange for an agency to respond immediately to provide emergency relinquishment counseling.

Note: LB 1 only prohibits the prosecution of a person who surrenders a child age 30 days old or younger to a hospital. The above considerations are also recommended for any child more than 30 days old who is surrendered to a hospital.