

NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Safe Haven Law Does Not Absolve Parents of Responsibility

Lincoln – The Department of Health and Human Services (DHHS) is letting Nebraskans know that leaving a child at a hospital does not terminate parental rights.

Fourteen children and youth have been abandoned at hospitals under LB 157 since the bill became law in July, with all instances occurring this month.

Legislative Bill 157, which went into effect in July, prohibits prosecution when a child is left at a licensed Nebraska hospital. While they cannot be charged for abandoning a child, parents and guardians using Nebraska's "safe haven" law can be charged for other offenses.

"If abuse or neglect is uncovered that occurred before the child was turned over to a hospital, County Attorneys do have the option of filing charges," said Todd Landry, director of the Division of Children and Family Services in DHHS. "The law only protects people from prosecution against the actual act of leaving the child at a hospital. There seems to be a misconception that when a child is dropped off at a hospital, the parents are absolved of responsibility. That couldn't be further from the truth."

Landry noted that the courts will now be very involved in these families' lives. Courts are likely to require parents and guardians to participate in parenting classes, family therapy, conflict resolution or other services in an effort to reunite youth with their families, and may order child support payments while they are in state custody, he said.

"LB 157 was intended to protect helpless children who are in immediate danger, such as an infant who is left outside or unattended. It was not intended for those having difficulty parenting older youth who may be defiant, unruly or who have behavior problems," Landry said. "I am very concerned about the situations we've seen so far. I empathize with parents who aren't sure where to turn, but I want to encourage those families to use other options before taking the drastic step of abandoning a child."

Landry also called for the modification of LB 157 to return the focus to infants who are in immediate danger of being harmed.

Information about local resources is available by calling 211 or local United Way organizations or going to http://www.dhhs.ne.gov/children_family_services/Pages/children_family_services_safehaven.aspx. Many local phone directories also have listings of services in their yellow or blue pages. DHHS offices can provide information about options and resources. To find your local DHHS office go to <http://www.dhhs.ne.gov/Pages/localoffices.aspx>. Community resources can range from parent support groups and crisis hotlines to treatment centers or other services. Faith-based community services can also be a source of support. As a last resort, law enforcement can be contacted.

"It's important to recognize the potential trauma abandonment can cause for children of all ages," Landry said. "For the benefit of the child, it's important that LB 157 only be used when the child is in immediate danger of being harmed."

Safe haven cases are handled in the following manner:

- Hospitals contact local law enforcement to inform them of a child being left at their facility.
- Law enforcement places the child in DHHS' temporary custody on emergency protective hold for up to 48 hours.
- The County Attorney decides whether to file a request to make the child a state ward.
- The Courts rule on that request and either make the child a state ward or return the child home.

Once the child is placed into the temporary custody of DHHS, the legal process is the same for all children. This is regardless of how they entered the system, whether through reporting of child abuse and neglect, a case being handled by the Office of Juvenile Services, or LB 157.

The full text of LB 157 reads: "No person shall be prosecuted for any crime based solely upon the act of leaving a child 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."