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Rethinking 'safe havens' for legal desertion of babies

By Adam Pertman

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The best social policies result from solid research, thoughtful planning, and careful implementation. Unfortunately, these basic standards haven't been applied by the 44 states that have now passed laws to address the disconcerting, very real problem of infants being abandoned in dumpsters, bathrooms, and other dangerous places.

Instead, with too little information about the causes of the phenomenon or the potential effectiveness of the response, lawmakers nationwide have created so-called "safe havens" - usually hospitals, police stations, and firehouses - where new mothers can legally desert their babies, anonymously and without the risk of prosecution.

These well-intentioned laws have spread so rapidly (all in the past three years) because they promise an intuitively appealing, easy fix. But complex social problems are rarely resolved through simple, feel-good solutions. So it should come as no surprise that an extensive new study by the Evan B. Donaldson Adoption Institute in New York not only concludes that there is no evidence the safe haven statutes are working, but also finds that they are causing serious unintended consequences.

First, why the laws aren't working: In a nutshell, a mother who is so distraught or so in denial that she would stuff her newborn into a trash can is not likely, instead, to ask her boyfriend for a ride to the police station. The study found that to be the major reason unsafe abandonments are continuing unabated, even in states that advertise their "safe havens" on highway billboards and in public-service TV commercials.

Women in distress need counseling and support, not to mention pre- and postnatal medical assistance. But these laws don't even pretend to offer resources to help mothers deliver healthy babies or to resolve the traumas that lead them to jeopardize their newborns' lives.

This don't ask, don't tell approach does, however, open a Pandora's box.

It undermines the established legal rights of biological fathers to parent their own children, for instance, while precluding grandparents and other relatives from helping to care for the mother or her child. Alternatively, it creates the opportunity for irate boyfriends or disapproving family members to coerce an emotionally fragile teenager into deserting her baby, or even to take the child themselves and anonymously abandon it.

Worst of all, these laws proclaim, loud and clear, that deserting a child is socially sanctioned behavior. That's an unnerving message for our culture to be sending. And it is already being heard: Some women who never would have thought to deprive their offspring of genealogical, personal, or even critically important medical information are doing so now, because they've been given an option that's less of a hassle than receiving parenting counseling or filling out adoption paperwork.

So there are indeed infants being left at safe havens, but few if any of them would have been carelessly given up if these laws didn't exist. Rather, they are children who otherwise would have been adopted through traditional means or been raised by birth relatives, but who now must grow up without any prospect of knowing the most basic facts about themselves.

The new Adoption Institute study raises other red flags, too, from specific concerns such as whether these laws actually encourage women to conceal their pregnancies and give birth unsafely, to the sweeping indictment that anonymous abandonment flies in the face of recognized best practices developed for decades by child-welfare and adoption professionals.

The proponents of safe havens often answer criticism by saying their approach is worthwhile even if it saves just one baby's life.

I have an alternative suggestion: Let's aim higher. Let's conduct the solid research, and then do the thoughtful planning and careful implementation. That way, we can develop policies that help women who face crisis pregnancies, prevent infant abandonment - and maybe, just maybe, save all the babies' lives.

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