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Since its establishment in 1996, the Evan B. Donaldson Adoption Institute has been a pre-eminent, independent voice for improving adoption for everyone it touches – particularly children – through innovative programs, educational initiatives, research and analysis, and advocacy for better practices, policies and laws.

Unintended Consequences:

'Safe Haven' Laws are Causing Problems, Not Solving Them

PRESS RELEASE

For Immediate Release



Unintended Consequences: New Study Raises Serious Concerns About Legalized Infant Abandonment

(New York: March 10, 2003) - In a surprising development that reshapes the debate on a hugely popular public policy, a major new report raises troubling questions about the effectiveness and consequences of so-called "safe haven" laws.

The report - based on the most extensive research to date on the issue - shows that safe haven laws not only do not solve the problem of unsafe infant abandonment, but actually may encourage women to conceal pregnancies and then abandon infants who otherwise would have been placed for adoption through established legal procedures or been raised by relatives.

Safe haven laws are having other serious negative consequences and undermine established child-welfare and protection practices, adds the report by the Evan B. Donaldson Adoption Institute. The Institute is an independent think tank and one of the country's pre-eminent policy, education and research organizations studying adoption-related issues.

With little public debate, research or scrutiny, 42 state Legislatures have passed laws creating "safe havens" during the last three years. Their intent is admirable: to save infants whose lives are placed at risk, and who sometimes die, when they are deserted in trash receptacles, bathrooms and other dangerous places. Because lawmakers have moved so quickly, however, usually in response to one or more well-publicized incidents in their states, they typically have not studied the causes of abandonment, conducted research to determine the most effective response, or collected data to evaluate the efficacy of the laws they have enacted.

The Adoption Institute will hold a roundtable discussion at its headquarters in New York on Friday, March 14, from 10 a.m. to 4 p.m., on infant abandonment. About a dozen of the most prominent child welfare, adoption and infant abandonment experts in the country - from diverse disciplines and with a variety of views on the issue - will participate in the session, which will explore existing laws and possible alternatives.

"There's no question that we have to do all we can to save babies' lives," said Adam Pertman, the Executive Director of the Adoption Institute. "But we, as a society, simply haven't done our homework before acting. For instance, examining the evidence, there's no reason to think that infants left at 'safe havens' would necessarily have been deserted if such facilities didn't exist - so it seems we're encouraging a practice that we normally disdain: child abandonment. And if the ultimate goal is to prevent such incidents, then the solution has to address the problem's roots - which current laws don't even pretend to do."

The new study, researched and published by the Adoption Institute, concludes that contrary to the assertions of their advocates, there is no evidence that "safe haven" statutes are working - principally because they do not address the causes of the problem. They also appear to be causing negative, unintended consequences.



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In addition to undermining adoptions conducted through established legal procedures, the negative consequences include:

- creating the opportunity for upset family members, disgruntled boyfriends, or others who have no legal rights, to abandon babies without the mothers' consent;
- inducing abandonment by women who otherwise would not have done so because it is perceived as "easier" than receiving parenting counseling or making an adoption plan;
- depriving biological fathers of their legal right to care for their sons or daughters, even if they have the desire and personal resources to do so;
- ensuring that the children who are abandoned can never learn their genealogical or medical histories, even when the consequences for their health are dire;
- precluding the possibility of contact and/or the exchange of medical or personal information between birth parents and children in the future; and
- sending a signal, especially to young people, that they do not necessarily have to assume responsibility for their actions and that deserting one's children is acceptable.

The Adoption Institute's research indicates that safe haven laws are based on flawed premises. That is, they typically provide anonymity and immunity from prosecution for people who leave infants at safe havens, assuming that the fear of being identified or prosecuted is a major motivation for women to leave their infants in dangerous circumstances. There is no evidence to support that supposition. Moreover, research shows that anonymity ultimately undermines the legal interests of the children and their birth parents, while creating a host of unintended, negative consequences such as those noted above. The Adoption Institute's study indicates that any policy aimed at solving this problem should therefore incorporate the following elements, which address the current laws' deficiencies and offer children a more secure future:

- researching the causes of abandonment to better tailor an effective policy response;
- educating students, teachers, parents, counselors and clergy about how to identify concealed pregnancies, and enabling affected teenagers and women to get help;
- providing confidential counseling to at-risk pregnant teens and women about prenatal care and safe alternatives for their babies, such as care by other biological family members or adoption, when they cannot or do not want to parent; and
- making educational materials and support services available that would help mothers, fathers, and other biological relatives raise infants when they wish to do so.

Additionally, infant abandonment laws are not informed by (and often contradict) the accepted best practices of existing child-welfare practices and adoption laws. "The bottom line," says the report, "is that anonymous legal abandonment is contrary to our cultural ethics and well-conceived public policies that promote the safety and welfare of newborns and their mothers."

To get a complete report, learn details about the roundtable session, or schedule an interview, please contact Adam Pertman at apertman@adoptioninstitute.org or 212-269-5080 x12 or Deputy Director Georgia Deoudes at gdeoudes@adoptioninstitute.org or 212-269-5080 x13.

The Evan B. Donaldson Adoption Institute is an independent, non-profit organization with no affiliations to any constituency or interest group. Its objective is to improve the lives of everyone touched by adoption – especially children – by providing accurate, research-based information that will lead to more ethical, effective and informed policies, practices and laws. ###