

TESTIMONY OF MICHAEL KEBEDE, ESQ.

LD 530 – Ought Not To Pass

**An Act to Facilitate the Installation of Safe Haven Baby Boxes at Hospitals,
Law Enforcement Facilities and Fire Departments**

Joint Standing Committee on Judiciary

March 2, 2023

Senator Carney, Representative Moonen and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Michael Kebede, and I am Policy Counsel for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to oppose LD 530, legislation that would allow medical service providers, law enforcement agency or fire departments to operate so-called “safe haven baby boxes” without safety requirements or regulations to protect infants.

The current statute allows for “safe haven baby boxes,” identifies where the boxes can be placed, and requires the Department of Health and Human Services to promulgate rules governing the boxes. This bill removes the rulemaking requirement and allows the boxes to have only an alarm that notifies various emergency services when a baby is placed in the box, with no further requirements. This is done despite a dearth of evidence that current processes to give up custody of one’s child are insufficient, or that creating boxes to leave children in are subject to any demand by parents.

It is revealing that in states where the purported ‘safe haven’ boxes are more common, such as Indiana and Ohio, the boxes are governed by lengthy, comprehensive statutes and rulemaking requirements stating how the boxes must be maintained, installed, and heated to ensure safety, and how the anonymity of people using the boxes must be preserved. *See, e.g.*, I.C. 31-34-2.5-1 (providing Indiana’s statute governing ‘safe haven’ boxes); R.C. 2151.3532 (providing Ohio’s). These statutory schemes implicitly acknowledge that safe surrender is only *safe* if the boxes are held to certain requirements and that the boxes are only useful if the people using them can retain anonymity.¹ By removing the rulemaking requirement

¹ The national Safe Haven Baby Boxes organization also echoes these concerns. *See* Safe Haven Baby Boxes, *Mission Statement*, <https://shbb.org/about-us> (stating that safe haven baby boxes provide “safe, legal, anonymous” services).

and declining to impose any further requirements or standards, this bill makes it possible for boxes to operate without adhering to any safety requirements and in locations where the identity of the person using them will be obvious to passersby. Such boxes could not be called “safe havens” at all.

Finally, we urge this committee to remember that virtually every case of infant abandonment signals that a state’s healthcare and social service system has failed. Surely a well-functioning system would enable a person to either prevent unwanted pregnancy; to end an unwanted pregnancy safely and early; or, if a person decides to carry to term, either keep the child or place the child *safely and swiftly* for adoption. Safe surrender laws, no matter how comprehensive, are no substitute for comprehensive sex education in schools, family planning, or sexual health services. They are no substitute for postpartum depression treatment, stable and safe housing, or affordable childcare. As the committee considers this bill, we ask that it also considers the myriad other ways this legislature can act to keep families together. We urge you to vote *ought not to pass*.