

TESTIMONY OF MEAGAN SWAY

LD 560 – Neither For Nor Against

An Act To Amend the Safe Haven Laws

JOINT STANDING COMMITTEE ON JUDICIARY

March 17, 2021

Senator Carney, Representative Harnett and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Meagan Sway, and I am Policy Director of 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 am here to testify neither for nor against LD 560.

In general, we support the concept of safe surrender—parents should not be criminalized if they are too overwhelmed to care for their children and seek help. Every child in Maine deserves to be safe, and we thank the sponsor for his efforts to ensure this. In the time of COVID-19, when so many people have lost their jobs, when overdose deaths are more numerous than they have ever been and mental health challenges abound, we urge the committee to also think expansively about steps it can take so that no parent feels they must make this kind of choice. Safe surrender laws provide an after-the-fact safety net, not a solution to the problems of unintended pregnancy or inability to care for a child.

Virtually every case of infant abandonment signals that a state’s health care and social service system has failed. Surely a well-functioning system would enable a person either to prevent unwanted pregnancy, to end it safely and early, or, if they decided to carry to term, either to keep the child or to place it, again safely and swiftly, for adoption. Safe surrender laws are no substitution for comprehensive sex education in schools or family planning and sexual health services. They are not a substitute for postpartum depression treatment, stable and safe housing, or affordable childcare. As the committee considers this bill and the need for safe haven baby boxes, we hope it will also consider the myriad other ways that legislators could act to keep families together and obviate any need for the bill in the future.