Teacher Lesson Plan

These materials are structured to flex up or down as time allows. Use the “quick cover” outline below when time is limited. When more time is available, consider the “in-depth coverage” suggestions.

**Quick Cover**

1. Display poster
2. Review materials in this kit and present students with a brief overview of this law.
3. Copy and distribute
   - Questions and Answers about North Carolina Safe Haven Law
   - Safe Haven Wallet Cards
   - Additional Resources
4. Copy and distribute student worksheet for homework or extra credit.

**In-depth Coverage**

Items 1 – 3 above

Plus: Handout student worksheet for class discussions (see teacher’s guide).
North Carolina’s Safe Haven Law
(for Infant Abandonment)

Although the actual number of infant abandonments is difficult to calculate since it is unknown how many abandoned infants are never located, a study led by UNC investigator Dr. Marcia Herman-Giddens estimated that 85 newborns are killed or left to die each year in this country by a parent – usually the mother. (JAMA, March 19, 2003).

Between 1991 to 1998 the incidences of abandonments in public places rose 62%. In 1998 there were 105 (known) abandonments in public places. Of those, 33 were found dead. (United States Department of Health and Human Services, The administration for Children and Families.) The laws were too complex for young, scared mothers (and fathers) and provided little or no incentive for parents to safely turn over their unwanted babies. There had to be a better way.

As of July 2003, 45 states had passed safe haven infant abandonment laws like North Carolina. North Carolina’s law was enacted in 2001 after an infant had been suffocated and later found dead in a bale of trash in a Macon County landfill. The mother was convicted of murder and sentenced to 8 to 10 years in prison. North Carolina General Statute §7B-500 now allows a parent to safely leave an infant under seven days old with certain healthcare providers (like hospitals, health departments, and non-profit clinics), law enforcement officers, department of social services and others who will accept the infant. The parent giving up the baby is not required to provide any information or names – and is not subject to criminal prosecution or child support for such abandonment.

Like many other states that have passed similar laws, the North Carolina General Assembly did not provide funding for public information about this law. Nevertheless, after the law’s enactment in 2001, it initially received wide media coverage, and shortly after its passage the first infant was safely abandoned under this law at a Charlotte hospital. At about 9 o’clock one Saturday evening, a well dressed woman arrived at the hospital with two young children and an infant. She wanted to remain anonymous as she was fleeing an “abusive domestic situation” and could not care for the infant while “on the run.” The infant was admitted to the hospital and given the medical attention necessary for newborns. The mother gave some of the background information, but refused to give her name or that of the infant’s father. The hospital staff had been advised of the Safe Haven Law, and respected the mother’s decisions. The infant was placed with an adoption agency while still in the hospital. The mother left without incident. Her identity remains unknown.

Since 2001, media coverage of this law has died down. In 2003 the law made headlines again in a tragic way. A pregnant college student and her boyfriend, both from North Carolina, apparently did not know about this law. The pair traveled to Florida and reserved a room at a Key West hotel. According to newspaper reports, a security guard for the hotel later found the couple’s dead baby girl in a breezeway wrapped in blood soaked towels and a plastic bag. Authorities determined the infant was born alive. (Asheville Citizen-Times, June 18 -19, 2003) The mother was charged with manslaughter (with a possible prison term of up to 15 years); there was insufficient evidence to charge the father with knowledge of the infant’s death. (Watauga Democrat, October 20, 2003)

Renewed efforts are now underway by some private organizations, like the North Carolina Bar Association, to get information out to individuals who need to be aware of this law.
What are some reasons parents might abandon babies?

How does the Safe Haven law help an unwanted infant? How does it help the infant’s parent(s)?

What are some positives and negatives about this law?

What are some ways to increase public awareness of this law among young adults?
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What are some reasons parents might abandon babies?
Babies are abandoned for many reasons:

- Fear of telling parents
- Pregnancy discovered too late; no alternative of termination
- Perceived lack of viable alternatives

How does the Safe Haven law help an unwanted infant? How does it help the infant’s parent(s)?

- By giving parents incentives to take an unwanted infant to a safe place without fear of anyone knowing who they are or charging them with a crime for abandoning their child, both the infant and the parents are better off. The infant is better off from a safety perspective. The parents are better off from a legal perspective. A number of crimes can, and have been, used in charging parents who abandon or kill their unwanted infant. Some of these including child abuse, murder and manslaughter (or the attempt of such crimes), and a separate crime of disposing of a dead newborn to conceal its birth. Under the Safe Haven law, a parent avoids criminal prosecution for not only the abandonment but also for the child support they would otherwise be legally required to pay.

What are some positives and negatives about this law?

- Will it help?
- Does it go too far – not far enough?

What are some ways to increase public awareness of this law among young adults?

Comments and feedback will be accepted through June, 2006 by the NCBA – Health Law Council, ATTN: Safe Haven Task Force, 8000 Weston Parkway, Cary NC 27513.