



Support Statement HB1323/SB873

Courts – Immunity from Liability – Maryland Safe Haven Program

Laura Bogley, JD

Executive Director, Maryland Right to Life

On behalf of the Board of Directors of Maryland Right to Life, I strongly support this bill which will empower Maryland women to choose life for their children. The bill would modernize Maryland's Safe Haven law and would enable the state to better serve the needs of vulnerable infants and mothers in crisis.

State legislatures began enacting Safe Haven or "Baby Moses" laws in 1999 to address a reported increase in infant abandonment and infanticide. Safe Haven laws have bipartisan support and have been enacted by all fifty states, including Maryland. Safe Haven Laws have proven to be an effective solution for preventing the wrongful and illegal harm or death of newborn infants. Since 1999, 4,718 newborn babies and counting have been saved.

These laws serve as an incentive for mothers in crisis to safely relinquish their babies to designated locations where the babies are protected and provided with medical care until a permanent home is found. Safe haven laws generally allow the parent, or an agent of the parent, to remain anonymous and to be shielded from prosecution for abandonment or neglect in exchange for surrendering the baby to a safe haven. Safe haven laws also provide legal protections for providers at designated facilities for anything that might happen to the infant while in their care, unless there is evidence of major negligence on the part of the provider.

The Maryland General Assembly enacted the Maryland Safe Haven law and established the Maryland Safe Haven Program in 2002. The Maryland Safe Haven Program was established and is administered by the Maryland Department of Human Services. According to reports from the Maryland Department of Human Services, the Maryland Safe Haven Program is underutilized, with no newborns saved in the last few years. Unfortunately, as recently as July 2021, babies continue to be abandoned in Maryland illegally and their mothers prosecuted for the neglect or death of their child. We believe that if the Maryland Safe Haven Program was more accessible, that these mothers most likely would have safely relinquished their children to responsible adults without harm.

This bill would modernize the current Maryland Safe Haven law and related Maryland Safe Haven Program, within existing budget appropriations, and increase accessibility of the program by enacting the following enhancements:

1. The bill would increase the utilization and accessibility of the Safe Haven Program by increasing the time allowance under which a mother may safely relinquish her child from 10

days to 60 days. Labor and delivery can be traumatic experiences for women, particularly when a woman has no support system or gives birth under duress. The state should afford women more time to make critical decisions for the benefit their children and to avoid prosecution.

The **U.S. Centers for Disease Control and Prevention** include “newborn” under the definition of “infant” which is the period from birth to one-year of age.

Incidents of illegal abandonment in Maryland demonstrate the need for a longer period for women to make the critical decision to relinquish their newborns up to two-months of age. (See attached article *“Mother of Abandoned Baby on Road Pleads Guilty”*.)

Model legislation for Safe Haven Programs now recommends a time allowance of sixty (60) days for a mother to safely relinquish her infant under the Safe Haven Law.

2. The bill would clarify for regulatory purposes that a “Designated Facility” under the Safe Haven law, includes a professional or volunteer fire company that is insured. Fire companies already have served as “responsible adults” for the purpose of the Safe Haven law, to whom a mother can safely relinquish her infant without fear of prosecution. (See article *“Maryland Fire/EMS Station Serves as Safe Haven for “Baby Craig”*”.)
3. The bill would modernize the current Safe Haven law by allowing designated facilities to utilize a newborn safety device to provide women a truly anonymous option. These secure devices, typically referred to as “baby boxes” compliment existing Safe Haven Programs and give designated facilities another tool to be successful in saving lives.

Baby boxes have existed in one form or another for centuries. Modern versions appear in the United States and other countries, including Germany, Switzerland, Pakistan and Malaysia. Baby boxes are not medical devices and do not require FDA approval.

Tax dollars are not used to pay for Safe Haven Baby Boxes. Funding comes fully from private donors, fundraising campaigns or other other organizations. This bill would strengthen the Maryland Safe Haven Program within the existing budget appropriation.

For these reasons we strongly support this bill and ask for your favorable report. Please give women and infants a fighting chance in Maryland.

HOME

Maryland Fire/EMS Station Serves as Safe Haven for "Baby Craig"

Just after 7:00 a.m., Friday, August 12, 2005, a Prince George's County Fire Station became a Safe Haven for a 3-month-old infant.

Aug. 12, 2005



Fire Technician Hector Areizaga, Police Corporal Banks, Fire Captain Gigliotti and Police Ofcer Clarke with Baby Craig.

[View Image Gallery](#)

Just after 7:00 a.m., Friday, August 12, 2005, a Prince George's County Fire Station became a Safe Haven for a 3-month-old infant.

An adult female, self-proclaimed to be the child's aunt, brought 3-month old "Baby Craig" to the rear entrance of Chillum-Adelphi Fire/EMS Station 34 and explained to firefighters that she could no longer care for the baby. The aunt had been caring for the infant for about one day after he was dropped off by one of the parents. The aunt provided a diaper bag full of supplies and formula as well as a child safety seat.



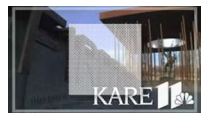
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[Firehouse.com News](#) Feb. 23, 2024

Mother who abandoned baby on road pleads guilty

Sandra McClary left 2-month-old daughter on road in Pasadena, authorities say



Updated: 3:34 PM EST Nov 30, 2015



ANNAPOLIS, Md. —

A woman who authorities said abandoned her baby on a road in Pasadena entered a guilty plea on Monday, Anne Arundel County prosecutors said.

Sandra McClary, 26, pleaded guilty to reckless endangerment of her child, prosecutors said.

County police said McClary's 2-month-old daughter was found in a carrier late July 4 in the 900 block of Druid Hill Avenue in Pasadena. There were scuff marks on the carrier and other debris in the area, police said.

"It is heartbreaking to see a child victimized by being abandoned on a roadside," Anne Arundel County State's Attorney Wes Adams said in a statement. "I'm hopeful that today's guilty plea by Ms. McClary is the first step in her taking responsibility, not only in her own actions, but also for the health and welfare of her children."

A judge sentenced McClary to five years in prison with all but five months suspended as time served. McClary will be on supervised probation for five years with the following conditions: drug and alcohol treatment, no unlawful contact with her children, cooperation with the Department of Social Services and successfully completing a parenting class.