

EXECUTIVE CHAMBERS

HONOLULU

June 20, 2003

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 133

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 133, entitled "A Bill for an Act Relating to Child Protection."

The purpose of this bill is to grant full immunity from prosecution for leaving an unharmed newborn at a hospital and provide immunity from liability for the hospitals and their personnel for receiving such a newborn.

This is a so-called safe-haven measure, intended to protect newborns from being killed by a mother who is unable or unwilling to care for the child.

My first reaction to this bill was mixed, but mostly positive. While questioning the need for such a law, I thought to myself, "but if it saves just one life it will be a good law." This mostly positive reaction seemed to be validated when I learned that forty-two other states have already enacted similar laws, and that the first to do so was Texas in 1999 under then-Governor George Bush.

However, additional research and lively discussions with people on both sides of the issue have caused me to reassess my initial thinking. In fact, I now believe that any good that might be accomplished by this bill is likely to be outweighed by the harm that it would cause.

I am concerned, for example, that the individual dropping off the newborn would not be required to prove that she is the baby's parent, or have to provide even minimal information about the baby. This could jeopardize the child's

health and make it exceedingly difficult for the extended families, or the child's father, to learn of the baby's whereabouts and to assert their interests in caring for the child. The abandoned baby would be prevented from ever learning about its medical and genealogical history.

In Hawaii, the extended family is commonly recognized as an integral part of the nuclear family, and the Hawaiian cultural practice of open adoption called "hanai" is still common practice. This bill could have an adverse impact on such support systems.

I believe that our focus should be on the long-term well being of the newborn, and that safe-haven measures like this one fall short in that critically important respect. Experts around the country are increasingly critical of such laws.

For the foregoing reasons, I am returning House Bill No. 133 without my approval.

Respectfully,

LINDA LINGLE
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 133, entitled "A Bill for an Act Relating to Child Protection," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 133 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 133 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 20th day
of June, 2003.



LINDA LINGLE
Governor of Hawaii