

Testimony  
BR23-0212

Greetings,

My name is Darian Torrice-Hairston. I am the Executive Director of Nana Baby Children's Home, a 24/7 emergency placement group home on St. Thomas. We serve children on St. Thomas, St. John and St Croix by providing emergency placement care, respite care and foster care. I am a licensed Master Social Worker, with a background in mental health counseling. Prior to my current position, I was the Territorial Director for the Positive Behavior Interventions program at the Virgin Islands Department of Education. Before that I was a child, adolescent, and family therapist, with a specialization in Trauma-Focused Cognitive Behavioral Therapy in South Carolina, and a Diagnostic Assessment provider for children in foster care.

I am for BILL 35-0173, an Act amending title 5 Virgin Islands Code, chapter 201, by adding a subchapter V enacting the Safe Haven Newborn Protection Act to provide a mechanism for a newborn infant to be relinquished to a safe environment, for the parents of the newborn infant to remain anonymous if they choose and avoid civil or criminal liability for the act of relinquishing the newborn infant; cited as the "Safe Haven Newborn Protection Act".

According to the Child Welfare Information Gateway (2022), in 1999, Texas was the first state to enact the "baby Moses Law" or infant safe haven law. To date, all 50 States, the District of Columbia, Guam, and Puerto Rico have sanctioned safe haven legislation. These laws have been enacted as encouragement 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 typically allow the parent to remain anonymous and be protected from criminal liability and prosecution for child endangerment, abandonment, or neglect in exchange for surrendering the baby to a safe haven.

The proposed bill allows for a biological parent to relinquish an infant to an identified Safe Haven Provider, without fear of legal prosecution. Safe Haven providers are to accept relinquished infants anonymously, ensure their safety, and turn them over to the proper authorities. Providers are also to instructed to provide information packets to the relinquishing parents in hopes of providing them with pertinent information about services available to them, alternatives, and their rights.

Babies are abandoned illegally every year. In 2021 alone, 31 babies were placed in dumpsters, found in backpacks, or discarded in other dangerous locations. According to the National Safe Haven Alliance, since 1999, approximately **1,610** babies were abandoned illegally, 915 of whom were deceased; BUT **4,427** infants were relinquished safely with Safe Haven providers (2023).

This figure not only underscores the need for and importance of Safe Havens, but also the need for community awareness that these providers exist. Far more infants are being safely rescued under secure circumstances, rather than being left in dangerous situations because Safe Haven laws exist.

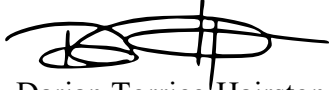
The U.S. Virgin Islands is one of the only U.S. territories that does not currently have a Safe Haven Law enacted. However, we DO have the capacity to care for abandoned infants or infants in need

of care, and accessible emergency placement homes on both St. Thomas and St. Croix, fire stations, police stations, and hospitals. One can assume that this law would not be utilized often, however, under the few circumstances that it may be needed, it is our duty to ensure legislation in place to support these infants, and mothers.

Since moving into and directing Nana Baby Children's Home over 3 years ago, I have received and cared for two young infants. One who was discharged directly from the hospital to us at 5 days old, and one who was discharged from the Children's Hospital in Miami to us, at 4 months old, after sustaining physical injuries. I am so grateful that we were able to care for these infants and give them the love and attention they needed. Both stayed with us for about 1 year and have successfully transitioned out. We have also cared for other infants and toddlers who needed us for shorter periods, for different reasons. Each time we were able to provide the infant with everything they needed. As a mother of three children I am well suited for caring for newborn babies and can attest that there are individuals in this community who are more than willing to support infants in need. Parents who feel they cannot care for their children, need to know there is a safe way to relinquish them, rather than fearing punishment, so that these children can receive the care they deserve. It may not be ideal, to think of what it means to give up a baby, but it is the protection of the infant that is the highest priority.

As expressed, I am in support of amending title 5 Virgin Islands Code, chapter 201, by adding a subchapter V, enacting the Safe Haven Newborn Protection Act. This topic is of the utmost importance because infants are one of our most vulnerable populations and cannot speak for themselves, we need to be their voice. We need to keep them safe above all else, and it is within our resources to do so.

Thank you for your time and consideration. If you would like to discuss this further, you can reach me at [nanababyhome@gmail.com](mailto:nanababyhome@gmail.com), or (540) 840-9858.



Darian Torrice-Hairston, LMSW

## References

Child Welfare Information Gateway. (2022). Infant safe haven laws. U.S. Department of Health and Human Services, Administration for Families, Children's Bureau.

<https://www.childwelfare.gov/topics/systemwide/lawspolicies/statutes/safehaven/>

National Safe Haven Alliance. 2023. <https://www.nationalsafehavenalliance.org/>