

http://www.nytimes.com/2008/11/22/us/22nebraska.html?_r=1&emc=eta1&pagewanted=print

New York Times

November 22, 2008

Nebraska Revises Child Safe Haven Law

By [ERIK ECKHOLM](#)

DECATUR, Neb.— The Legislature on Friday revised an unusual law permitting parents to hand children up to age 18 over to state custody without prosecution, instead limiting its reach to infants up to 30 days old.

The original law, enacted earlier this year, was intended to protect newborns from being abandoned or killed by panicked young mothers. But since Sept. 1, to the shock of officials and the public in [Nebraska](#), 35 older children, many from 10 to 17 years in age, have been dropped off at hospitals. Most were left by desperate parents who said the children were uncontrollable and violent and needed more counseling or psychiatric services than they could find or pay for.

The specter of parents' giving up their children prompted national soul-searching about the limits of parental responsibility. It has also highlighted what child welfare experts say is a widespread shortage of public and private aid, especially mental health services, for overstressed families and teenagers — a shortage that is likely to worsen in the current economic crisis as state governments cut budgets.

The Legislature on Thursday established a commission to propose new measures to help people like Lavennia Coover, a 36-year-old divorced mother of three and kindergarten teacher who was at the end of her rope, financially and emotionally, when she made the wrenching decision to hand over her son. "I still cry every night," Ms. Coover said

Friday in an interview at her home in Decatur, a speck of a farm town on the Missouri River, about 60 miles north of Omaha. “What parent wouldn’t feel guilty doing this?”

Ms. Coover’s husband left her alone with three children, including an older bipolar daughter and a 12-year-old boy who is doing well. But her 11-year-old son, Skylar, is bipolar, abusive and violent, she said, and after three years of spotty, expensive and ineffective psychiatric care she could see no other way to get him the intensive help he needs. In September, when he refused to get out of bed and go to school, she physically dragged him out for a few days, then gave up trying.

On Sept. 24, after he had become more aggressive and begun throwing food and trashing the house, she told the boy that they were going for a drive to Omaha. Instead she drove to the Alegent Health-Immanuel Medical Center and left Skylar there, invoking the safe-haven law.

Skylar suspected what was up. On [Labor Day](#) weekend, after a particularly bad spell, he had spent three days — the maximum her insurance would cover — in that hospital’s psychiatric unit, and as she turned in its direction that day, he said: “You’re taking me back there, aren’t you? You lied to me.”

“I promise I’ll behave,” he wailed. “I promise I’ll go to school.”

“I said, ‘Skylar, you need help that I just can’t give you,’ ” Ms. Coover recalled. She wept in the emergency room.

On Sept. 26 child welfare officials in Douglas County, which includes Omaha, filed a petition accusing Ms. Coover of neglect. She is working to have that changed to a “no fault” transfer of custody. Being officially declared neglectful could jeopardize her teaching credential and future parental rights.

The abrupt handovers in Nebraska are striking examples of an ongoing, more orderly phenomenon that exposes the shortage of psychiatric help for children. A 2003 report by the General Accounting Office, compiling

responses from only 19 states and 30 counties, found that 12,700 children in one year had been placed in child welfare or juvenile justice systems simply so they could receive mental health care.

As the drop-offs continued through the fall in Nebraska, including five cases in which children were driven in from other states, Gov. Dave Heineman called an emergency session of the Legislature this week to revise the law.

Earlier this year, Nebraska was the last of the 50 states to adopt a safe-haven law. But instead of specifying that it applied only to infants up to a certain age, as in other states, Nebraska's version used the word "child," opening the door to handovers of children up to age 18.

Many legislators and advocates for children said the desperate actions by caretakers had exposed serious gaps in services, especially for families with troubled older children. The findings of the new commission are sure to be scrutinized by other states where the same unmet needs are rumbling.

As in most states, Nebraska offers a patchwork of hot lines, private agencies like Boys Town and public programs that offer counseling and respite shelters to distressed families and runaway children. Some Nebraska officials have said that ample services exist, including free counseling for the poor, but that parents are not fully using them. Many legislators and advocates disagree.

Ms. Coover said that her son had received psychiatric care off and on, with limited coverage by her insurance plan, but that he often refused to take prescribed medications. When he refused to go to school, she could not afford a sitter and did not know where to turn.

She has spoken out, she said, because newspaper descriptions made her family easily identifiable in their town of 640 and because she resented the way state officials described parents like her as irresponsibly "abandoning" their children.

Far from abandoning Skylar, she said, she gave her phone number to the hospital and state agencies, has visited him weekly — he is still in the same hospital but will soon move into a therapeutic foster home with specially trained parents and services — and hopes he can return home at some point.

It was easy for officials to talk of available counseling and mental health services, Ms. Coover said. But in a rural area like hers, such aid is rare, and when she did find it, the offices were distant.

“Good luck finding a counselor — they’re all filled up,” she said. “You call a psychiatrist and have to wait three months for an appointment.” Once during a snowstorm, she said, after she drove 25 miles to pick up the boys at school, then 45 miles to a psychiatric appointment, she arrived 15 minutes late. “They said we’d have to make a new appointment for six weeks later,” she said.

The short-lived law has yielded many poignant scenes. The same night that Ms. Coover took Skylar in, a father went into another hospital in Omaha and dropped off nine children, saying that since his wife died last year, he could not cope with raising them. Those children, like some others handed to the state, have moved in with relatives, but most are in foster care or group homes.

Courtney Anderson, a social worker at Immanuel Hospital, said that some of the children taken to the emergency room cried and begged their parent or guardian not to leave them. Some did not realize what was happening. “Some knew, but were just numb,” Ms. Anderson said.

Nine of the 35 drop-offs occurred at Immanuel Hospital, but at least as many more families arrived intending to leave a child but were talked out of it by social workers who offered respite care, parenting classes and referrals to other aid that, Ms. Anderson said, the parents had not known about.

Even with children suffering more severe psychiatric problems, Ms. Anderson said, state child welfare and other agencies “came together quickly” to offer help.

“Everyone wants the families to stay together,” she said. “And we are looking forward to the solutions that the new commission proposes.”