



Giving Up Baby: Safe Haven Laws, Motherhood, and Reproductive Justice

Laury Oaks

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“Baby safe haven” laws, which allow a parent to relinquish a newborn baby legally and anonymously at a specified institutional location—such as a hospital or fire station—were established in every state between 1999 and 2009. Promoted during a time of heated public debate over policies on abortion, sex education, teen pregnancy, adoption, welfare, immigrant reproduction, and child abuse, safe haven laws were passed by the majority of states with little contest. These laws were thought to offer a solution to the consequences of unwanted pregnancies: mothers would no longer be burdened with children they could not care for, and newborn babies would no longer be abandoned in dumpsters.

Yet while these laws are well meaning, they ignore the real problem: some women lack key social and economic supports that mothers need to raise children. Safe haven laws do little to help disadvantaged women. Instead, advocates of safe haven laws target teenagers, women of color, and poor women with safe haven information and see relinquishing custody of their newborns as an act of maternal love. Disadvantaged women are preemptively judged as “bad” mothers whose babies would be better off without them.

Laury Oaks argues that the labeling of certain kinds of women as potential “bad” mothers who should consider anonymously giving up their newborns for adoption into a “loving” home should best be understood as an issue of reproductive justice. Safe haven discourses promote narrow images of who deserves to be a mother and reflect restrictive views on how we should treat women experiencing unwanted pregnancy.

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