



January 31, 2023

The Honorable Liz Brown
Chair, Senate Judiciary Committee
Indiana State Senate
200 W. Washington Street
Indianapolis, IN 46204

RE: SB245 - STRONGLY OPPOSE

Dear Madam Chair and Members of the Senate Judiciary Committee:

I am an attorney who represents adult adopted people throughout the United States. I am considered a national expert on issues related to adoptee rights, whether those relate to identity documents, sealed records, birth certificates, or to adult intercountry adoptees who are without U.S. citizenship. I write to oppose SB245 as introduced. It is a bill that is badly flawed and will undoubtedly lead to corruption and/or trafficking in infants, all purposely outside the view of the state's Department of Child Services.

My issues with SB345 are numerous. I list them below but they are better and more quickly understood through the attached flowchart that outlines how SB345 will work if enacted. I urge you to review this chart to understand how SB345 is structured and how alarming it is in practice, particularly in ceding basic Indiana child welfare protections that are required for the placement of abandoned and vulnerable infants.

Some of the bill's major problems:

- SB345 is not applicable to "traditional" safe haven abandonments—i.e., face-to-face surrenders typically at hospitals or fire stations. While notice to DCS of "traditional" surrenders is still required, baby box surrenders may involve an option to notify either DCS or an adoption agency. No discernible reason is given for this division, which makes little sense. Moreover, a substantial flaw in Section 4 of the bill removes current requirements for DCS to bring a case in juvenile court for infants who are abandoned under the current safe haven law. It limits such cases—assuming it is notified—to baby box surrenders.

- The bill does not require emergency service providers to notify the Department of Child Services that a baby has been abandoned in a newborn safety device. The state accordingly has no genuine ability to regulate these abandonments, let alone oversee, monitor, or track them.
- An emergency service provider has the effective power to place a baby, and the EMS provider is given sole discretion as to whether it picks DCS or, instead, a private adoption agency to take the abandoned infant into its care and custody. More alarmingly, SB345 does not provide any procedures, guidance, or controls to “choose” an agency for placement. Notification (and thus placement) of an adoption agency is entirely left to the discretion of the provider or its employees, who have little or no training or professional knowledge of serious child welfare issues.
- Financial incentives and other pressures can easily be exerted on selected Indiana Safe Haven Baby Box locations and the EMS employees. That pressure could be used to convince an EMS employee **not to notify** the Department of Child Services of abandonments—and instead refer the abandoned infant to an adoption agency, even creating potential for financial or other gain. There is no mechanism in the bill to regulate what may grow into illicit and undetected trafficking of infants for adoption.
- Adoption agencies under this bill would easily be able to coordinate abandonments solely through Safe Haven Baby Boxes as well as through any relationship the agency may develop—directly or indirectly—with 1) EMS providers and employees; or 2) Safe Haven Baby Boxes Inc., the corporation that oversees a national hotline that can be used specifically to direct where to abandon a baby in the state. SB345 does nothing to prevent this.
- Inexplicably, the bill attempts to limit a court in an adoption proceeding from doing what is always necessary in adoptions: inquiring about the welfare and background of the child as well as how the child ultimately became available for adoption.. Instead (and whether this is constitutional is doubtful), the bill states that the court “may not inquire about the reasons for the parents' absence or investigate why the parent chose to leave the safe haven infant.” Thus, the bill prohibits the only neutral fact-finder involved in the matter from determining whether corrupt practices contributed to facilitating the baby’s abandonment.

Adoption is unequivocally a multi-billion dollar industry that prizes infants above all other children for placement. Agencies charge upwards of \$50,000 or more for an infant adoption. For these reasons, corruption in adoption has always been an issue, whether in cutting regulatory corners, paying facilitators or middlemen for placements or tips, or ignoring basic protections for vulnerable parents and their children.

SB345, in failing to provide even the most basic protections for the infants it purports to protect, creates a genuine recipe for increased adoption corruption in the state. For these and the many other reasons stated, I request a NO vote on the bill. It is in fact one of the worst child welfare bills I have seen in some time.

Best regards,

ADOPTEE RIGHTS LAW CENTER PLLC



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