



Bastard Nation: the Adoptee Rights Organization

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Montana Senate Public Health, Welfare, and Safety Committee

HB 200

**Newborn Safety Devices
(Safe Haven Baby Boxes)**

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by

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Bastard Nation: the Adoptee Rights Organization is the largest adoptee civil rights organization in the United States. We support only full unrestricted access for all adopted persons, to their original birth certificates (OBC) and related documents.

Besides being Executive Chair and co-founder of Bastard Nation I operate the Stop Safe Haven Baby Boxes Now website (<https://stopshbbnow.org/>) that contains over 100 pages of oppositional newborn safety device information including up-to-date legislative tracking, individual state updates, statistics, policy statements from organizations that oppose boxes, critical readings and reports, pictorials, videos, and a frequently published blog.

We oppose and urge you to reject to HB 200 a bill to legalize the use of these devices, popularly known as Safe Haven Baby Boxes (SHBB). For those unfamiliar with the device:

Definition: Safe Haven Baby Boxes known as “infant refuge cribs”

are devices that resemble a bank or library depository but contain temperature controls and other safety features similar to standard newborn incubators. Boxes are installed in the walls of fire stations, hospitals or other authorized locations to facilitate easy, de-personalized, and legalized “anonymous abandonment” of newborns by parents (typically mothers) or those designated by them.

We are using the popular term “Safe Haven Baby Boxes,” throughout these comments, since it is the term used to market the boxes to lawmakers and the public.

The promotion and use of Safe Haven Baby Boxes is anti-adoptee, anti adoption, anti-family, and unethical. Baby Boxes are an insult to every parent who has followed traditional and ethical child relinquishment procedures. The idea that “women demand anonymity” and “anonymity matters” regarding child relinquishment and adoption, rejects the civil rights of the 6 million already adopted people in the United States today , and those yet to come ,that are subjected to archaic and discriminatory adoption secrecy laws such as sealed birth and court records.

There is no indication that Montana even needs the Safe Haven Baby Box “option.” According to statistics maintained and published by the Safe Haven Baby Boxes Inc, the non-profit that promotes and leases the boxes, Montana has experienced two newborn discards or neonaticides (it doesn't say which) in the last five years

Safe Haven Baby Box advocates promote boxes as a consumerist “choice”-- a simple solution for mothers so “desperate” that unless they can dump their newborns anonymously in a box- in-a- wall they will kill them or at least discard them dangerously. Box promoters, however, report that many of the babies that have been boxed are left with baby items and loving letters from their mothers. They say that mothers often call to check on their baby's welfare. One mother is now in an open adoption and another (or perhaps the same mother) volunteers for the organization. Another child has been returned to his mother. Yet these same mothers, they tell us, were a danger to their babies. and would have killed them without the box option. This is cognitive dissonance. When asked to provide evidence of the efficacy of Safe Haven Baby Boxes, advocates can cite no studies or any other facts--only “we just know.”

Safe Haven Baby Box advocates claim that even traditional Safe Haven laws, with their anonymous “relinquishment” provisions, are tricky and dangerous. “Women demand anonymity,” they claim. Women, to be “safe,” and “shame-free” must have the ability shortly after birth, to skulk around dark obscure (but “prominent”) spots outside of hospitals, fire or police stations to drop their babies into a box, like trash, and walk away. No one will ever have to know.

Although, the current Safe Haven Baby Box initiative is a natural outgrowth of the Safe Haven movement, the National Safe Haven Alliance and individual state Safe Haven organizations —the very people who developed Safe Haven laws-- also oppose Baby Boxes.

Currently adoptee rights organizations through the United States are on record opposing Baby Boxes, and undoubtedly more will follow as baby box bills hit their state legislatures.* Safe Haven Baby Box proponents have played-down and ignored individual this opposition except to claim that we “hate adoption” which is simply not true.

What we hate are deceptive relinquishment practices, rooted in shame and secrecy, that lead to drastic permanent solutions to temporary problems and a population of adoptees with no birth records, identity, or history

The causes of infant discard are not addressed by Safe Haven Baby Boxes or the state as a whole:

- poverty
- inability to secure affordable medical treatment and care
- denial or ignorance of pregnancy
- Draconian immigration policy and practice
- substance abuse, physical and sexual abuse
- shame, crime, mental illness, dysfunctional families, social isolation, and poor communication skills.

What we demand is ethics, transparency, and accountability in adoption and related childcare practices, not a band-aid solution to social, political, and mental health problems that cause newborn discard to occur.

Bastard Nation and adoptee rights activists believe the implementation of Safe Haven Baby Boxes:

- Creates a parallel child welfare system that rejects informed consent and a full record of identifying information and social and medical histories of the newborn. Their use eliminates adoptees' right to identity by denying their right to full and original birth and heritage records
- Replaces professional best practice standards with unprofessional and unethical "relinquishment" by letting parents abandon solely for convenience or out of ignorance with no counseling, paper-signing, or discussion on alternatives such as government and private financial and material assistance for family preservation, temporary foster care, and legitimate adoption planning.
- Denies the non-surrendering parent the right of custody and to rear her or his own child. There is no mechanism in place to prove that the "surrendering" person has the legal right to do so. Abusive, embarrassed, or frightened partners, spouses or family members and even sex traffickers can use drop boxes without consent or knowledge of the (other) parent with no repercussions.
- Disenfranchises natural parents –particularly the non-surrendering parent (usually the father) – their right to due process by eliminating their ability to locate the child; thus denying them knowledge of (among other things) the dependency proceeding to which they are a party. The Putative Father Registry, touted as a safeguard, is useless since records are filed by the name of the mother.
- Creates at-risk adoptions due to possible litigation from the non-surrendering parent or biological family members seeking custody.
- Contravenes the family reunification guidelines of the federal Adoption and Safe Families Act and parts of the federal Indian Child Welfare Act (ICWA) and tribal rights which can cause federal litigation.

- Encourages women to keep problematic pregnancies a secret by discouraging them from seeking family and professional communication, to seek assistance for sexual and physical abuse, mental illness, substance abuse, and social isolation—factors that cause nearly every newborn discard. Studies indicate that once a pregnancy is acknowledged and discussed the chance of discard is almost always abolished.
- Discourages women from seeking pre-and post-natal care and to give unsafe unattended birth.
- Hides crime such as rape, incest, spousal and partner abuse, and trafficking.
- Preys on undocumented and refugee parents who can't or won't seek medical and social services for fear of arrest, deportation, and loss of other children. It forces them to give birth dangerously and secretly and to secretly abandon them if they can't care for them.
- Does not decrease infant mortality rates. as suggested by promoters. According to NIH, the main causes of infant death are (1) birth defects. (2) preterm birth and low birth weight, (3) Sudden Infant Death Syndrome, (4) pregnancy complications and (5) accidents. Safe Haven Baby Boxes do not address solutions to any of those problems. In fact, the nobody-has-to-know-you-had-this baby ideology of Baby Box promoters exacerbates 1, 2, and 4

There also some practical issues outside of our sphere of interest that nonetheless, should be addressed:

- Box procurement and installation may interfere with state or local law mandating competitive bidding. Safe Haven Baby Boxes, Inc in Woodburn, Indiana, is not only the founder and leader of the Safe Haven Baby Box Movement, but the only vendor in the US. Thus, bills to legalize boxes are vendor bills.
- Boxes are promoted as “voluntary” and “free” since they are purchased and installed through local fundraisers at no expense to taxpayers. Once they are in place, however, there is nothing to stop a state or local government from later funding them with public money or making them mandatory. For instance, New Mexico, though it has not passed a baby box law, recently allocated \$330,00 in public funds for grants of up to \$10,000 each to cities interested in installation. Indiana, during a special session of the legislature, recently allocated \$1million in grant money, but no other details have been released. For the last few sessions bills have been introduced in New Jersey (which has no baby box law) to require all new hospitals, fire stations, and police stations to install Baby Boxes, Those bills have gone nowhere and it is unclear how they would be funded.

Finally the Ohio Department of Health is currently investigating Safe Haven Baby Boxes installed at fire stations due to the failure of SHBB Inc and locations to follow SHBB Inc and state protocols and laws regarding upkeep, sanitation, testing, safety, and location. As of this writing, the state has deactivated two boxes and more may follow.

Please vote DO NOT PASS on HB 200 Baby Boxes do not serve adoptees, adoption, and family preservation

***The following are some adoptee rights organizations and allies on record as opposing SHBB:**

Bastard Nation, Adoptee Rights Law Center, Adoptees United, Missouri Open, New York Adoptee Rights Coalition, Texas Adoptee Rights Coalition, Equal Access Oklahoma, Oklahoma Original Birth Certificates for All Adult Adoptees, Florida Adoption Council (Florida affiliate of the American Academy of Adoption and Assisted Reproduction Attorneys), Chicago Bar Association, National Safe Haven Alliance, Louisiana March of Dimes, Louisiana Partnership for Children and Families, Abrazo Adoption Associates, A Safe Haven for Newborns (Florida), Safe Abandoned Babies, Foundation (Illinois), Against Child Trafficking

Bastard Nation is dedicated to the recognition of the full human and civil rights of adult adoptees. Toward that end, we advocate the opening to adoptees, upon request at age of majority, of those government documents which pertain to the adopter's historical, genetic, and legal identity, including the unaltered original birth certificate and adoption decree. Bastard Nation asserts that it is the right of people everywhere to have their official original birth records unaltered and free from falsification, and that the adoptive status of any person should not prohibit him or her from choosing to exercise that right. We have reclaimed the badge of bastardy placed on us by those who would attempt to shame us; we see nothing shameful in having been born out of wedlock or in being adopted. Bastard Nation does not support mandated mutual consent registries or intermediary systems in place of unconditional open records, nor any other system that is less than access on demand to the adult adoptee, without condition, and without qualification.
