



**Bastard Nation: the Adoptee Rights Organization**

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January 31, 2023

The Honorable Liz Brown  
Chair, Senate Judiciary Committee  
Indiana State Senate  
200 W. Washington Street  
Indianapolis, IN 45204

**RE: SB 345:** Amending current Safe Haven Baby Box law

**Position:** Unequivocally Oppose

Dear Madam Chair and Members of the Senate Judiciary Committee:

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.

We oppose unequivocally SB 345, a bill to amend the current Safe Haven Baby Box law.

The purpose, of SB 345, according to the Fiscal Note developed by the Legislative Services Agency, is quirky and questionable. The bill claims to ease the workload and state expenditures of the Department of Family Services (DFS) by letting licensed Private Child Placing Agencies (LCPA) pick up the Safe Haven Baby Box

caseload that DFS is tasked with currently. **Oddly, with no explanation, the bill limits this “savings” to baby box cases only. It excludes traditional Safe Haven personal hand-over cases;** thus, suggesting that it's real purpose is to further the interests of the Safe Haven Baby Box Foundation,(SHBB Inc) located in Woodburn, Indiana and its founding CEO Monica Kelsey.

Ultimately, SB 345 comes as close to legalizing child trafficking than I have seen in my nearly 40 years of adoptee and adoptee rights advocacy.

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For years Monica Kelsey and The Indiana Department of Health and DCS have been at odds over baby boxes. In 2015-2017 the DCS battled (and lost) her SHBB scheme to install boxes throughout the state. Since then the agency appears to do little to advertise her service—which, in fact, is not a state-sponsored service, but a private ministry. For several years Mrs. Kelsey, who has no training or expertise in child welfare, has complained repeatedly to the press and on social media that she is unhappy with the way Indiana DCS handles baby box cases. She has said that intends “to fix” the problem by removing DCS from the baby box landscape and adoption process.

SB 345 is the fix—a bill that reflects the worst practice standards (if you could call them standards) in foster care and adoption placement, by neglecting—excuse me—“excluding”--benchmark protections for children in family crisis situations and their parents and turning the adoption process over to opaque private industry (adoption agencies), with little accountability.

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Let's start at the top!

Current Indiana SHBB law requires emergency service providers to contact DCS immediately when they receive a Safe Haven Baby Box surrender. Infants must be no older than 31 days of age and show no signs of abuse or neglect to count as a legal SHBB abandonment. DCS then assumes custody, care, and foster/adoption placement procedures

SB 345 expands that authority to licensed private child placing agencies (LPCA). It allows emergency service providers the option to bypass DCS all together and to contact adoption agencies directly to take custody and proceed with the adoption without DCS involvement.

The bill, however, does not specify procedures to identify and chose agencies to contact. This lack of direction is confusing at best, and raises the concern of possible corruption. A financial or personal incentive could influence a service provider to contact an adoption agency, not DCS. Moreover, the bill contains no requirement that the emergency provider even inform DCS of a box event, hindering the state's ability to regulate abandonment care procedures, oversee

cases, and track abandonments and numbers. Lack of DCS involvement in fact, reeks of black and gray market adoption outcome and trafficking.

Adoption agencies could coordinate baby box abandonment through SHBB Inc or through relationships they develop with emergency providers. Most baby box surrenders happen at fire stations and SHBB Inc enjoys an extremely close relationship with fire fighters on a business and social level. Those relationships could influence fire fighters and EMTs to bypass DCS and go directly to adoption agencies. And just to throw this out: occasionally I have seen suggestion on social media (though not from SHBB Inc) that women be paid to box their babies.

According to the SB345 Fiscal Note (p 2) this proposed change in the law is being touted as a money-saving campaign. Currently the state is required to make foster care payments and reimbursements for other services until an adoption is finalized. Under SB 345 "LPCAs would not be entitled to state reimbursement or to follow the same procedural processes and assessment determinations as DCS would be required to upon receiving emergency custody." I am not sure what that means exactly. Can LPCA care procedures and requirements and other procedures differ from the state's? Be lower?

What is not mentioned in the bill or in the Fiscal Note is that DCS, at least according to Mrs. Kelsey, maintains a list of families waiting to adopt Safe Haven and SHBB babies. Placement is easy, fast, and inexpensive. The LPCAs that are granted baby box access will charge anywhere from \$20,000 to \$80,000 per baby to place. The going rate at the moment is about \$60,000. SB 345 is simply a way to subsidize private businesses not known for their transparency. I am pretty sure that parents who utilize baby boxes are not aware that they are a "party" to baby selling.

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Now we get into the more "practical" problems presented in SB 345; problems that depend on current child welfare and court procedures and laws to protect children, their families, and the rights of both.

Call this due diligence or a lack thereof:

The bill exempts those newborns unfortunate enough to have been "surrendered anonymously" in a Safe Haven Baby Box, from the legal protections afforded every other child in the State of Indiana placed in a potential protective, foster and adoptive situation, including those who were abandoned in the traditional Safe Haven hand-over.

The bill prohibits DCS from taking the case to Juvenile Court by stripping agency authority to bring a CHIPS (Child in Need of Protection and Services) case. A judge, therefore, cannot inquire about the welfare and background of the child and how and why they became available for adoption. Incredibly, the bill

actually states that the court “may not inquire about the reasons for the parents' absence or investigate why the parents chose to leave the safe haven infant.”

It is inconceivable to me that the State of Indiana would prohibit a court hearing to question to provenance of an infant with no name, no parents, no history outside of a box-in-the-wall, and no documents and how they ended up in the courtroom and the adoption line.

Instead, the case is treated as a neat and clean straight adoption. Which it is not. There is no way, then, to determine if corrupt practices facilitated the abandonment.

The bad news continues. Under SB 345, the following protections are removed from babies who have been surrendered into the SHBB system. They tell a convoluted abrogation of civil rights and possible corruption.

The law provides that both parents “consent to termination of the parent-child relationship irrevocably implied without further court action if, after at least 28 days, neither parent petitioned the court for custody. “ but...

The bill makes it next to impossible for the infant to return to their family unless the actual abandoner can navigate the necessary legal process.(Another story!) It does not require the publication of the traditional legal notice regarding termination of parental rights and exempts babies from otherwise legally required family preservation and reunification efforts. The bill all-in-all rejects the notion that the non-surrendering parent (usually the father) or a relative has an interest in seeking custody or a legal right to do so. And don't forget that there is no way to even know if the person who left the baby in the box had a legal right to do so. But who cares?

Lawmakers should be aware that these failures in due diligence can cause serious harm to federal funding. That the State of Indiana enjoys. SH 345, although it attempts a rationale regarding exemptions are likely out of compliance with The Child Abuse Prevention and Treatment Act, (CAPTA), The Adoption and Safe Family Act of 1997 (ASFA), and most certainly the Indian Child Welfare Act (ICWA) as well as ethical standards of various child welfare organizations.

SB345 is simply an continuation of the commodification of children . SB 345 lacks even the most basic protections for the infants it claims to and protect, and continues bad adoption practice.

Please vote NO on HB 345.

Yours truly,

Marley Greiner  
Executive Chair

**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

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*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.*

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