



Bastard Nation: the Adoptee Rights Organization

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March 7, 2023

The Honorable Jerry Torr
Chair, House Judiciary Committee
Indiana State House of Representatives
200 W. Washington Street
Indianapolis, IN 45204

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

Position: Unequivocally Oppose

Dear Mr. Chair and Members of the House 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 SB345, a bill to amend the current Safe Haven/ Safe Haven Baby Box law.

The purpose, of SB345, 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. The bill was limited originally to Safe

Haven Baby Box cases but has been amended to cover traditional Safe Haven cases as well.

Ultimately, SB345 legalizes child trafficking for adoption

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 and traditional cases as well. She has even complained that she has no role in the placement of “her” babies, though nowhere in the US do private Safe Haven advocacy organizations have any such privilege. She has said publicly that she intended “to fix” the DCS “problem by removing DCS from the baby box landscape and adoption process—so now, if this bill passes as amended DCS can be removed from both types of Safe Haven cases altogether —or as much as possible.

SB345 illustrates 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.

Let's start at the top!

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

SB345 expands that custody 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 does not specify procedures to identify and chose agencies to contact.

This lack of direction is confusing at best and raises the concern of 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 any type of Safe Haven 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 outcomes and trafficking.

Adoption agencies could coordinate baby box abandonment through SHBB Inc or through relationships they develop with emergency providers. Most Safe Haven surrenders (and certainly box surrenders) as far as I can tell happen at fire stations and SHBB Inc enjoys an extremely close relationship with firefighters on a business and social level. Those relationships could influence firefighters and EMTs to bypass DCS and go directly to adoption agencies.

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 SB345 "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? I doubt they would be lower.

What is not mentioned in the bill or in the Fiscal Note is that DCS, at least according to Ms. Kelsey, maintains a list of families waiting to adopt Safe Haven and SHBB babies. Placement is easy, fast, and inexpensive. SB345 will subsidize private businesses not known for their transparency. Most adoption agencies charge \$60,000 or more per child. The amended SB345 puts a cap on fees at \$10,000 for Safe Haven cases. But...since no "official" report to the state is necessary, a baby could just end up in an off-the-books "adoption" without anyone bothering to follow the law.. And that's just one scenario.

I am pretty sure that parents who utilize Safe Havens would not want to be a party to baby selling.

Now we get into the more "practical" problems presented in SB345; problems that upend 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 there of:

The bill exempts those newborns unfortunate enough to have been "surrendered anonymously" under either Safe Haven plan, from the legal protections afforded every other child in the State of Indiana placed in a potential protective, foster and adoptive situation,

The bill prohibits DCS from taking the case to Juvenile Court by stripping DFS 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.” This is crazy!

It is inconceivable to me that the State of Indiana would prohibit a judge at a court hearing to question to the provenance of an infant with no name, no parents, no history outside of an ER counter or 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 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!)

One last note: the role that Safe Haven Baby Boxes Inc plays in the continual amending and bending of the state Safe Haven law and policy to suit its needs is disturbing. Billed originally as a ministry, it has grown into something much larger: a political instrument. Ms.Kelsey is the founder and leader of the organization and the Safe Haven Baby Box movement, SHBB Inc is the only box vendor in the US.

Recently, according to its social media, the company has taken over manufacture of the boxes. Thus, any bill that endorses the Safe Haven Baby Box movement is a vendor bill that financially benefits and promotes one specific private corporation that controls the entire baby box process.

SB345 is simply a continuation of the commodification of children. SB345 lacks even the most basic protections for the infants it claims to protect, and continues bad adoption practice.s It legalizes corruption and black market adoptions.

Please vote NO on HB345.

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, Mad Voters—Indiana.

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.
