



Bastard Nation: the Adoptee Rights Organization

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TO:

FROM: Marley Greiner, Executive Chair

RE: Governance Committee Discussion on Newborn Safety Device/Safe Haven Baby Box Proposal. August 30, 2023 meeting

DATE: August 29, 2023

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.

In addition, I am to being the 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 Safe Haven Baby Box 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.

I live in Corpus Christi, via Moody and Leander.

I write to the Governance Committee today in opposition to the the implementation of “newborn safety devices, “popularly known as Safe Haven Baby Boxes (SHBB) to the City of San Antonio as well as the allocation of \$438,000 to pay for them and associated services of some sort.

We believe that the addition of baby boxes to the community and the budget allocation are well-intentioned, but we ask that the proposal be withdrawn from the 2024 budget plan. More research and study of baby boxes is necessary before an ethical and final decision is made.

This letter is divided into three parts: A short backgrounder; adoptee, adoptee rights, adoption reform, and child welfare objections; concerns particular to San Antonio.

Background

Definition: “Newborn safety devices/Safe Haven Baby Boxes (SHBB) ” 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, “shame-free,”and legalized “anonymous abandonment” of newborns by parents (typically mothers) or those designated by them under the authority of state “safe haven” laws. Texas was the first state in the US to pass safe haven legislation—known here as the Baby Moses Law (BML). Under the current BML law, infants up to the age of 60 days of age can be surrendered legally and totally anonymously at state-designated locations, with no questions asked. Only two or three states authorize drop-offs after 60 days

The Safe Haven Baby Box movement and Safe Haven Baby Boxes, Inc was started by Monica Kelsey in Woodburn, Indiana about seven years ago. The company is a privately owned and operated not-for-profit ministry. It is the the only manufacturer and leaser of the “safety devices” in the United States today. **The company is the model of Henry Ford's vertical business model. It created a “need” for its product. It works with legislators to write enabling legislation, lobbies for passage, runs its own hotline, manufactures its own product at its factory outside of Woodburn where it employs family members, and advertises itself, (and its hotline and company information) on the outside of its devices installed on government property, making the state buildings a billboard for its services. It utilizes the children it claims to have “saved” in company advertising and events such as box blessings, press conferences, and fundraisers.** I understand that the San Antonio proposal is clear that it is interested in “newborn safety devices” and not a specific brand, but SHBBB Inc is the only brand so legislation to move boxes into the community, then, is a “vendor bill.”

Why We Oppose Safe Haven Baby Boxes

Adoptee rights and adoption reform organizations through the United States are on record opposing baby boxes, A list of on-record baby box opponents appears at the bottom of this letter. Note that the National Safe Haven Alliance and individual safe haven law pioneers, also oppose the devices. There are more who have not yet made any statement.

What we hate is not adoption as some claim, but 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 baby boxes. Dropping a baby into a box anonymously and walking away does not obviate or solve the root causes of newborn discard/neonaticide:

- 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 want 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 newborn safety devices/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.
- Commodifies babies and normalizes “legal” baby abandonment as just another consumer choice, with no lifetime psychological consequences for baby and mother, including , but not limited too abandonment issues shame, guilt, substance abuse, depression, low self-esteem. Boxes represent state-sanctioned throwaway culture . Some critics call them child abuse.
- 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. Box proponents, dismiss the very real dangerous and violent situations some women live in, advise “if their baby is taken they can call the the police.”
- 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 gone.

- Discourages women from seeking pre-and post-natal care and to give unsafe unattended birth. We are particularly concerned about a so-called 9 minute PSA that SHBB Inc has online and very possibly shows in schools, church youth groups, and other youth organizations which portrays concealed pregnancy and childbirth as a safe immaculate activity with little pain and no emergencies, blood and mess. The narrative shows an upper middle class pregnant high school student. who has informed neither the baby's father or her parents of the pregnancy because she has found baby box information online. She goes into labor sneaks, out of her house with a friend in the middle of the night to give birth in a car, and then pops the baby into a box and goes home as if nothing happened. The bedroom, the car, and her clothing remain pristine. She remains calm, and self-assured. This video is dangerous and life-threatening. It could be deadly, (<https://www.youtube.com/watch?v=CUDLsJq5sz4&t=20s>)
- Hides crime such as rape, incest, spousal and partner abuse, and trafficking.

Concerns Specific to San Antonio

Need

There is no doubt that San Antonio has a serious child abuse/neglect problem, Newborn discard/neonaticide and child abuse, however have different pathologies and perpetrators. While child abuse is high, discard is very low. The original mission of safe haven laws was to protect the newborns of mothers who had concealed pregnancies and births. The babies were in danger of discard or death within their first 24 hours. With each passing day however, the chances of discard decrease rapidly. Child abuse neglect/domestic violence; however can increase, but at the hand of others associated with the household, not the mother. Unfortunately, proponents purposefully or not, conflate discard./neonaticide with child abuse/neglect.

A search of the archives of the *San Antonio Express -News* and *WKEN-TV* reveals that within the last 10 years discard/neonaticide is rare. I found 5 reported cases of infant discard death and 3 cases where the baby survived, The death reports are a bit misleading, however, since the age of the deceased in some cases is either not determined or mentioned or outside of the BML protocols. The need then for a dozen baby boxes at a cost of nearly half million dollars seems well...over the top. Of the approximately 160 cities and towns with active boxes, only a couple have more than one.

Safe Haven Baby Box advocates claim that its boxes are necessary because even traditional safe haven laws, with their anonymous “relinquishment” provisions and promise don't work, despite over 4400 cases in the US reported since around 1999. (<https://www.youtube.com/watch?v=CUDLsJq5sz4&t=20s>). By the way, according to the National Safe Haven Alliance, says that between 25%-30% of those infants are returned to their mothers, a family member, or placed in an open adoption at the request of the parent who comes back.

Promoters say that boxes offer an extra level of security that guarantees parental anonymity. This is a misleading and irresponsible claim that is easily disproved. Safe Haven/Baby Moses surrenders are anonymous unless a parent voluntarily submits identifying information, which actually happens sometimes The adoptive parents of children surrendered through traditional safe haven programs as well as adults surrendered as children are now using inexpensive and easily available DNA test to identify and locate biological parents. Future technology will only improve this process. .

To top it off, there is no evidence that baby boxes work. Since 2017, 35 box cases have been reported, across the country, but there is no evidence that any newborn was in danger. In fact, the alleged danger these infants escape is never really defined, other than the weird, “Your mother saved you” from...” but never says what, or “Your mother loved you so much she didn't kill you” This is, in the vernacular, a real buzzkill for adoptees. According to SHBB Inc, in fact, many boxed babies are described as “healthy, happy, and loved.” They arrive cleaned up wrapped in blankets, and accompanied with toys, baby bottles, and notes from parents. In other words, these are no-fuss-no-muss adoption surrenders. **Importantly, no study has been made on the use of these boxes in the US, their need use, and outcomes. Proponents simply claim they save lives because “We know”** **Sound public policy cannot be based on intuition.**

Finally, traditional adoption plans are the most overwhelmingly common way for a parent to relinquish a child for adoption if that is what a mother wants. To hear proponents talk, however, traditional relinquishment practices don't exist in Texas and the only way to relinquish a child for adoption is by ER counter or box- in-the wall. Adoption agencies, in the main, are not fans of baby boxing. Encouraging people to dump babies with no counseling, no parental identification, and no family, social and medical history is irresponsible and dangerous.

Money

The big selling point that Safe Haven Baby Boxes Inc uses on lawmakers and the public to push through placement of their baby boxes is that they are provided “free” through voluntary contributions from civic organizations, churches, foundations, non-profit grants, and individuals. That is, taxpayers don't foot the bill for its community-building project so what is there to lose? As you can imagine, I was very surprised to see that San Antonio is proposing a whopping \$438,000 in taxpayer money.

While the allocation has not been broken down yet, it is puzzling that so much money is being requested. The current leasing fee for SHBB is approximately \$11,000 plus about another \$6,000 for construction, installation, fees, permits, landscaping, etc, making the total \$16,000. Unless the city gets a bulk rate that means that the cost of the boxes comes to \$192,000. Where is the other \$246,000 headed?

Conclusion

Please reconsider moving newborn safety devices into San Antonio and funding them with taxpayer dollars. There is no discard emergency in the city. An ill-thought-out decision will not only be financially costly, but bad social policy. The money can be better spent in programs to lower San Antonio's high teenage pregnancy rate and create genuine and human resources, both financial and personal, for women seeking reproductive health services. Boxing is no tone of those services. San Antonio does not need this moral mess.

Thank you for your consideration.

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

newborn safety devices: Bastard Nation, Adoptee Rights Law Center, Adoptees United, Missouri Open, Texas Adoptee Rights Coalition, Abrazo Adoption Associates (San Antonio), New York 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), Against Child Trafficking Chicago Bar Association, National Safe Haven Alliance, Louisiana March of Dimes, Louisiana Partnership for Children and Families, A Safe Haven for Newborns (Florida), Save Abandoned Babies, Foundation (Illinois), Indiana Department of Health, Mad Voters—Indiana.