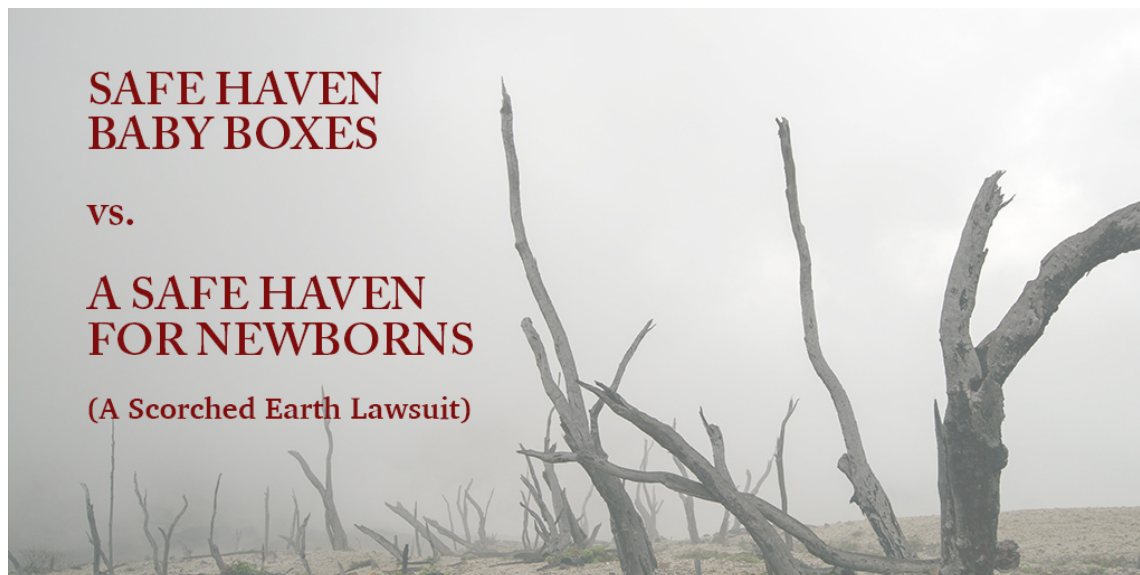


# Boxes At Any Cost

From [Stop Safe Haven Baby Boxes Now](#), February 18, 2024, by Gregory D. Luce

The baby box corporation—the Indiana-based corporation legally known as Safe Haven Baby Boxes Inc.—has gone nuclear, filing a federal defamation lawsuit in Florida against a Florida fire department, a local safe haven foundation, and a well-known and respected traditional safe haven advocate.



While the complaint itself is incredibly thin and suffers from allegations that don't hold up under even cursory inspection, the reality is that it's an exceedingly dumb political move on the part of the Indiana baby box promoters, most prominently Monica Kelsey. It further shows that Kelsey and her corporation don't care about the effectiveness of any other strategies related to baby abandonments. For Kelsey and her corporation, it's only about boxes, at any cost.

## What We Know

A copy of the [defamation complaint is here](#). Filed in federal district court in January 2024, Safe Haven Baby Boxes (SHBB), whose founder and president is Monica Kelsey, claims that a fire department in Fort Myers, as well as its director of public relations, defamed the corporation by making alleged false claims about the operation and cost of the baby boxes the corporation manufactures in Indiana and sells and promotes to various states, including Florida. The lawsuit also names two other defendants: Nick Silverio and A Safe Haven for Newborns Gloria M. Silverio Foundation, a well-known and well respected

traditional safe haven advocate as well as the foundation he oversees in Florida. That foundation is named after Silverio's late wife. The defendants have [filed an answer, which is here](#).

## What Few People Are Telling You

The background to this issue is mentioned somewhat in the lawsuit, but not in a way to figure out what is really going on. That background is important to know, and [Marley has already discussed it here](#), though it is also worth a quick mention.

Since at least 2019, Safe Haven Baby Boxes has been lobbying hard to change Florida law to authorize installation of baby boxes in the state (two have already been installed despite no state law authorizing them). That effort is basically dead, largely because key Florida legislators 1) respect the decades-long work of local organizations in the state, specifically Nick Silverio and his organization; and 2) recognize that baby boxes are an ineffective and unnecessary gimmick that do not move the needle on illegal baby abandonments, particularly in a state with longstanding and strong local advocacy.

Thus, enter the scorched earth litigation strategy of Monica Kelsey and her Indiana corporation.

## The Lawsuit's Allegations

The claims appear to relate to emails and conversations involving Silverio and a fire department's public relations director, and the baby box corporation is seeking at least \$75,000 in damages from them. There are two basic claims: defamation and slander as well as a claim legally known as "tortious interference with contract or business relationship." Essentially, Kelsey and the corporation claim Silverio and others made false statements about the corporation and those claims have damaged the corporation. Those alleged false claims are summed up in its complaint verbatim as follows:

1. SHBB's Devices have failed or are defective;
2. The Alarm System in the Device is not reliable;
3. The Device's weighted sensor is not reliable;
4. The Device costs upwards of \$16,000.00;
5. It is currently against Florida Law to leave a baby in the Device;
6. The Devices are not supported by Homeland Security;
7. The Devices pose a threat to the safety of a surrendered infant;
8. The Device is a fixture so it is required to comply with certain listing requirements;
9. The Device is similar or the same as an unrelated organization based out of

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- Germany's baby hatch; and  
10. That SHBB is required to have a safety rating.

Some if not all of these statements, however, may not have been made in the first place, have been misrepresented in the complaint, or are, in fact, demonstrably true, most notably that the boxes “cost” upwards of \$16,000. All you have to do to figure that out is review a baby box contract, particularly the page that ***actually details the costs***. That page ([available here](#)) shows that the boxes will cost a town or local fire department upwards of \$19,800 when you add up *all the costs and options* associated with “leasing,” installing, insuring, and maintaining a box (though fire department or facility staff time is not even included in this cost). Or, for fun, [consider this commemorative oversized check in West Virginia, made out to the baby box corporation](#): \$16,000.00 for one box, as supporters note in the story.

Other allegations appear to relate to differences of opinion in interpreting Florida laws and regulations and what people do or don't do in making a case for why baby boxes are unnecessary—or whether they present a risk of breakdown or catastrophe. The alleged defamatory statements truthfully point out that the baby box itself—i.e., its metal framework, doors, alarms, and all of its moving parts—is unregulated. Because the boxes in fact rely on electricity and complex mechanical operations, they are prone to break down at anytime (or [have critical alarm/notification system issues](#), as noted in the past). This is a simple reality with all devices, whether its a baby box or a toaster. Or, as the defendants have stated more generally in their answer: “Plaintiff’s claim for defamation against Defendant [Safe Haven for Newborns] fails because all statements made by Defendant SHFN were true.”

## A Boneheaded Move

Ultimately, this is a serious boneheaded move on the part of Kelsey and her minions, for one reason: [discovery](#). In any lawsuit, both sides may request extensive documentation from each other to secure (i.e., “discover”) the evidence needed to pursue or defend a case. In this case, Nick Silverio and his co-defendants are now motivated to show how the statements they made are true—presuming they made them at all.

That means nearly everything is on the table, including any documentation that the baby box corporation has on all of its communications, operations, and manufacturing of baby boxes. This would, for example, entail any documents that has made it aware of any need to test the equipment, any malfunctions of equipment over the course of their use, correspondence and emails about the boxes to and from legislators, state officials, or baby box locations; any problems anyone has raised to the corporation in relation to the boxes, whether recently or in the past, and detailed financial information, contracts, and documents that discuss the operations of the corporation. The amount of discovery

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available to people in litigation like this is broad, and now Silverio and his co-defendants are armed with the legal right to get that information. Suddenly, what was initially a scorched earth litigation strategy has become an internal bonfire for the baby boxers. I look forward to what is discovered after that bonfire.

## What Else to Know About the Baby Box Corporation

In addition to using federal courts as a way to intimidate and browbeat critics into submission, the litigation also calls attention to what the baby box corporation has now become: a controlling and ever-present monopolistic entity that has cornered the U.S. market on all aspects of baby boxes.

To my knowledge, there is no other manufacturer or seller of baby boxes in the United States. As a *de facto* monopoly, the baby box corporation also maintains the benefit of a vertical market over the devices. Not only does it manufacture the boxes, but it also leases them, promotes them, works to change state laws to install them, controls their installation and use, places limitations on local communications, and further promotes its own free “hotline” as a way to refer people to abandon babies in the boxes. That referral process is obviously a financial conflict of interest that, to my knowledge, is never disclosed to women or others in crisis.

The corporation is also, as of 2022, [a \\$1.1 million profitable operation that pays Kelsey and her husband at least \\$170,000 each year](#) (though these figures are likely even more today). The Kelseys and the corporation obviously have vested financial interests in expanding the baby box empire to every state, and they have specifically stated this as a goal. And it has no “competition” for that mission other than traditional safe haven laws and safe haven organizations, which generally do not support installation of boxes and require safe and reasonable face-to-face relinquishments in hospitals or fire stations. Faced with legitimate and strong opposition from advocates in Florida who are saying “no, enough is enough,” the corporation sees them as enemies, and it is using its financial and ideological power to crush that competition, no matter that the “enemies” are a safe haven organization, a fire department, and their dedicated staff/volunteers.

Finally, and this is worth stating, there is no evidence—none— that baby boxes reduce the illegal abandonment of infants. Rather, the installation of baby boxes, along with the savvy promotion of them—including elaborate press conferences that celebrate each abandonment—does one thing: increases the abandonment of infants. The promotion of boxes also diminishes if not overtakes legitimate priorities to provide adequate health care, mental health services, and other community-based supportive services for people in crisis. All told, the baby box corporation has now lost its way and is striking out not to help people in crisis but instead to destroy people they see as competing for that privilege.

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## What This Means for Baby Box Opponents

More than anything, the baby box corporation's thinly supported and hasty recourse to federal court demonstrates the extremes it will use in order to get its way. Faced with repeated legislative defeats in just one state, the corporation desperately files a lawsuit as a means to silence and intimidate its critics (and, seriously, how has the corporation been damaged other than it didn't get the legislative result it wanted?). Yet the litigation, which appears to have little basis or support, will be costly to those defending it. In that way, it is an effective intimidation tool. Whether they use it again in the future is hard to say (maybe they'll even sue me for writing about the case). But the message is clear: we'll come after you for any reason, whether specious or not, reality be damned.

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### ABOUT GREGORY LUCE

Gregory Luce is a Minnesota-based lawyer and an adoptee rights activist. He is the founder of Adoptee Rights Law Center PLLC, and the executive director of Adoptees United Inc. The opinions expressed here are his own.

### ABOUT STOP SAFE HAVEN BABY BOXES NOW

Stop Safe Haven Baby Boxes now is an [adoptee-centered non-partisan website](#) that serves as an educational source and tool to de-propagandize and deconstruct the Safe Haven Baby Box myth and movement.

