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Submitted Testimony

LB214

Infant Safety Devices/Safe Haven Baby Box Authorization

House Health and Human Services Committee

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OPPOSE

Submitted Testimony

by

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This is a joint testimony/letter submitted by Bastard Nation: the Adoptee Rights Organization and Stop Safe Haven Baby Boxes Now. I am the Executive Chair of BN and the owner of SSHBBN, the largest abandonment box information, educational and media resource website in the world. I am submitting this testimony/letter to members of the Health and Human Services Committee and also a short statement on the Unicom portal.

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.

Since 2016 we have opposed “Safe Haven Baby Boxes” aka “newborn safety devices” that allow parents to anonymously stick their infant in a box in a wall and walk away, leaving them with no birth record, identity, or history.

This document contains 3 sections (1) Our talking points sheet covering objections and concerns; (2) Adopted people speak out against baby abandonment boxes; (3) Key issues.

Stop Safe Haven Baby Boxes Now!

Why We Oppose Safe Haven Baby Boxes

Adoptee rights and adoption reform organizations throughout the United States oppose deceptive relinquishment practices that are rooted in shame and secrecy, lead to drastic permanent solutions to temporary problems, and create a population of adopted people who have no birth records, identity, or history.

We seek ethics, transparency, and accountability in adoption and in related child welfare practices, not band-aid and gimmick solutions to social, political, and mental health problems that cause newborn discards. Contrary to long-standing and established child welfare policies, the use of baby boxes (sometimes called “newborn safety devices”):

- Creates a secretive and shadow child welfare system that eliminates informed consent, a child’s identifying information, and any record of the social and medical histories of newborns. Baby boxes operate to eliminate a child’s right to identity by eliminating accurate birth registrations and records.

- Commodifies infants and normalizes “legal” baby abandonment as a consumer choice, without acknowledging the lifetime psychological consequences for the baby and the mother, including, but not limited to, abandonment issues, shame, guilt, substance abuse, depression, low self-esteem, and suicidal ideation. Boxes represent state-promoted throwaway culture; some critics call them instruments of child abuse.

- Replaces professional best practice standards with unprofessional and unethical “relinquishment” procedures. Baby boxes instead give vulnerable parents a right to abandon an infant out of convenience or ignorance, with no counseling, documentation, or discussion of established alternatives, such as adequate medical care, financial and material family preservation assistance, or crisis nurseries.

- Deprives the non-surrendering parent of the right to rear her or his own child. Baby boxes eliminate any protections to prove that a person using the box has a legal right to surrender the baby. Embarrassed, frightened, or abusive partners, spouses or family members, and even sex traffickers, will use (and undoubtedly have used) baby boxes without the consent or knowledge of the (other) parent, with no repercussions. Baby box proponents dismiss the real, dangerous, and violent situations experienced by women, simply advocating that “if your baby is taken, just call the police.”

- Disenfranchises natural parents—particularly the non-surrendering parent (usually the father)—of 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. State-based Putative Father Registries, touted as a safeguard, are rendered useless since records are filed by the name of the mother who remains anonymous by law.

- Creates at-risk adoptions due to possible litigation from the non-surrendering parent or biological family members who may learn of the abandonment and seek custody.

- Contravenes family reunification guidelines of the federal Adoption and Safe Families Act (AFSA)

and dispenses with tribal rights embedded in the federal Indian Child Welfare Act (ICWA), which can also lead to federal litigation.

Encourages women to keep problematic pregnancies a secret. The promotion of baby boxes discourages family and professional communication and eliminates 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 almost always disappears.

Hides crimes such as rape, incest, spousal and partner abuse, and human trafficking.

Promotes and supports the non-profit ministry Safe Haven Baby Boxes, Inc., a million-dollar corporation that controls the manufacture, promotion, sales, installation, and referral of women to baby boxes in the United States. It has created the baby box market and lobbies legislatures, produces boxes at its own factory, installs the devices, operates a hotline that refers pregnant women to box locations near them, and holds press conferences when a newborn is left in a box. Rather than protect legitimate privacy interests of the infant, it uses boxed children as fundraising tools for its ministry.

Discourages women from seeking pre-and post-natal care, instead encouraging dangerous and unsafe unattended births in the community, outside of a hospital.

Baby boxes do not address the causes of infant discard. Anonymously dropping a baby into a box and walking away does not obviate or solve the root causes of newborn discard/neo-naticide, which are:

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

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Adopted People Speak Out Against Baby Abandonment Boxes

Under adoption law, children that are adopted are not a party to the adoption; that is, we have no legal standing in the adoption. We are simply transactional objects handed from one party to another like a piece of furniture or an old car. Our lack of “standing” continues on a legal and social level when we reach adulthood. We are expected by certain parts of society to be silent, passive, and grateful that we were not tossed in a dumpster or ground up at a recycling plant. These outcomes, which common sense and statistics prove are highly unlikely except in the imaginations of those who weaponize child welfare and adoption to achieve their own goals, have nothing to do with us except to conflict with our civil rights. It is not uncommon that baby abandonment box bills and OBC/records bills are introduced in the same session and scheduled for hearings in the same committees—heard hopefully, not on the same day. Baby box folks proclaim “women demand anonymity.” Adoptees demand “restore our civil rights to our own birth certificates, records, and identities.” This is happening in Georgia right now.

As the result of this social and legal debasement, when adopted people speak against baby abandonment boxes, we and our arguments and voices are dismissed and ignored and sometimes silenced by box advocates, particularly, Safe Haven Baby Boxes Inc.(SHBB Inc). This multi-million dollar family-operated Christian ministry and non-profit is the only source in the country for all things baby box. It shapes and dominates baby box discourse, as well manufactures and places the devices in the walls of fire and EMS stations and hospitals across the country.

For years the organization has refused to respond to adoptee objections in any serious manner. The company's hotline operator and counselor posted on SBHBBN's Facebook page that [adoptees who object to boxes are “mentally challenged.”](#) The founder/CEO of the company [said on TikTok](#), “So take your little trauma narrative [*headbutt*] and go somewhere else.” The generic response, when given, is “you hate adoption”—a deflection that targets us as cranks, radicals, and outliers, when in truth we represent mainstream thought regarding boxes. Boxers are the outliers and radicals in their attempt to interfere in maintaining and growing best practice standards in pregnancy care, child welfare, and adoption,

Not one adoptee rights, birthparent rights, or adoption reform organization in the United States supports the legalization and installation of baby abandonment boxes. Moreover, child welfare and adoption professionals, researchers and scholars oppose them. Although, the current Safe Haven Baby Box initiative is an outgrowth of the Safe Haven movement, traditional Safe Haven advocacy organizations—the very ones that developed Safe Haven laws—oppose baby boxes. A little over a year ago, SHBB Inc, filed a nuisance civil claim for at least \$75,000 against the Florida's highly respected A Safe Haven for Newborns, its founder and director Nick Silverio, the South Trail Fire District, and the fire district's public relations director for discussing their objections to boxes with local authorities considering installation of a box. This bizarre suit, which charges defamation and tortious interference with contract or business relationships, seems to have been made in retaliation for Mr. Silverio's success in the Florida legislature killing baby box bills, which in turn has forced towns that wish to open boxes to invoke their Home Rule status. At the time the suit was filed, the state had 1 box only and since has added 4 more. The suit is expected to go to court this Spring. [More information on the suit including legal filings, a legal analysis, and an article from the Daily Beast is here.](#)

We are especially happy that the Interdisciplinary Center for Bioethics at Yale University's Infant Abandonment Working Group, and its associate director Dr Lori Bruce has joined the growing list baby abandonment box opponents. The working group under her direction published the important [Legislative Report: US Policy Responses to Infant Abandonment and Infanticide](#) late last year. To the best of my knowledge this is the first research published on the efficacy and use of baby abandonment boxes in the US. Its findings do not support the rush to support them. The working group also sent an

[open letter to the US Department of Health and Human Services](#), signed by over 100 medical, legal, and allied professionals, scholars, lawmakers, adoption and child welfare professionals and adoptee rights activists requesting it increase its involvement in public health policy responses to crisis pregnancies and to specifically oversee “the rapidly expanding network of unregulated devices” under its purview.

[Here is a link to selected opposition throughout the US.](#)

Adopted people have a plethora of opinions about adoption which are irrelevant to baby abandonment box discourse.

What is relevant, however, whether our individual opinions be good, bad, or ugly, is that we hate deceptive relinquishment practices, rooted in shame and secrecy, exemplified by baby abandonment boxes and the mission to create anonymous mothers and children. No one should be forced to parent when they can't or don't want to parent, but informed consent is paramount in the decision to relinquish a child for adoption. There are correct ways to do things, and encouraging parents to stick their baby in a box and run away isn't one of them. This secret scheme leads to drastic permanent solutions to temporary problems and denies the babies who are adopted under this system, when they grow up, to enjoy their civil and human rights to birth and adoption records, histories, context...and dignity.

What we demand is ethics and accountability in adoption and related childcare practices, not a band-aid solution to social, economic, political, and mental health problems that cause newborn discard to happen. Boxes simply make people feel better. They are cheaper than addressing real problems.

This seems to be a good place to add a related note. SHBB Inc's hostility to criticism and to questions about their operation are not limited to adoptees and those in the adoption cohort. One reporter told me a couple years ago that the CEO of SHBB refuses to take her calls due to her reporting on a state investigation of baby boxes. Just a couple weeks ago, the CEO went off on an investigative [reporter from WEWS-TV](#) (Cleveland)—one of 2-3 local reporters to give pushback and ask serious questions. (The video shows more than the printed news story). Of course, SHBB Inc has a right to refuse a media interview, but the optics....on camera...broadcast..

I trust that this committee, after this introduction to adoptee opposition will listen seriously to the adoptee voice today and agree with us.

Key Issues

As noted, our Talking Points sheet explains our objections, but here are some key issues we want to emphasize that present bad outcomes for newborns, their mothers and fathers, and to society as a whole.

Safety, Health, and Welfare of Mother and Child: Promotion and the availability of baby abandonment boxes discourages women from seeking pre-and post-natal care. Instead, SHBB Inc facilitates those in so-called “crisis pregnancies” to undergo dangerous and unsafe unattended births and care outside of a medical and safe setting.

SHBB Inc claims that it advises its callers to seek counseling services (the company's counselor and outside sources), pre- and postnatal care, safe delivery, etc, **but the 9 minute video (deceptively called a Public Service Announcement) which has had 27K views on YouTube, is a step-by-step guide, targeting teenage girls, on how to keep pregnancy, delivery, and birth concealed--a secret.** The video panders to a fantasy that pregnancy, even under secret conditions, is a walk in the park, physically and emotionally. Those who follow its guidance could die. Their babies could die. According to SHBB Inc, the youngest mother they have guided to the box was 12.

This is the link to the [video](#).

This is the link to the [blog](#) I wrote explaining some of the problems.

We know of 2 deaths associated with baby abandonment boxes. SHBB Inc announced on TikTok that one of its mothers OD'd and died shortly after boxing her baby--a suspected suicide. (The video seems to have been taken down [but here is what I wrote about it](#)) In Blackfoot, Idaho, [an 18-year old mom left her deceased newborn in a box](#) and is now being prosecuted, so far, with failure to report a death. There could be other tragedies that we don't know about.

Although the boxes undergo testing at the SHBB Inc headquarters and at box locations before they go live, they are also unregulated. The US government does not consider them to be medical devices nor are they UL tested and listed. It makes no sense that the lamp on your nightstand is required to be UL listed, but baby abandonment boxes, which plug into a wall and contain a triple alarm system are not. The SHBB Inc CEO has refused to discuss why they are not listed. ([See video here](#). *Courtesy of Chris Hicks*)

Choice and Consumerism: The promotion and use of Safe Haven Baby Boxes is anti-adoptee, anti-adoption, anti-family, and unethical. They promulgate the old secret system that adopted people have battled for over 70 years to abolish.

Baby abandonment box promoters subscribe, whether or not they realize it, to the long-discredited “blank slate” theory of adoption, reducing adoptees (whom they assume box babies will become) to familyless, historyless commodities—gifts given to strangers to mold (often through God's agency) with no thought of the consequences to the infant's legal and psychological welfare or that of their biological parents.

Instead, advocates promote boxes as a consumerist “choice”—a simple solution for parents (usually 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. Proponents simultaneously and seriously claim at box blessings and other public events that these “dangerous” parents love and want to protect their babies not discard or murder them, but may be forced to do so without the “100% anonymity” their company guarantees with the box. When asked to provide evidence of the efficacy of baby abandonment boxes, advocates can cite no studies or facts—only an intuitive “we just know.” The fact is that the number of reported dangerous discard cases throughout the US has remained steady for decades.

Cost of Boxes: Please don't believe that these abandonment boxes are free as advertised by Safe Haven Baby Boxes Inc. payments.

SHBB Inc initially operated on voluntary donations from individuals, ministries, fraternal organizations, non-profits, anti-abortion organizations, and foundations. Substantial funds from them are still collected, but in the last couple of years states and local jurisdictions have diverted taxpayer dollars to pay for them. This year, the Wyoming legislature rejected a bill, before it was even officially introduced, to allocate \$300,000 and possibly more to pay for boxes, even though no discards were reported for at least 8 years. Indiana has allocated \$1,000,000. New Mexico, with no box law on the books, \$330,000. San Antonio, Texas, allocated nearly \$450,000 for 12 boxes that remain unpaid and uninstalled [due to the City Attorney's unspecified concerns about SHBB Inc company's proposed contract with the city](#).

Some locations have taken money from COVID and Homeland Security accounts.

In Union Township, Ohio, outside of Cincinnati, township trustees decided it was OK to bypass Ohio law requiring at the time 24/7 staffing at box locations and to outright pay the approximately \$16,000 lease fee in its entirety with taxpayer money, not donations. When local conservative political watchdog Chris Hicks, who has no compunction taking on all comers, just not Democrats and liberals,

visited the fire station, to see what the box was all about, he found the facility empty with a working box in its wall. Hick's cried foul! He continued his investigation, chronicling it on Facebook and YouTube including a video of the baby box CEO trying to hide in the bathroom to avoid his questions during a public meeting. Not to be beaten, the already over-spending trustees dug in deciding to hire an extra firefighter to babysit the facility and keep the box running. SHBB Inc promised to fund the new firefighter but did not. ([See video, courtesy of Chris Hicks.](#)) Thus, local taxpayers were dunned not only the cost of the box but paying an extra full-time firefighter at union scale with benefits.

Hicks took his investigation farther by filing a complaint against SHBB Inc with the Ohio Public Health Review Board when a mandatory five year review came due. Hicks presented his findings at the hearing and the board took them seriously and agreed on some of them. One location was shut down until it complied with the law, and others were investigated. This led to a SHBB Inc-sponsored phone-bomb campaign with the CEO and supporters calling the Department of Health every working day for a month demanding to speak to the director to force him to follow through on a previously arranged personal meeting that he canceled when the CEO attempted to change the "rules of engagement," by packing the meeting with fire chiefs from baby box locations.

Company Control of Boxes: Safe Haven Baby Boxes Inc, invented and controls the entire baby box industry from bill-writing and lobbying to manufacture to installation to hotline to promotion to media. They frequently use babies boxed through their program in public events and fundraisers, a practice that adopted people find exploitative and manipulative. There is no other source in the US for the devices. In other words, LB214 and similar bills throughout the country are vendor bills.

I have in my possession copies of SHBB Inc lease contracts and Policy Procedures in Goshen and Munster, Indiana, as well as a 5-page scathing memorandum from the Goshen Clerk-Treasurer stating his concerns about the city's agreement with the company and recommendations regarding them. Quite an eye-opener! I would be happy to furnish them to anyone interested in reading them.

SHBB Inc controls baby box practices and procedures. Box locations are required to inform SHBB Inc within 2 hours of a drop-off; then prohibited from announcing the case publicly until the company makes an official announcement that appears in news and social media. Last year a fire station in Alabama was taken to public task when the local newspaper reported a drop-off before the company was able to blow its own horn. The company frequently states that each baby dropped in the box brings them more publicity more money.

Each box serves as an advertisement for the box company; therefore the company controls the signage on and around boxes. Some locations have attempted to include their own signage that would direct parents to consider a traditional personal walk-in relinquishment. They have asked to make available information about medical issues mothers may experience and compilations of information on local medical, counseling, legal, and family services but the company reportedly refused these requests

Instead, SHBB Inc offers their own information packet in an orange bag found inside the box. From what we have seen, the packet contains minimal and possibly wrong information. A box located in the Cincinnati area referred mothers to a midwife in Fort Wayne, Indiana, approximately 180 miles away. [The information sheet on post-natal problems](#) (also online in FAQ form) is a joke. The Ohio Health Review Board found the bag to be debris as per state law, and suggested it could be hung on a hook or kept in some kind of container next to the box door. I can't remember for sure, but I think they are now required to include Ohio government information. I have no idea if the company complied with the order.

Finally, SHBB Inc runs its own private "family registry." The company's low info orange bag packet includes a printed form that parents can fill out at the time of drop-off or any time later to establish health and social histories—and even include identities-- to mail to the company. This registry, which

does not compare favorably to the professionally designed detailed voluntary medical and social history forms available to parents in traditional Safe Haven cases that states offer. The SHBB Inc form is held “anonymous” and is not available to appropriate state agencies or adoption agencies appointed by the state to administer custody, care, and baby placement, Nor, as far as we know, is this information given to the adoptive parents of boxed babies. The company purposefully squirrels away for its own unknown purposes personal and “private” information about babies and parents, that in normal adoptions would most likely be shared. Images of the SHBB Inc form and the Ohio Department of Jobs and Family Services form are [found here](#)

Tribal Rights: I can find no reference in the current Nebraska Safe Haven law that recognizes ICWA protections or any state tribal protections for Safe Havened infants. Lack of these protections open the state to federal and tribal litigation.

Thank you for the opportunity to present this testimony. I realize I've included a lot here (more than I usually do in testimony. I to research, ponder and discuss. I urge you not to make a decision today so you can study the documents and continue the discussion with us stakeholders and among yourselves. I hope you discuss LB214 carefully and with an open mind to its many problems. If you have any questions or concerns, please do not hesitate to call, text, or email me.

Please vote DO NOT PASS on LB214