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Maine Senate Judiciary Committee

LD560 Safe Haven Baby Boxes

Written Submitted Testimony in Opposition

by

Marley E. Greiner, Executive Chair

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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 urge you to recommend DO NOT PASS on LD 560 a bill to authorize the use of Safe Haven Baby Boxes in the State of Maine.

For over 20 years we have opposed Safe Haven laws and today we oppose “Safe Haven Baby Box” proposals to “legalize” infant abandonment via the Safe Haven Baby Box. The promotion and use of the Safe Haven Baby Box is anti-adoptee, anti adoption, anti-family, and unethical. Baby Boxes are a slap in the face of every parent who has followed standard and ethical child relinquishment procedures. They are a slap in the face of the 6 million adopted people in the United States today who are subjected to archaic and discriminatory adoption secrecy laws such as sealed birth and court records. **Thankfully in 2007, Maine lawmakers agreed that original birth certificates were an abrogation of the civil rights of Maine-born adoptees and unsealed those birth records, without restriction or**

condition, to the adoptees for which they pertained. Starting in 2009 when the law went into effect, about 2000 Maine adoptees have benefited from that foresighted legislation and received their original birth certificates. The implementation of Safe Haven Baby Boxes would be a step backwards and challenge the efficacy of that reform.

Moreover, there is no indication that Maine even needs the Safe Haven Baby Box “option.” According to statistics maintained by the Safe Haven Baby Box organization itself, Maine has experienced no newborn discards in the five years.

Baby 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 with no thought of the consequences to their legal and psychological welfare, or that of their biological parents.

Baby Box advocates promote boxes as a consumerist “choice”-- a simple solution for 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 while simultaneously praising mothers for loving their babies so much they don't kill them. This is what is called cognitive dissonance. Saving babies from whom? When asked to provide evidence of the efficacy of Safe Haven Baby Boxes, advocates can cite no studies or any other facts--only an intuitive “we just know.”

Baby Box advocates claim that even traditional Safe Haven laws, with their anonymous “relinquishment” provisions, are tricky and dangerous. “Women demand anonymity,” they claim. Women, to be “safe,” must have the ability shortly after birth to skulk around dark obscure (but “prominent”) spots outside of hospitals, fire or police stations to drop their babies into a box, like trash, and walk away. No one will ever have to know.

Although, the current Safe Haven Baby Box initiative is a natural outgrowth of the Safe Haven movement, the National Safe Haven Alliance and individual state Safe Haven organizations —the very people who developed Safe Haven laws-- also oppose Baby Boxes. While Bastard Nation and allies remain opposed to Safe Haven laws we welcome Safe Haven advocate-opposition to boxes. We share many concerns with them, but of course, have our own specific critique and objections with which they might disagree.

SHBB proponents have played-down and ignored adoptee rights opposition to them except to claim that we “hate adoption” which is simply not true. Currently adoptee rights organizations through the United States are on record of opposing baby boxes, and undoubtedly more will follow as baby box bills hit their state legislatures.* What we hate are deceptive relinquishment practices, rooted in shame and secrecy that lead to drastic permanent solutions to temporary problems.

The causes of infant discard are not addressed by Safe Haven Baby Boxes or the state as a whole:

- 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 demand is ethics 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 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.
- 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 can use drop boxes without consent or knowledge of the (other) parent with no repercussions.
- 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 abolished.
- Discourages women from seeking pre-and post-natal care and to give unsafe unattended birth.
- Hides crime such as rape, incest, and spousal and partner abuse.
- Preys on undocumented and refugee parents who can't or won't seek medical and social

services for fear of arrest, deportation, loss of other children, and kids in cages. It forces them to give birth dangerously and secretly and to secretly abandon them if they can't care for them.

- Does not decrease infant mortality rates. as suggested by promoters. According to NIH, the main causes of infant death are (1) birth defects. (2) preterm birth and low birth weight, (3) Sudden Infant Death Syndrome, (4) pregnancy complications and (5) accidents. Safe Haven Baby Boxes do not address solutions to any of those problems. In fact, the nobody-has-to-know-you-had-this baby ideology of Baby Box promoters exacerbates 1, 2, and 4

There also some practical issues outside of our sphere of interest that nonetheless, should be addressed:

- Devices such as Safe Haven Baby Boxes are red-flagged by Homeland Security as targets of attack to disable first responders
- Currently installed boxes have been redesigned several times in the last two years. We have seen nothing to clarify the status of those boxes if and when new designs are available, or the cost and funds, and responsibility to replace them.
- Box procurement and installation may interfere with state or local law mandating competitive bidding.
- Boxes are promoted as “voluntary” and “free” since they are purchased and installed through local fundraisers at no expense to taxpayers. Once they are in place, however, there is nothing to stop the state or local government from later making them mandatory. For instance in New Jersey bills have run for the last two sessions and will probably be introduced this year, requiring all new fire stations, police stations, and hospitals to include “newborn safety devices.” If that happens who pays for them? Would municipalities be expected to hold fundraisers?

Please think carefully about LD560 and vote Do Not Pass. Maine families deserve better. Thank you.

The following adoptee rights organizations and allies are on records as opposing SHBB: Bastard Nation, Adoptee Rights Law Center, 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)