



January 20, 2023

The Honorable Jeffrey L. Campbell  
Chair, Subcommittee #2  
Courts of Justice Committee  
Virginia House of Delegates  
1000 Bank Street  
Richmond, VA 23219

**RE: OPPOSITION TO HB2291**

Dear Chairman Campbell and Members of the Committee:

I am an attorney who represents adult adopted people throughout the United States. I am considered a national expert on issues related to adoptee rights, whether those relate to identity documents, sealed records, birth certificates, or to adult intercountry adoptees who are without U.S. citizenship. I write to oppose HB2291 as introduced.

I take no specific position on the overall merits of Virginia's current newborn safe haven law, other than to note that, as stated in a recent article from experts on this issue, "safe havens operate not as a system for protecting newborns but rather as a tool for separating vulnerable parents from their children." See, "Wildly Inconsistent Safe Haven Laws Put Surrendered Infants, Parents at Risk," available at <https://www.governing.com/now/wildly-inconsistent-safe-haven-laws-put-surrendered-infants-parents-at-risk>

I oppose HB2291 for two very specific reasons:

- Virginia continues to fail, on a state-wide level, to collect any information on the number of infants relinquished under its safe haven law. As such, there is no easily available data to determine the prevalence of safe haven relinquishments, whether they are increasing or decreasing, and whether safe haven policies have had any impact on the stated reason for legal anonymous infant abandonment programs in the first place: to reduce or avoid infant deaths. No data exists to examine if the program is successful in its purpose or is, more likely, simply leading to increased anonymous abandonment of infants for adoption. If any data

exists, it is held separately by the 134+ county or local boards of social services responsible for abandoned safe haven infants.

- HB2291 proposes that safe haven abandoned infants be placed immediately with adoption agencies, typically within 24 hours of abandonment. The bill, however, contains no provisions to protect against corruption and trafficking. Instead, the law—combined with a lack of any state-wide data reporting, analysis, or collection—can be easily exploited to hide trafficking in infants for adoption. In particular, newborn safety devices, which now under Virginia law allow anonymous and impersonal abandonments by sliding an infant through a building wall, will allow facilitators and child traffickers to use these safety devices as a way to circumvent adoption laws and regulations, with the result that adoption agencies on a local “rotating list” will benefit, primarily through elimination of any need to deal with birthparents and legal relinquishments associated with infant adoption. This bill, if enacted, would set the stage for corrupt practices that the state will have no ability to see, let alone track or analyze.

For these reasons, I request that the committee vote NAY on HB2291.

Best regards,

**ADOPTEE RIGHTS LAW CENTER PLLC**

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Gregory D. Luce  
Attorney and Founder

