

1 SENATE BILL 206

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 David M. Gallegos and Rex Wilson and William E. Sharer
5 and Gabriel Ramos and Jay C. Block

10 AN ACT

11 RELATING TO CHILDREN; ALLOWING A PARENT TO RELINQUISH AN INFANT
12 IN A SAFE HAVEN BABY BOX LOCATED AT A SAFE HAVEN SITE;
13 PROVIDING THAT REUNIFICATION OF AN INFANT RELINQUISHED AT A
14 SAFE HAVEN SITE AND THE INFANT'S PARENTS SHALL NOT BE REQUIRED
15 UNDER CERTAIN CIRCUMSTANCES; REQUIRING THE CHILDREN, YOUTH AND
16 FAMILIES DEPARTMENT TO FILE A MOTION TO TERMINATE PARENTAL
17 RIGHTS IF THE PARENTS OF AN INFANT RELINQUISHED AT A SAFE HAVEN
18 SITE DO NOT CONTACT THE DEPARTMENT WITHIN A SPECIFIED TIME
19 PERIOD; PRESCRIBING GUIDELINES FOR PERMANENCY PLANS OF AN
20 INFANT RELINQUISHED AT A SAFE HAVEN SITE; PROVIDING IMMUNITY
21 FOR SAFE HAVEN SITES THAT INSTALL SAFE HAVEN BABY BOXES;
22 AMENDING THE ABUSE AND NEGLECT ACT.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

25 SECTION 1. Section 24-22-2 NMSA 1978 (being Laws 2001,
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1 Chapter 31, Section 2 and Laws 2001, Chapter 132, Section 2, as
2 amended) is amended to read:

3 "24-22-2. DEFINITIONS.--As used in the Safe Haven for
4 Infants Act:

5 A. "fire station" means a fire station that is
6 certified by the state fire marshal's office;

7 B. "hospital" means an acute care general hospital
8 or health care clinic licensed by the state;

9 C. "Indian child" means an Indian child as defined
10 by the federal Indian Child Welfare Act of 1978;

11 D. "infant" means a child no more than ninety days
12 old, as determined within a reasonable degree of medical
13 certainty;

14 E. "law enforcement agency" means a law enforcement
15 agency of the state or a political subdivision of the state;

16 F. "safe haven baby box" means a conspicuously
17 marked infant safety device used to maintain an optimal
18 environment for the care of an infant that is located at a safe
19 haven site and allows a parent to anonymously relinquish the
20 infant;

21 [F.] G. "safe haven site" means a hospital, law
22 enforcement agency or fire station that has staff on site at
23 the time an infant is [left] relinquished at such a site; and

24 [G.] H. "staff" means an employee, contractor,
25 agent or volunteer performing services as required and on

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1 behalf of the safe haven site."

2 **SECTION 2.** Section 24-22-3 NMSA 1978 (being Laws 2001,
3 Chapter 31, Section 3 and Laws 2001, Chapter 132, Section 3, as
4 amended) is amended to read:

5 **"24-22-3. [LEAVING] RELINQUISHING AN INFANT.--**

6 A. A ~~[person may leave an infant with the staff of~~
7 ~~a safe haven site]~~ parent may relinquish an infant in a safe
8 haven baby box or with the staff of a safe haven site without
9 being subject to criminal prosecution for abandonment or abuse
10 ~~[if the infant was born within ninety days of being left at the~~
11 ~~safe haven site, as determined within a reasonable degree of~~
12 ~~medical certainty, and]~~ if the infant is ~~[left]~~ relinquished in
13 a condition that would not constitute abandonment or abuse of a
14 child pursuant to Section 30-6-1 NMSA 1978.

15 B. ~~[A]~~ Safe haven site staff may ask ~~[the person~~
16 ~~leaving the]~~ a parent relinquishing an infant for the name of
17 the infant's biological father or biological mother, the
18 infant's name and the infant's medical history; but the ~~[person~~
19 ~~leaving]~~ parent relinquishing the infant is not required to
20 provide that information to the safe haven site.

21 C. Except when there is actual or suspected
22 abandonment or abuse of a child pursuant to Section 30-6-1 NMSA
23 1978, a parent who relinquishes an infant pursuant to the Safe
24 Haven for Infants Act may, at the parent's choice, remain
25 anonymous and leave the safe haven site at any time and shall

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1 not be pursued by the staff of the safe haven site or by staff
2 of the children, youth and families department.

3 [6.] D. The safe haven site is deemed to have
4 received consent for medical services provided to an infant
5 [~~left~~] relinquished at a safe haven site in accordance with the
6 provisions of the Safe Haven for Infants Act or in accordance
7 with procedures developed between the children, youth and
8 families department and the safe haven site."

9 **SECTION 3.** Section 24-22-4 NMSA 1978 (being Laws 2001,
10 Chapter 31, Section 4 and Laws 2001, Chapter 132, Section 4, as
11 amended) is amended to read:

12 **"24-22-4. SAFE HAVEN SITE PROCEDURES.--**

13 A. A safe haven site shall accept an infant who is
14 [~~left~~] relinquished in a safe haven baby box or with staff at
15 the safe haven site in accordance with the provisions of the
16 Safe Haven for Infants Act.

17 B. In conjunction with the children, youth and
18 families department, a safe haven site shall develop procedures
19 for appropriate staff to accept and provide necessary medical
20 services to an infant [~~left~~] relinquished at the safe haven
21 site and to the [~~person leaving~~] parent relinquishing the
22 infant at the safe haven site, if necessary.

23 C. Upon receiving an infant who is [~~left~~]
24 relinquished at a safe haven site in accordance with the
25 provisions of the Safe Haven for Infants Act, the safe haven

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site may provide the [person leaving] parent relinquishing the infant with:

(1) information about adoption services,

including the availability of private adoption services;

(2) brochures or telephone numbers for agencies that provide adoption services or counseling services;

[and]

(3) written information regarding whom to contact at the children, youth and families department if the parent decides to seek reunification with the infant; and

(4) written information stating that by relinquishing the infant at a safe haven site, the parent is presumed to have abandoned the infant, and unless the parent contacts the children, youth and families department within ninety days of relinquishing the infant to a safe haven site, actions will be taken immediately after the ninety-day period to terminate the parent's parental rights regarding the infant without further notice to the parent.

D. A safe haven site shall ask the [person leaving] parent relinquishing the infant whether the infant has a parent who is either a member of an Indian tribe or is eligible for membership in an Indian tribe, but the [person leaving] parent relinquishing the infant is not required to provide that information to the safe haven site.

E. Immediately after receiving an infant in

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1 accordance with the provisions of the Safe Haven for Infants
2 Act, a safe haven site shall inform the children, youth and
3 families department that the infant has been [left]
4 relinquished at the safe haven site. The safe haven site shall
5 provide the children, youth and families department with all
6 available information regarding the child and the parents,
7 including the identity of the child and the parents, the
8 location of the parents and the child's medical records."

9 **SECTION 4.** Section 24-22-5 NMSA 1978 (being Laws 2001,
10 Chapter 31, Section 5 and Laws 2001, Chapter 132, Section 5, as
11 amended) is amended to read:

12 "24-22-5. RESPONSIBILITIES OF THE CHILDREN, YOUTH AND
13 FAMILIES DEPARTMENT.--

14 A. The children, youth and families department
15 shall be deemed to have emergency custody of an infant who has
16 been [left] relinquished at a safe haven site according to the
17 provisions of the Safe Haven for Infants Act.

18 [B. Upon receiving a report of an infant left at a
19 safe haven site pursuant to the provisions of the Safe Haven
20 for Infants Act, the children, youth and families department
21 shall immediately conduct an investigation, pursuant to the
22 provisions of the Abuse and Neglect Act.]

23 C.] B. When an infant is taken into custody by the
24 children, youth and families department, the department shall
25 make reasonable efforts to determine whether the infant is an

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1 Indian child. If the infant is an Indian child:

2 (1) the child's tribe shall be notified as
3 required by Section [32A-1-14] 32A-28-5 NMSA 1978 and the
4 federal Indian Child Welfare Act of 1978; and

5 (2) pre-adoptive placement and adoptive
6 placement of the Indian child shall be in accordance with the
7 provisions of Section 32A-5-5 NMSA 1978 regarding Indian child
8 placement preferences.

9 C. It shall be deemed to not be in the infant's
10 best interest to reunify the infant with the infant's parents,
11 grandparents or relatives unless the children, youth and
12 families department is contacted within ninety days of
13 relinquishing an infant to a safe haven site by the parent of
14 the infant.

15 D. Upon receiving a report of an infant
16 relinquished at a safe haven site pursuant to the provisions of
17 the Safe Haven for Infants Act, the children, youth and
18 families department shall immediately conduct an investigation
19 to determine if the infant was relinquished in a condition that
20 would not constitute abandonment or abuse of a child pursuant
21 to Section 30-6-1 NMSA 1978. The children, youth and families
22 department shall file a petition for custody of the infant as
23 if the infant were abandoned pursuant to Paragraph (1) of
24 Subsection B of Section 32A-4-28 NMSA 1978 and shall:

25 (1) complete service by publication when

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1 filing, taking all necessary steps to ensure the privacy of the
2 infant's parent;

3 (2) if a parent of the infant contacts the
4 department within ninety days, make a reasonable effort to
5 reunify the infant with the family in accordance with the Abuse
6 and Neglect Act; or

7 (3) file a motion to terminate parental rights
8 of the parent if the parent does not contact the department
9 within ninety days of the filing of the petition.

10 [D.] E. The children, youth and families department
11 shall perform public outreach functions necessary to educate
12 the public about the Safe Haven for Infants Act, including
13 developing literature about that act and distributing it to
14 safe haven sites.

15 [E.] F. An infant [~~left~~] relinquished at a safe
16 haven site in accordance with the provisions of the Safe Haven
17 for Infants Act shall presumptively be deemed eligible and
18 enrolled for medicaid benefits and services."

19 **SECTION 5.** Section 24-22-8 NMSA 1978 (being Laws 2001,
20 Chapter 31, Section 8 and Laws 2001, Chapter 132, Section 8, as
21 amended) is amended to read:

22 "24-22-8. IMMUNITY.--A safe haven site, including a safe
23 haven site that installs and maintains a safe haven baby box,
24 and its staff are immune from criminal liability and civil
25 liability for accepting an infant in compliance with the

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provisions of the Safe Haven for Infants Act but not for subsequent negligent medical care or treatment of the infant."

SECTION 6. Section 32A-4-17.1 NMSA 1978 (being Laws 2016, Chapter 54, Section 3) is amended to read:

"32A-4-17.1. NOTICE TO GRANDPARENTS AND RELATIVES.--

A. Within thirty days after a child is taken into custody by law enforcement, or when the department files a petition seeking legal custody of the child, whichever occurs first, the department shall exercise due diligence and make reasonable efforts to identify and provide notice to all grandparents; all parents of a sibling of the child, when the parent has legal custody of the sibling; and other adult relatives of the child, including adult relatives suggested by the parents, unless such notice would be contrary to the best interests of the child due to family or domestic violence. The notice shall:

[A.] (1) specify that the child has been or is being removed from the custody of the parent or parents of the child;

[B.] (2) explain the options the relative has under federal, state or other law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;

[C.] (3) describe the requirements for becoming a foster family home and the additional services and

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1 support that are available for children placed in such a home;
2 and

3 [D.] (4) set out the dates of any currently
4 scheduled court hearings that involve the child.

5 B. The requirements of this section shall not apply
6 to infants relinquished at a safe haven site pursuant to the
7 Safe Haven for Infants Act."

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