

SENATE BILL 206

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

INTRODUCED BY

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AN ACT

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

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

**SECTION 1.** Section 24-22-2 NMSA 1978 (being Laws 2001,

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Chapter 31, Section 2 and Laws 2001, Chapter 132, Section 2, as amended) is amended to read:

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

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

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

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

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

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

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

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

[G.] H. "staff" means an employee, contractor, 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 [G.] 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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1 site may provide the [~~person leaving~~] parent relinquishing the  
2 infant with:

3 (1) information about adoption services,  
4 including the availability of private adoption services;

5 (2) brochures or telephone numbers for  
6 agencies that provide adoption services or counseling services;  
7 [~~and~~]

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

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

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

25 E. Immediately after receiving an infant in

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 ~~G.]~~ 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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1 provisions of the Safe Haven for Infants Act but not for  
2 subsequent negligent medical care or treatment of the infant."

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

5 "32A-4-17.1. NOTICE TO GRANDPARENTS AND RELATIVES.--

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

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

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

24 [C.] (3) describe the requirements for  
25 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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