

LFC Requester:	Malone, Carlie
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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

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(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/4/26 *Check all that apply:*
Bill Number: SB 206 Original Correction
 Amendment Substitute

Sponsor: Rep. David M. Gallegos **Agency Name and Code:** AOC
Short Title: Relinquishment of Infants at Safe Haven Boxes **Number:** 218
Person Writing: Kathleen Sabo **Phone:** 505-470-3214 **Email:** aoccaj@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	Rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 206 amends and enacts statutory sections within the Safe Haven for Infants Act (SHIA), Section 24-22-1 NMSA 1978 et. seq, as follows:

- **Section 1:** amends Section 24-22-2 NMSA 1978 to define “safe haven baby box” to mean 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.

- **Section 2:** amends Section 24-22-3 NMSA 1978 to permit a parent to relinquish an infant in a safe haven baby box or with the staff of a safe haven site without being subject to criminal prosecution for abandonment or abuse, if the infant is relinquished in a condition that would not constitute abandonment or abuse of a child pursuant to Section 30-6-1 NMSA 1978. SB 360 permits the staff of a safe haven site to ask the relinquishing parent for parent and child information and medical history and whether the infant is a member of an Indian nation, tribe or pueblo, and provides that the relinquishing parent is not required to provide that information to the safe haven site. Provides that except when there is actual or suspected abandonment or abuse of a child pursuant to Section 30-6-1 NMSA 1978, a parent who relinquishes an infant pursuant to the Safe Haven for Infants Act may, at the parent’s choice, remain anonymous and leave the safe haven site at any time and shall not be pursued by the staff of the safe haven site or by staff of the children, youth and families department.

- **Section 3:** amends Section 24-22-4 NMSA 1978 to provide that the safe haven site may provide the parent relinquishing the infant with specified information, including 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 (CYFD) within 90 days of relinquishing the infant to a safe haven site, actions will be taken immediately after the 90-day period to terminate the parent’s parental rights regarding the infant without further notice to the parent.

- **Section 4:** amends Section 24-22-5 NMSA 1978 to remove the requirement that upon receiving a report of an infant left at a safe haven site, CYFD shall immediately conduct an investigation to determine if the infant was relinquished in a condition that would not constitute abandonment or abuse of a child pursuant to Section 30-6-1 NMSA 1978. CYFD is required to file a petition for custody of the infant as if the infant were abandoned pursuant to Section 32A-4-28(B)(1) NMSA 1978, and shall:

- (1) complete service by publication when filing, taking all necessary steps to ensure the privacy of the infant’s parent;

- (2) if a parent of the infant contacts CYFD within 90 days, make a reasonable effort to reunify the infant with the family in accordance with the Abuse and Neglect act; or

- (3) file a motion to terminate parental rights of the parent if the parent does not contact CYFD within 90 days of the filing of the petition.

- **Section 5:** amends Section 24-22-8 NMSA 1978 to include a safe haven site that installs and maintains a safe haven baby box as being immune from criminal liability and civil liability for accepting an infant in compliance with the provisions of the Act but not for subsequent negligent medical care or treatment of the infant.

- **Section 6:** amends Section 32A-4-17.1 NMSA 1978, governing notice to grandparents

and relatives, to provide that the requirements of this section shall not apply to infants relinquished at a safe haven site pursuant to the Safe Haven for Infants Act.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to any increase in the number of petitions for legal custody by CYFD, proceedings to terminate parental rights of the parents of relinquished infants, abuse and neglect proceedings pursuant to the Abuse and Neglect Act, or claims of abandonment or abuse of a child pursuant to Section 30-6-1 NMSA 1978. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

1) While the SB 360 amendment to Section 24-22-3 NMSA 1978 removes the requirement that the infant was born within 90 days of being left at the safe haven site, Section 24-22-2 NMSA 1978 defines “infant” to mean a child no more than 90 days old, as determined within a reasonable degree of medical certainty.

2) It is possible that allowing an infant to be relinquished in an infant safety device may result in an increase in the number of petitions for legal custody by the department, proceedings to terminate parental rights of the parents of relinquished infants, abuse and neglect proceedings pursuant to the Abuse and Neglect Act, or claims of abandonment or abuse of a child pursuant to Section 30-6-1 NMSA 1978, requiring additional judicial resources to be expended.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS