

LFC Requester:

Carlie Malone

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 2/4/2026

Check all that apply:

Bill Number: SB 206

Original Correction
Amendment Substitute

Sponsor: Sen. David Gallegos, Sen. Rex Wilson, Sen. William Sharer, Sen. Gabriel Ramos, and Sen. Jay C. Block

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: RELINQUISHMENT OF INFANTS AT SAFE HAVEN BOXES

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(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						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

SB 206 seeks to amend portions of the Safe Haven for Infants Act NMSA 1978 § 24-22-1 thru and the Notice to Grandparents section of the Abuse & Neglect Act, NMSA 1978 § 32A-4-17.1. The main change is that SB 206 would allow a parent to leave a newborn infant in what SB 206 defines as a “safe haven baby box” rather than just with staff at a safe haven site. Generally, SB 206 substitutes the word “parent” for “person” making it clear that only a parent can leave an infant at a safe haven site. The specific changes proposed by SB 206 are laid out below:

Section 1 of SB 206 adds subsection (f) to NMSA 1978 § 24-22-2 to include a “safe haven baby box” which is defined as 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 of SB 206 substitutes clarifying language to subsection (A) to state that a parent may leave an infant in a safe haven baby box. Section 2 further deletes language in subsection (A) which allowed a person to only leave an infant with staff of a safe haven site.

This section also adds subsection (C), which provides that a parent who relinquishes an infant may 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 of SB 206 adds language to subsection (A) which says that it can be relinquished in a safe haven baby box or with staff at the safe have site.

This section also adds subsection (C)(4) which says that upon a parent relinquishing the infant, the safe haven site may provide the parent with written information stating that by relinquishing the infant at the 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, actions will be taken to terminate the parent’s parental rights without any additional notice.

Section 4 of SB 206 deletes subsection (B) which said that upon receiving a report of an

infant left at a safe haven site, CYFD would immediately conduct an investigation. Section 4 also adds subsections (C) and (D).

Subsection (C) states that it shall be deemed to not be in the infant's best interest to reunify the infant with the infant's parents, grandparents or relatives unless CYFD is contacted within 90 days of relinquishing the infant to the safe haven site.

Subsection (D) directs CYFD to immediately conduct an investigation to determine if the infant was relinquished in a condition that would not constitute abandonment or abuse of a child. Subsection (D) further directs CYFD to file a petition for custody and a motion to terminate the parental rights of the parent if the parent does not contact the department within 90 days. If the parent does contact CYFD within 90 days of filing the petition, CYFD is directed to make reasonable effort to reunify the infant with the family in accordance with the Abuse & Neglect Act.

Section 5 adds language to NMSA 1978 § 24-22-8 (IMMUNITY) to include "a safe haven site that installs and maintains a safe haven baby box" rather than just a safe haven site.

Section 6 adds subsection (B) which says that the requirements of NMSA 1978 § 32-4-17.1 are not applicable to infants relinquished to a safe haven site pursuant to the Safe Haven for Infants Act.

FISCAL IMPLICATIONS

None for the NMDOJ.

SIGNIFICANT ISSUES

The definition of "safe haven baby box" in Section 1 of SB 206 may cause confusion about how to relinquish an infant and ensure for the infant's immediate care upon leaving the baby in the safe haven baby box. The current law requires a person to leave an infant with staff at a safe haven site, ensuring the infant's immediate care with staff at the safe haven site. The term "safe haven baby box" suggests that a parent may leave an infant in a box unattended, which could be dangerous. While the definition of safe haven baby box means a safety device to *maintain an optimal environment for the care of an infant*, optimal care obviously includes human interaction and supervision, and it's unclear if such a box could be used after hours or on weekends when there may be limited staffing at such safe haven site. To address this, the drafter may consider amending the definition to specify that the box must be regularly monitored by staff at the safe haven (or add additional prophylactic measures), ensuring immediate custody and care of the infant that is relinquished.

Section 2 subsection (C) of SB 206 appears to conflict with Section 4 (D). While Section 2 subsection (C) directs CYFD to not pursue the parent who relinquishes the infant, Section 4 subsection (D) directs CYFD to immediately conduct an investigation. Inherently, CYFD's investigation's unit will have to contact the parent and find out more information about the circumstances for which the infant was relinquished. The drafter may suggest deleting part of Section 2 subsection (C) to remove CYFD, or add language to Section 2 subsection (C) to say that "shall not be pursued by staff of the children, youth and families department except that CYFD may conduct an investigation pursuant to Section.....

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

Section 4 subsection (C) of SB 206 appears to be in conflict with provisions of the Abuse & Neglect Act, particularly NMSA 1978 § 32A-4-8 (A)(2) which says that there is a preference to place a child in the home of a relative of the child when the relative is able to provide foster care as long as the placement is in the best interest of the child. It is unclear why SB 206 Section 4 would make it not in the best interest of the child to place a child relinquished infant in the temporary custody of relatives of the child as long as the relatives comply with NMSA 1978 § 32A-4-8 (A)(2) and other portions of the Abuse & Neglect Act. CYFD struggles to find placements for children due to a shortage of foster parents, and relative placements who are able and willing to take in a child are often the best option.

Along the same lines, the drafter may consider amending Section 4 (D)(2) of SB 206 to state that if a parent or relative of the infant contacts CYFD within 90 days, CYFD will make a reasonable effort to place the infant with a relative placement while any abuse and neglect investigation or case is pending.

Finally, Section 6 of SB 206 may need to be revisited or removed considering that grandparents and relative placements could still be viable options for placements for relinquished infants.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.