

LFC Requester: _____

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: _____ *Check all that apply:*
Bill Number: SB206 Original Correction
 Amendment Substitute

Sponsor: Gallegos, Wilson, Sharer, Ramos, & Block
Short Title: RELINQUISHMENT OF INFANTS AT SAFE HAVEN BOXES
Agency Name and Code Number: CYFD - 690
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

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

BILL SUMMARY

Synopsis: This bill amends the Safe Haven Act as follows:

- Defines “safe haven baby box”;
- Changes the current language of “surrender” or “leave” to “relinquish”;
- Allows a parent to anonymously relinquish an infant and leave the safe haven site without being pursued by staff of the safe haven site or CYFD, unless there is actual or suspected abandonment or abuse;
- Permits safe haven sites to provide written information to a parent that the parent is presumed to have abandoned the infant and that CYFD will take action to terminate parental rights unless the parent contacts CYFD within 90 days of relinquishment;
- Eliminates the requirement that CYFD conduct an investigation into an infant relinquished at a safe haven site;
- Establishes a presumption in statute that it is not in the infant’s best interest to be reunified with a parent or other relative unless CYFD is contacted by the parent within 90 days of the relinquishment;
- Requires that CYFD conduct an immediate investigation to determine if the infant was relinquished in a condition that would *not* constitute abandonment or abuse under the Criminal Code;
- Requires that CYFD consider the infant as having been abandoned under the Abuse and Neglect Act and file for custody;
- Requires CYFD to complete service by publication when an infant has been relinquished;
- Provides 90 days for a parent to contact CYFD if they wish to pursue reunification;
- Establishes a presumption in statute that a parent who leaves an infant at a safe haven site has abandoned said infant;
- Requires CYFD to file a motion to terminate parental rights of the infant immediately after the 90 day period has expired;
- Restricts the authority to surrender an infant at a safe haven site to the parents; and
- Exempts safe haven sites which install and maintain a safe haven baby box from any criminal or civil liability.

The bill also amends the Abuse and Neglect Act 32A-4-17.1 to clarify that CYFD is not required to make efforts to identify and provide notice to a relinquished infant’s grandparents and relatives if the infant is relinquished at a safe haven site pursuant to the Safe Haven for Infants Act.

FISCAL IMPLICATIONS

There is no appropriation contained within this bill. There is no fiscal implication for CYFD.

SIGNIFICANT ISSUES

Many state legislatures have enacted legislation to address infant abandonment and endangerment in response to reports of newborn infants abandoned in unsafe locations, such as public restrooms or trash receptacles, and to allow parents to safely and anonymously relinquish a child. To date, all 50 states, the District of Columbia, Guam, and Puerto Rico have enacted safe haven legislation. In most states, either parent may surrender a baby to a safe haven site or allow a designee to take the infant on their behalf. In contrast, this bill requires that the parent be the individual surrendering the baby.

In line with the policy behind safe haven legislation, this bill allows a relinquishing parent to remain anonymous and to leave the safe haven site without being subject to criminal prosecution, pursued by safe haven staff, or investigated by CYFD, unless the child had been abused prior to the relinquishment. The bill allows safe haven sites to ask the parents' and infant's name, the infant's medical history, and whether the infant has a parent who is a member or eligible to be a member of an Indian tribe, but the parent is not required to give the information. CYFD is required to make reasonable efforts to determine if the child is a member of a tribe, but without any information, this can be extremely difficult, usually leading CYFD to send tribal notification to all tribes with nothing but information that a baby "jane" or "john" doe was left at a particular site at a particular date and time.

The bill and the Safe Haven Act as amended does not mention or address New Mexico's Indian Family Protection Act (IFPA) and does not address how to comply with the mandate of both IFPA and the Indian Child Welfare Act (ICWA) to make efforts to determine if a child is an Indian child and notify any tribes, nations, or pueblos, when there is no known information about the child's ancestry or heritage. This presents the risk that a relinquished infant may be an Indian child, but that CYFD would not know and would not send the required notices. Additionally, the bill only requires CYFD to make "reasonable" efforts concerning a relinquished infant's heritage rather than the "active" efforts required by both ICWA and IFPA. However, other states with similar laws to IFPA, such as Wyoming, North Dakota, Iowa, Washington, Colorado, California, Oklahoma, and Michigan, have similar safe haven laws that do not require parents to provide any identifying information about the parents or infant, including about Native heritage. Only South Dakota's law mentions ICWA and says that due regard shall be afforded to ICWA.

Finally, the bill requires CYFD to immediately investigate whether the child was left in a condition that would constitute criminal abandonment or abuse pursuant to NMSA 30-6-1, which is a criminal statute. "Abuse" and "abandonment" are defined differently in the criminal code than they are in the Children's Code 32A-4-2, which applies to CYFD. CYFD does not investigate criminal child abuse. The bill would be clearer if it required CYFD to investigate if the child had been abused or neglected pursuant to the Children's Code, clarifying that relinquishment in line with the Safe Haven Act alone does not constitute abuse or neglect. The bill references these separate definitions of "abandonment" as defined in both the criminal statute as well as in the Children's Code, which is confusing. In 22-24-5(D), the bill requires CYFD to ensure that the infant was not abandoned pursuant to the criminal statute, then says that CYFD must file a petition for custody "as if the infant were abandoned pursuant to" the Children's Code.

PERFORMANCE IMPLICATIONS

CYFD has performance measures concerning child well-being and permanency. This bill would enhance CYFD's performance in timely achieving permanency for relinquished infants.

ADMINISTRATIVE IMPLICATIONS

Any administrative implications for CYFD will be absorbed by existing resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

See Significant Issues, criminal statute versus abuse and neglect act.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None proposed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed.