

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the Legislature. LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

FISCAL IMPACT REPORT

BILL NUMBER: Senate Bill 206

SHORT TITLE: Relinquishment of Infants at Safe Haven Boxes

SPONSOR: Gallegos/Wilson/Sharer/Ramos/Block

LAST ORIGINAL
UPDATE: 02/12/2026 **DATE:** 02/10/2026 **ANALYST:** Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Administrative Office of the Courts		Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

New Mexico Attorney General
Administrative Office of the Courts
Children, Youth and Families Department
Office of Family Representation and Advocacy

Agency That Was Asked for Analysis but did not Respond

Early Childhood Education and Care Department

SUMMARY

Synopsis of Senate Bill 206

Senate Bill 206 amends Section 24-22 NMSA 1978, the Safe Haven for Infants Act.

In Section 1 of the bill, “safe haven infant box” is defined as a safe environment in which an infant may be left, at a safe haven site – a hospital, law enforcement agency or fire station that has installed such a box.

Section 2 allows parents (differing from the previous “persons”) to relinquish an infant in the safety box or directly to staff at the safe haven site. The parent would not be prosecuted for abandonment or abuse unless there were signs of abuse. Unless there were signs of abandonment or abuse, the parent leaving the infant at the safe haven site could remain

anonymous.

Section 3 again replaces “person” with “parent,” and states that that parent relinquishing a child will receive written information stating that the parent is presumed to have abandoned the infant, and unless they contact CYFD within 90 days of relinquishing the infant, actions will be taken to terminate the parent’s parental rights without further notice to the parent.

Section 4 deals with the responsibilities of CYFD. New provisions of this section include the assumption being that infants will not be reunited with their parent(s) unless a request has been made within 90 days. CYFD is to maintain privacy and to immediately investigate all infants for evidence of abandonment or abuse and terminate parental rights if there is no contact with a parent within ninety days.

Section 5 provides immunity to staff at a safe haven site unless they are negligent in their care of an infant.

Section 6 amends required notification of grandparents or other relatives to state that infants relinquished at a safe haven site do not necessarily lead to notification of relatives.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

There is no appropriation in Senate Bill 206. The Administrative Office of the Courts (AOC) states that there would be minimal administrative costs in changing statutes and distributing and documenting them for stakeholders. In addition, AOC states that the availability of this recourse may result in “an 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, which would add to court dockets and cost.

SIGNIFICANT ISSUES

The National Safe Haven Alliance (nationalsafehavenalliance.org) estimates that 4,707 infants have been saved through its programs around the country since 1999, which include promotion of baby boxes. The only apparently available devices meeting the specifications of Senate Bill 91 are manufactured by a non-profit organization, Safe Haven Baby Boxes, which has boxes installed in Ohio (6 installed boxes), Indiana (131), Pennsylvania (1), Kentucky (16), Arizona (4), Florida (1), North Carolina (1), Arkansas (11) and one in New Mexico, in Española. The organization’s website, shbb.org, indicated that, as of 2021, 10 infants had been safely left in its boxes in Indiana, and one had been left in the Arkansas box. The Safe Haven Baby Box organization makes potential users aware of their availability in states where they have located the devices, through billboards, a website (shbb.org) and a toll-free telephone line. There is no mention on either website of sabotage being carried out using one of these devices.

Being able to surrender an infant into an anonymous safety box or to a first responder may provide other usable safe options for parents who might be ashamed or fearful of having to turn

an infant over in person. Proponents indicate that their availability may reduce the incidence of infanticide.

On the other hand, as noted by the Administrative Office of the Courts (AOC) in a response to Senate Bill 311 from the 2023 legislative session, “Opponents of baby boxes say that the boxes pose a national security risk (i.e., place for bombs), could put the infant’s life at risk in the case of a power outage, prevent face to face contact with the mother who may need medical attention or someone to talk to about her options, and distract from the causation and prevention of the abandonment.” In addition, AOC mentioned an article stating that, “Baby boxes still remain controversial in part because it ‘creates a method for people to surrender children without the parent’s consent.’”

The Office of Family Representation and Advocacy (OFRA) notes an “inherent tension between protecting the anonymity of the relinquishing parent and protecting the rights and best interests of the other parties involved, including the child.” For one thing, OFRA states, relative placement of a surrendered child, often the best option for the child’s well-being, will be difficult or impossible in the instance of use of a Safe Haven.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Similar to 2021 House Bill 18, “Safety Devices for Surrender of Infants,” 2022 House Bill 157, “Surrender of Infants,” 2022 Senate Bill 168, “Surrender of Infants,” 2023 House Bill 327, “Surrender of Infants,” and 2024 Senate Bill 91, “Infants in First Responder Safety Devices.”

OTHER SUBSTANTIVE ISSUES

CYFD notes tension between the provisions of this bill and those of New Mexico’s Indian Family Protection Act (Section 32A-4-9 NSA 1978) and the federal Indian Child Welfare Act, especially when no information about a relinquished child is available from the relinquishing family. CYFD specifies it would be difficult to determine whether a relinquished child was of Native American origin and to which tribe it belonged if the relinquishing person remained anonymous.

TECHNICAL ISSUES

Previous versions of this bill have specified that a “person” could relinquish infants to safe havens but that has been changed to “parent” in the current version. It is not clear how a safe haven or an investigating agency would be able to determine how an anonymous relinquishing person could be determined to be the parent.

CYFD states it is charged by the bill with determining if a relinquished child was left in a condition suggesting criminal abuse or abandonment. CYFD states that “‘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 New Mexico Attorney General makes several suggestions regarding needed changes:

- The definition of “safe haven baby box” in Section 1 of SB206 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 SB206 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 investigations 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...”
- Section 4 subsection (C) of SB206 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 SB206 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 relatives 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.
- Section 6 of SB206 may need to be revisited or removed considering that grandparents and relative placements could still be viable options for placements for relinquished infants.