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FISCAL IMPACT REPORT

SPONSOR	<u>Padilla/Gallegos</u>	LAST UPDATED	<u>3/9/2025</u>
		ORIGINAL DATE	<u>3/9/2025</u>
		BILL	
SHORT TITLE	<u>Safe Haven for Infants Act Changes</u>	NUMBER	<u>Senate Bill 360</u>
		ANALYST	<u>Chilton</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
CYFD	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to Senate Bill 499

Sources of Information

LFC Files

Agency Analysis Received From
Administrative Office of the Courts (AOC)
New Mexico Attorney General (NMAG)
Health Care Authority (HCA)
Department of Health (DOH)
Office of Family Representation and Advocacy (OFRA)
Children, Youth and Families Department (CYFD)
Department of Public Safety (DPS)

SUMMARY

Synopsis of Senate Bill 360

Senate Bill 360 (SB360), Surrender of Infants, amends the Safe Haven for Infants Act (Section 24-22 NMSA 1978) to allow surrender of infants that might otherwise be abandoned in safety devices approved by the Legislature and installed in law enforcement agencies, fire stations, and health care facilities in New Mexico. The Safe Haven for Infants Act already allows persons to leave infants with designated safe haven sites, usually staffed by first responders; this bill would make changes to the procedures for relinquishing infants in general.

Section 1 of the bill adds definitions to those in Section 24-22-2, naming the Children, Youth and Families Department (CYFD) as the department in charge of the bill's provisions and defining

“infant safety device” as one designed for the purpose and installed in a safe haven site.

Section 2 removes the requirement that infants must be less than 90 days old and allowing parents or parents’ designees to relinquish the infant. The person(s) relinquishing the infant may be asked for identifying information, including whether the infant comes from an Indian nation, tribe, or pueblo, but this information is not required to be given. The bill removes a section giving permission for medical services.

Section 3 absolves the person(s) relinquishing the infant from charges of child abuse or abandonment, assuming the relinquishment is done in infant safety devices and the infant is left in good condition.

Section 4 amends Section 24-44-4 NMSA 1978, changing wording, including changing “left at” to “relinquished at.”

Section 5 provides confidentiality regarding infants left at safe haven sites and provides penalties for those violating this confidentiality requirement.

Section 6 provides for the assumption of consent for medical services by CYFD in these cases.

Section 7 amends Section 24-22-5 to require CYFD to take custody of a relinquished infant and that the department must file for legal custody on the next business day. Parental rights to the child are to be terminated unless a father’s name is found in the putative father registry. CYFD is to investigate if there is evidence that a relinquished infant appears to have been abused or neglected.

Section 8 describes the characteristics of an infant safety box, making sure that it is visible to staff at the safe haven site and requiring an alarm to notify the staff when an infant has been placed inside it. The bill allows but does not require safe haven sites to install infant safety devices.

Section 9 amends Section 24-22-8 regarding immunity, making safe haven sites and their employees immune from criminal and civil liability in dealing with the infant and the infant safety box. The site and its staff are not required to detain or identify parents who leave infants at the site unless there is evidence of abuse or neglect.

Section 10 requires CYFD to make rules regarding safety inspections for infant safety boxes.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

There is no appropriation in SB360. No agencies indicate a cost for implementing the provisions of this bill. CYFD may incur minimal costs for establishing safety rules for infant safety boxes, and possibly for caring for more infants relinquished under these added rules.

SIGNIFICANT ISSUES

As noted by the Department of Public Safety (DPS):

SB360 introduces the use of infant safety devices, which would provide a secure and controlled environment for parents to relinquish their infants. By installing these devices at designated safe haven sites, such as fire stations, hospitals, and law enforcement agencies that are staffed around the clock, the bill reduces the risk of harm to infants who might otherwise be abandoned in unsafe locations. The provisions of this bill provide clear, accessible, and legally protected alternatives for parents to relinquish their infants. This supports public safety by ensuring that infants are not left in harmful situations but are instead placed in proper, monitored settings where they can be cared for immediately. Moreover, the bill emphasizes the confidentiality of information about relinquished infants. Unauthorized disclosure is punishable by fines, building trust in the system and encouraging parents to use the safe haven option without fear of exposure.

The National Safe Haven Alliance estimates that 4,982 infants have been saved through its programs, which include the promotion of baby boxes. The only apparently available devices meeting the specifications of Senate Bill 311 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 five in New Mexico, in Española, Truth or Consequences, Belen, Carlsbad and Hobbs. The organization's website, shbb.org, indicated that, as of 2021, ten 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 and a toll-free telephone line. There is no mention on either website of sabotage being carried out using one of these devices. According to the Department of Health, "The organization also reports that in 2021, 31 infants were abandoned in unsafe locations such as dumpsters or backpacks, with 22 of them not surviving. These figures highlight the impact of Safe Haven laws in providing a secure alternative for infants in need."

Being able to surrender an infant into an anonymous safety box may provide another usable safe option for parents who might be shamed 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), "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 mentions that "that baby boxes still remain controversial in part because it 'creates a method for people to surrender children without the parent's consent'."

CYFD states that:

SB360 removes the existing requirements [for attempting to identify the parents], aligning this statute with the true purpose of safe haven laws. The bill eliminates the need for identification and investigation, ensuring anonymity for those relinquishing a child. It mandates strict confidentiality regarding the relinquishment process and requires law enforcement to check whether the child has been reported missing or abducted. Additionally, a search of the putative father registry is required.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill conflicts with Senate Bill 499, Safe Haven Infant Boxes, which amends the Safe Haven for Infants Act to allow for the relinquishing of infants in safe haven box (as opposed to an infant safety device).

TECHNICAL ISSUES

CYFD states that, “It would be beneficial to also amend the abuse and neglect act to add leaving a child in a safe haven device as an aggravated circumstance in NMSA 32A-4-2(C). This would allow for a finding that the department is not required to make efforts to reunify the family, pursuant to NMSA 32A-4-22(C).”

CYFD also makes the following points:

- Some conflicts between Section 8 and 10 in the bill regarding the safety, operation and maintenance of the devices can be addressed during the committee process.
- Subsection D should also be addressed in the committee process to align the definition of Indian Child with the Indian Family Protection Act.

The Office of the Attorney General makes two points:

- The bill fails to identify a party to enforce any violation of the confidentiality provision protecting the infant.
- The bill requires staff at a safe haven site to detain and/or identify parents if signs of abuse or neglect are present. It is possible that signs of abuse are not immediately visible during the relinquishment transaction, which – even within a few minutes of the departure of the relinquishing party – may be recognizable. This will likely create a small window of time for the staff to determine evidence of neglect and abuse.

OTHER SUBSTANTIVE ISSUES

The Office of Family Representation and Advocacy makes the point that this act may conflict in part with the state’s Indian Family Protection Act:

This bill makes it permissive, not required, for safe havens to inquire into a child’s relation to any Indian nation, tribe, or pueblo. The bill also removes the requirement that CYFD make reasonable efforts to determine a child’s Indian heritage. However, the New Mexico Indian Family Protection Act (IFPA) and the Indian Child Welfare Act (ICWA) require CYFD to make reasonable efforts to determine whether a child is an Indian Child. IFPA and ICWA create heightened standards for cases involving Indian Children to address the crisis of Indian children being taken from their tribes and families at highly disproportionate rates with consideration to the unique cultural and political position and history of indigenous people and communities. The proposed change would be inconsistent with IFPA and ICWA.