

1 SENATE BILL 499

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 David M. Gallegos and Joseph L. Sanchez

5
6
7
8
9
10 AN ACT

11 RELATING TO CHILDREN; AMENDING THE SAFE HAVEN FOR INFANTS ACT;
12 PROVIDING FOR SAFE HAVEN BABY BOXES AT SAFE HAVEN SITES;
13 PROVIDING PROCEDURES FOR A PARENT TO LEAVE AN INFANT IN A SAFE
14 HAVEN BABY BOX; PROVIDING THAT REUNIFICATION OF AN INFANT
15 RELINQUISHED AT A SAFE HAVEN SITE AND THE INFANT'S PARENTS
16 SHALL NOT BE REQUIRED UNDER CERTAIN CIRCUMSTANCES; REQUIRING
17 THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO FILE A MOTION TO
18 TERMINATE PARENTAL RIGHTS IF THE PARENTS OF AN INFANT
19 RELINQUISHED AT A SAFE HAVEN SITE DO NOT CONTACT THE DEPARTMENT
20 WITHIN A SPECIFIED TIME PERIOD; PRESCRIBING GUIDELINES FOR
21 PERMANENCY PLANS OF AN INFANT RELINQUISHED AT A SAFE HAVEN
22 SITE; AMENDING THE ABUSE AND NEGLECT ACT.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

25 SECTION 1. Section 24-22-2 NMSA 1978 (being Laws 2001,

.230041.3

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 Chapter 31, Section 2 and Laws 2001, Chapter 132, Section 2, as
2 amended) is amended to read:

3 "24-22-2. DEFINITIONS.--As used in the Safe Haven for
4 Infants Act:

5 A. "fire station" means a fire station that is
6 certified by the state fire marshal's office;

7 B. "hospital" means an acute care general hospital
8 or health care clinic licensed by the state;

9 C. "Indian child" means an Indian child as defined
10 by the federal Indian Child Welfare Act of 1978;

11 D. "infant" means a child no more than ninety days
12 old, as determined within a reasonable degree of medical
13 certainty;

14 E. "law enforcement agency" means a law enforcement
15 agency of the state or a political subdivision of the state;

16 F. "safe haven baby box" means a conspicuously
17 marked infant safety device used to maintain an optimal
18 environment for the care of an infant that is located at a safe
19 haven site and that allows a parent to anonymously surrender
20 the infant;

21 [~~F.~~] G. "safe haven site" means a hospital, law
22 enforcement agency or fire station that has staff on site at
23 the time an infant is left at such a site; and

24 [~~G.~~] H. "staff" means an employee, contractor,
25 agent or volunteer performing services as required and on

.230041.3

underscored material = new
[bracketed material] = delete

1 behalf of the safe haven site."

2 SECTION 2. Section 24-22-3 NMSA 1978 (being Laws 2001,
3 Chapter 31, Section 3 and Laws 2001, Chapter 132, Section 3, as
4 amended) is amended to read:

5 "24-22-3. [~~LEAVING~~] RELINQUISHING AN INFANT.--

6 A. A [~~person may leave an infant with the staff of~~
7 ~~a safe haven site~~] parent may relinquish an infant with the
8 staff of a safe haven site or in a safe haven baby box without
9 being subject to criminal prosecution for abandonment or abuse
10 if the infant was born within ninety days of being left at the
11 safe haven site or in a safe haven baby box, as determined
12 within a reasonable degree of medical certainty, and if the
13 infant is left in a condition that would not constitute
14 abandonment or abuse of a child pursuant to Section 30-6-1 NMSA
15 1978.

16 B. [~~A~~] Safe haven site staff may ask the [~~person~~]
17 parent leaving the infant for the name of the infant's
18 biological father or biological mother, the infant's name and
19 the infant's medical history; [~~but the person~~] provided that
20 the parent leaving the infant is not required to provide that
21 information to the safe haven site.

22 C. Except when there is actual or suspected child
23 abuse or neglect, the parent who relinquishes the infant to a
24 safe haven site or in a safe haven baby box may, at the
25 parent's choice, remain anonymous and shall be able to leave

.230041.3

underscoring material = new
[bracketed material] = delete

1 the safe haven site at any time without being pursued or
2 followed by the staff of the safe haven site or by staff of the
3 children, youth and families department.

4 [G.] D. The safe haven site is deemed to have
5 received consent for medical services provided to an infant
6 left at a safe haven site in accordance with the provisions of
7 the Safe Haven for Infants Act or in accordance with procedures
8 developed between the children, youth and families department
9 and the safe haven site."

10 SECTION 3. Section 24-22-4 NMSA 1978 (being Laws 2001,
11 Chapter 31, Section 4 and Laws 2001, Chapter 132, Section 4, as
12 amended) is amended to read:

13 "24-22-4. SAFE HAVEN SITE PROCEDURES.--

14 A. A safe haven site shall accept an infant who is
15 left at the safe haven site or in a safe haven baby box in
16 accordance with the provisions of the Safe Haven for Infants
17 Act.

18 B. In conjunction with the children, youth and
19 families department, a safe haven site shall develop procedures
20 for appropriate staff to accept and provide necessary medical
21 services to an infant left at the safe haven site or in a safe
22 haven baby box and to the person leaving the infant at the safe
23 haven site, if necessary.

24 C. Upon receiving an infant who is left at a safe
25 haven site in accordance with the provisions of the Safe Haven

.230041.3

underscoring material = new
~~[bracketed material] = delete~~

1 for Infants Act, the safe haven site may provide the person
2 leaving the infant with:

- 3 (1) information about adoption services,
4 including the availability of private adoption services;
- 5 (2) brochures or telephone numbers for
6 agencies that provide adoption services or counseling services;
7 ~~[and]~~

8 (3) written information regarding whom to
9 contact at the children, youth and families department if the
10 parent decides to seek reunification with the infant; and

11 (4) written information stating that by
12 relinquishing the infant at a safe haven site or in a safe
13 haven baby box, the parent is presumed to have abandoned the
14 infant, and unless the parent contacts the children, youth and
15 families department within ninety days of relinquishing the
16 infant to a safe haven site, actions will be taken immediately
17 after the ninety-day period to terminate the parent's parental
18 rights regarding the infant without further notice to the
19 parent.

20 D. A safe haven site shall ask the person leaving
21 the infant whether the infant has a parent who is either a
22 member of an Indian tribe or is eligible for membership in an
23 Indian tribe, but the person leaving the infant is not required
24 to provide that information to the safe haven site.

25 E. Immediately after receiving an infant in

underscored material = new
[bracketed material] = delete

1 accordance with the provisions of the Safe Haven for Infants
2 Act, a safe haven site shall inform the children, youth and
3 families department that the infant has been left at the safe
4 haven site. The safe haven site shall provide the children,
5 youth and families department with all available information
6 regarding the child and the parents, including the identity of
7 the child and the parents, the location of the parents and the
8 child's medical records."

9 SECTION 4. Section 24-22-5 NMSA 1978 (being Laws 2001,
10 Chapter 31, Section 5 and Laws 2001, Chapter 132, Section 5, as
11 amended) is amended to read:

12 "24-22-5. RESPONSIBILITIES OF THE CHILDREN, YOUTH AND
13 FAMILIES DEPARTMENT.--

14 A. The children, youth and families department
15 shall be deemed to have emergency custody of an infant who has
16 been left at a safe haven site or in a safe haven baby box
17 according to the provisions of the Safe Haven for Infants Act.

18 ~~[B. Upon receiving a report of an infant left at a~~
19 ~~safe haven site pursuant to the provisions of the Safe Haven~~
20 ~~for Infants Act, the children, youth and families department~~
21 ~~shall immediately conduct an investigation, pursuant to the~~
22 ~~provisions of the Abuse and Neglect Act.~~

23 ~~C. When an infant is taken into custody by the~~
24 ~~children, youth and families department, the department shall~~
25 ~~make reasonable efforts to determine whether the infant is an~~

.230041.3

underscoring material = new
[bracketed material] = delete

1 ~~Indian child. If the infant is an Indian child:~~

2 ~~(1) the child's tribe shall be notified as~~
3 ~~required by Section 32A-1-14 NMSA 1978 and the federal Indian~~
4 ~~Child Welfare Act of 1978; and~~

5 ~~(2) pre-adoptive placement and adoptive~~
6 ~~placement of the Indian child shall be in accordance with the~~
7 ~~provisions of Section 32A-5-5 NMSA 1978 regarding Indian child~~
8 ~~placement preferences.]~~

9 B. It shall be deemed to not be in the infant's
10 best interest to reunify the infant with the infant's parents,
11 grandparents or relatives unless the children, youth and
12 families department is contacted within ninety days of
13 relinquishing the infant to a safe haven site or in a safe
14 haven baby box by the parent of the infant.

15 C. Upon receiving a report of an infant
16 relinquished at a safe haven site or in a safe haven baby box
17 pursuant to the provisions of the Safe Haven for Infants Act,
18 the children, youth and families department shall immediately
19 conduct an investigation to determine if the infant was
20 relinquished in a condition that would not constitute
21 abandonment or abuse of a child pursuant to Section 30-6-1 NMSA
22 1978. The children, youth and families department shall file a
23 petition for custody of the infant as if the infant were
24 abandoned pursuant to Paragraph (1) of Subsection B of Section
25 32A-4-28 NMSA 1978 and shall:

.230041.3

underscoring material = new
~~[bracketed material] = delete~~

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

4 (2) if a parent of the infant contacts the
5 department within ninety days, make a reasonable effort to
6 reunify the infant with the family in accordance with the Abuse
7 and Neglect Act; or

8 (3) file a motion to terminate parental rights
9 of the parent if the parent does not contact the children,
10 youth and families department within ninety days of the filing
11 of the petition.

12 D. When an infant is taken into custody by the
13 children, youth and families department pursuant to this
14 section and the department has reason to know that the infant
15 is an Indian child, the department shall make reasonable
16 efforts to determine whether the infant is an Indian child. If
17 the infant is determined to be an Indian child:

18 (1) the Indian child's tribe shall be notified
19 as required by Section 32A-28-5 NMSA 1978 and the federal
20 Indian Child Welfare Act of 1978; and

21 (2) pre-adoptive placement and adoptive
22 placement of the Indian child shall be in accordance with the
23 provisions of Section 32A-5-5 NMSA 1978 regarding Indian child
24 placement preferences.

25 ~~[D.]~~ E. The children, youth and families department

.230041.3

underscored material = new
~~[bracketed material] = delete~~

1 shall perform public outreach functions necessary to educate
2 the public about the Safe Haven for Infants Act, including
3 developing literature about that act and distributing it to
4 safe haven sites.

5 ~~[E.]~~ F. An infant left at a safe haven site or in a
6 safe haven baby box in accordance with the provisions of the
7 Safe Haven for Infants Act shall presumptively be deemed
8 eligible and enrolled for medicaid benefits and services."

9 **SECTION 5.** Section 32A-4-17.1 NMSA 1978 (being Laws 2016,
10 Chapter 54, Section 3) is amended to read:

11 "32A-4-17.1. NOTICE TO GRANDPARENTS AND RELATIVES.--

12 A. Within thirty days after a child is taken into
13 custody by law enforcement, or when the department files a
14 petition seeking legal custody of the child, whichever occurs
15 first, the department shall exercise due diligence and make
16 reasonable efforts to identify and provide notice to all
17 grandparents; all parents of a sibling of the child, when the
18 parent has legal custody of the sibling; and other adult
19 relatives of the child, including adult relatives suggested by
20 the parents, unless such notice would be contrary to the best
21 interests of the child due to family or domestic violence. The
22 notice shall:

23 ~~[A.]~~ (1) specify that the child has been or is
24 being removed from the custody of the parent or parents of the
25 child;

.230041.3

underscoring material = new
[bracketed material] = delete

1 [~~B.~~] (2) explain the options the relative has
2 under federal, state or other law to participate in the care
3 and placement of the child, including any options that may be
4 lost by failing to respond to the notice;

5 [~~G.~~] (3) describe the requirements for
6 becoming a foster family home and the additional services and
7 support that are available for children placed in such a home;
8 and

9 [~~D.~~] (4) set out the dates of any currently
10 scheduled court hearings that involve the child.

11 B. The requirements of this section shall not apply
12 to infants left at a safe haven site or in a safe haven baby
13 box pursuant to the Safe Haven for Infants Act."