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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

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**SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** 2/15/25 *Check all that apply:*  
**Bill Number:** SB 360 Original  Correction   
 Amendment  Substitute

**Sponsor:** Sen. Michael Padilla **Agency Name and Code** AOC  
**Short Title:** Safe Haven for Infants Act Changes **Number:** 218  
**Person Writing** Kathleen Sabo  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: SB 360 amends and enacts statutory sections within the Safe Haven for Infants Act (SHIA), Section 24-22-1 NMSA 1978 et. seq, as follows:

- **Section 1:** amends Section 24-22-2 NMSA 1978 to define “department” to mean the Children, Youth and Families Department (CYFD), and “infant safety device” to mean a medical device used to maintain an optimal environment for the care of a newborn infant, affixed to a safe haven site and installed in compliance with the provisions of the SHIA.
- **Section 2:** amends Section 24-22-3 NMSA 1978 to permit a parent or parent’s designee to relinquish an infant without being subject to criminal prosecution for abandonment or abuse, if the infant is relinquished in a condition that would not constitute abandonment or abuse of a child pursuant to Section 30-6-1 NMSA 1978. SB 360 permits the staff of a safe haven site to ask the relinquishing parent or parent’s designee for parent and child information and medical history and whether the infant is a member of an Indian nation, tribe or pueblo, and provides that the relinquishing parent or parent’s designee is not required to provide that information to the safe haven site.
- **Section 3:** enacts a new section of the SHIA to permit a parent or parent’s designee to relinquish an infant inside an infant safety device without being subject to criminal prosecution for abandonment or abuse of a child if the device is: (1) located on the property and attached as a fixture to a safe haven site; (2) conspicuously marked as safe for use pursuant to rules promulgated by the department; and (3) not otherwise marked as unsafe for use.
- **Section 4:** amends Section 24-22-4 NMSA 1978 to require the safe haven site to inform law enforcement to determine whether the infant is missing or abducted, in addition to informing the department that an infant has been relinquished at the safe haven site.
- **Section 5:** enacts a new section of the SHIA to provide that all information relating to an infant relinquished at a safe haven site is confidential and shall not be subject to public disclosure. SB 360 prohibits use or disclosure of the confidential information, by specified persons, except as provided pursuant to state law for child welfare investigations or to carry out the provisions of the SHIA. Under SB 360, the penalty for a confidentiality violation is the assessment of a civil penalty of up to \$500 per violation.
- **Section 6:** enacts a new section of the SHIA to provide that a safe haven site and the department are deemed to have received consent for medical services provided to an infant relinquished at a safe haven site in accordance with the provisions of the SHIA or in accordance with the procedures developed between the department and the safe haven site.
- **Section 7:** amends Section 24-22-5 NMSA 1978 to remove the requirement that upon receiving a report of an infant left at a safe haven site, CYFD shall immediately conduct an investigation, pursuant to the Abuse and Neglect Act, and enacts Subsection E to provide that, upon receiving an infant relinquished at a safe haven

site, if the department determines that evidence of child abuse or neglect exists, the department shall conduct an investigation and commence child abuse and neglect proceedings pursuant to the Abuse and Neglect Act and shall attempt to locate any relatives of the infant. SB 360, Section 7(C) requires the department to file a petition to assume legal custody of a relinquished infant by 5 p.m. on the next business day following an infant's relinquishment at a safe haven site. Subsection D requires the department to commence proceedings to terminate the parental rights of the parents of a relinquished infant, provided that prior to commencing such a proceeding, the department is required to determine whether a father of the infant is registered in the putative father registry. SB 360 provides that if the father of the infant is registered in the putative father registry, the department shall not proceed with proceedings to terminate the parental rights of both parents until the registered father provides consent to terminate parental rights.

- **Section 8:** enacts a new statutory section of the SHIA to permit a safe haven site to install an infant safety device inside the site for relinquishment and specifies the necessary device requirements.
- **Section 9:** amends Section 24-22-8 NMSA 1978 to include examining or treating an infant and installing, operating or maintaining an infant safety device within the actions for which a safe haven site and its staff is granted immunity from criminal and civil liability. SB 360 provides that a safe haven site and its staff have no legal duty to detain or identify the parents of an infant relinquished at a safe haven site or in an infant safety device unless evidence of abuse and neglect are present.
- **Section 10:** requires the department to promulgate rules to implement provisions of the SHIA, including rules for the determination of whether an infant safety device is safe for use and for the operation and monitoring of an infant safety device.

## **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to any increase in the number of petitions for legal custody by the department, 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, and assessments for violations of confidentiality by safe have staff, department employees or other persons with access to confidential information, requiring additional judicial resources to be expended. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

## **SIGNIFICANT ISSUES**

- 1) While the SB 360 amendment to Section 24-22-3 NMSA 1978 removes the requirement that the infant was born within 90 days of being left at the safe haven site, Section 24-22-2 NMSA 1978 defines "infant" to mean a child no more than 90 days old, as determined within a reasonable degree of medical certainty.
- 2) It is possible that allowing an infant to be relinquished in an infant safety device may result in an increase in the number of petitions for legal custody by the department, 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, and assessments for violations of confidentiality by safe have staff, department employees or other persons with access

to confidential information, requiring additional judicial resources to be expended.

#### **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

#### **ADMINISTRATIVE IMPLICATIONS**

See “Fiscal Implications,” above.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

#### **AMENDMENTS**