

LFC Requestor: GARCIA, Rachel

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: Senate

Category: Bill

Number: 360

Type: Introduced

Date (of THIS analysis): 2/13/2025

Sponsor(s): Michael Padilla

Short Title: RELINQUISHMENT OF INFANTS IN INFANT SAFETY DEVICES

Reviewing Agency: Agency 665 - Department of Health

Analysis Contact Person: Arya Lamb

Phone Number: 505-470-4141

e-Mail: arya.lamb@doh.nm.gov

Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

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

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 360 (SB360) proposes additional requirements to the Safe Haven for Infants Act, which allows for a parent or parent designee to “relinquish” an infant to an infant safety device under certain conditions and circumstances without criminal prosecution for abandonment or abuse of a child.

SB360 proposes to assess fines for disclosure of confidential information relating to infant relinquishment and provides requirements for the installation, operation, and monitoring of an infant safety device. It provides limited immunity to the safe haven site and safe haven site’s staff and requires the Children Youth and Family Department (CYFD) to promulgate rules to implement these provisions.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

The National Safe Haven Alliance (NSHA) estimates that since the introduction of Safe Haven laws and programs in the U.S., 4,982 infants have been safely surrendered. In 2024 alone, 106 babies were placed in safe haven locations, according to NSHA. 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. ([Home | Nsha](#)).

According to the Centers for Disease Control and Prevention (CDC), the highest risk for infant homicide is on the day of birth. As a result, all 50 states and Puerto Rico have enacted Safe Haven Laws to address infant abandonment and endangerment. The infant homicide rate on the day of birth decreased from 222.2 per 100,000 person-years during 1989–1998 to 74.0 during 2008–2017 (66.7% decline) but [remains at least 5.4 times higher than the rate at any other time in life](#).

Infant safety devices, frequently referred to as baby boxes, are temperature-controlled devices designed to keep a baby safe and allow a parent or designee to safely surrender an infant. Definitions and requirements for placement of the infant safety devices are outlined in SB360. Infant safety devices have currently been installed in 5 locations throughout the state and are located at:

Española Main Fire Department
Belen Fire Department
Gerald Champion Regional Medical Center
Carlsbad Fire Department #1
Hobbs Fire Station

SB360 proposes several changes to the Safe Havens for Infants Act that would significantly increase the chances of a safe surrender. Section 3 would allow a parent or a designated individual to legally surrender an infant in an infant safety device without facing charges related to abandonment or child abuse. These anonymous safety boxes offer a secure option for parents who may feel ashamed or fearful of surrendering a child in person. Additionally, SB360 introduces new provisions to strengthen the confidentiality of individuals who surrender infants at safe haven locations, further ensuring privacy and protection.

This is an essential service, as abandoning an infant in an unsafe location can have tragic consequences. While there is no national database tracking infant abandonment, the NSHA reports that 31 babies were found in hazardous locations such as dumpsters or backpacks, of the 31 found in unsafe locations 22 of them were found deceased. These figures highlight the importance of safe surrender options in protecting vulnerable infants ([National Safe Haven Alliance](#)).

SB360 does include references to the Indian Child Welfare Act (ICWA), however there is significant more information and education that will need to be provided to the Safe Haven staff to be fully aware and to be in compliance with ICWA ([NICWA-Guide-to-ICWA-Compliance.pdf](#)):

ICWA requires specific procedures for voluntary consent and requires specific information be collected at the time of consent to protect children's future connection to their extended family and tribe.

Consent cannot be accepted unless:

- The child is over 10 days old
- **The consent is in writing and recorded before a judge (executed, not just presented to the presiding judge)**
- The consent is accompanied by the judge's certificate ensuring that terms and consequences of the consent were:
 - Fully explained in detail and fully understood by the parents or Indian custodian
 - Fully explained in English or interpreted into a language understood by the parents or Indian custodian

Several states have enacted laws and have infant safety devices to provide secure options for parents in crisis. These states include Arizona, Arkansas, Indiana, Maine, Missouri, Mississippi, Ohio, Kentucky, Virginia, Tennessee, Texas, Iowa, Montana, Alabama, Oklahoma, Louisiana, West Virginia, Kansas, Wisconsin, and Pennsylvania. The Safe Haven Baby Boxes organization offers resources for parents in need, including a website,

a toll-free crisis hotline, and a map showing the locations of these safety devices (<https://www.shbb.org/>).

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- Is this proposal related to the NMDOH Strategic Plan? Yes No
 - Goal 1:** We expand equitable access to services for all New Mexicans
 - Goal 2:** We ensure safety in New Mexico healthcare environments
 - Goal 3:** We improve health status for all New Mexicans
 - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
As stated in Section 10 new rules will need to be promulgated by CYFD.
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

This bill would allow infants to be surrendered by parents in crisis who may be facing several socioeconomic challenges to thrive. If the infant is surrendered to state custody, the infant would be able to access care and other social services which may otherwise prove challenging to access by their family of origin.

9. HEALTH IMPACT(S)

SB360 could have a positive effect on public health by potentially reducing infanticide, injury and death from unsafe abandonment.

10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If SB360 is not enacted, the proposed updates to the Safe Havens for Infants Act, including additional guidelines for operating safe haven sites and using infant safety devices, will not take effect. Legal protections for individuals surrendering an infant, such as safeguards against abandonment and child abuse charges, along with enhanced confidentiality measures, will not be added to the existing law.

12. AMENDMENTS

None