

LFC Requester:

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)**

SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 2025-02-14
Bill No: SB360

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Agency Name and Code CYFD 69000
Number:
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Short Title: SAFE HAVEN FOR INFANTS ACT CHANGES

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

HB 360 amends section 24-22-2 Safe Haven Statute.

Section 1 adds definitions to clarify that the “department” is CYFD and to define “infant safety device”.

Section 2 adds language regarding a parent’s designee being able to relinquish the child. It adds language regarding seeking information about tribal affiliation and removes language regarding presumed medical consent.

Section 3 is a new section that alleviates the parent or their designee from criminal liability for relinquishing the child so long as the child is left in the device in a manner that follows the instructions and is not left in a manner that would constitute criminal abandonment or abuse.

Section 4 amends existing law to add a requirement that the safe haven site consult law enforcement to ensure the child is not missing or abducted.

Section 5 is new language requiring that anyone receiving information regarding the relinquishment of a child at a safe haven site keep that information confidential from public release and associates a penalty of five hundred dollars.

Section 6 is new language regarding presumed medical consent that was removed from Section 2.

Section 7 is amending existing law removing the department's requirement to investigate unless there is evidence of abuse or neglect but adding requirements to file a petition by the next business day and to begin termination of parental rights proceedings, unless the father of the infant is registered with the putative father registry.

Section 8 adds new language for the requirements of the safe haven safety devices and the development for procedures regarding those devices.

Section 9 alleviates safe haven site staff from liability for installation, operation, and maintenance of the device and also from any duty to detain or identify the person relinquishing the child into the device.

Section 10 adds language requiring that CYFD develop policies and procedures to determine if a device is safe and to operate and monitor the devices.

FISCAL IMPLICATIONS

No Fiscal Impact to CYFD.

SIGNIFICANT ISSUES

New Mexico's current statute requires safe haven sites to identify the person surrendering his/her child and requires CYFD to conduct an investigation pursuant to the provisions of the Abuse and Neglect Act which negates the purpose of a safe haven act.

SB 360 removes the existing requirements, aligning its 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.

Safe haven sites may provide a voluntary disclosure to collect non-identifiable medical history and to ascertain if the child may be an Indian child. Finally, a search for the child's relatives is only necessary if there is evidence of abuse or neglect.

Many State legislatures have enacted legislation to address infant abandonment and endangerment in response to reports of newborn infants abandoned in unsafe locations, such as public restrooms or trash receptacles. To date, all 50 States, the District of Columbia, Guam, and Puerto Rico have enacted safe haven legislation. In most States, either parent may anonymously surrender his or her baby to a safe haven site.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

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).

OTHER SUBSTANTIVE ISSUES

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.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Individuals who wish to leave their newborn at a safe haven site will continue to face investigations through the abuse and neglect proceedings within CYFD, which could potentially discourage the use of safe havens for newborns.

AMENDMENTS

None.