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SENATE BILL 258

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO INFANTS; PROVIDING THAT AN ABUSE AND NEGLECT
PETITION SHALL BE DISMISSED ONCE PERMANENT PLACEMENT IS FOUND
FOR AN INFANT LEFT PURSUANT TO THE SAFE HAVEN FOR INFANTS ACT.

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

Section 1. Section 24-22-5 NMSA 1978 (being Laws 2001,
Chapter 31, Section 5 and Laws 2001, Chapter 132, Section 5, as
amended) is amended to read:

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

A. The children, youth and families department
shall be deemed to have emergency custody of an infant who has
been left at a hospital according to the provisions of the Safe
Haven for Infants Act.

B. Upon receiving a report of an infant left at a

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1 hospital pursuant to the provisions of the Safe Haven for
2 Infants Act, the children, youth and families department shall
3 immediately conduct an investigation, pursuant to the
4 provisions of the Abuse and Neglect Act. The department shall
5 make all reasonable efforts to find permanent placement for the
6 infant, and upon finding permanent placement in the infant's
7 best interest, any abuse and neglect petition shall be
8 dismissed.

9 C. When an infant is taken into custody by the
10 children, youth and families department, the department shall
11 make reasonable efforts to determine whether the infant is an
12 Indian child. If the infant is an Indian child:

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

16 (2) pre-adoptive placement and adoptive
17 placement of the Indian child shall be in accordance with the
18 provisions of Section 32A-5-5 NMSA 1978 regarding Indian child
19 placement preferences.

20 D. The children, youth and families department
21 shall perform public outreach functions necessary to educate
22 the public about the Safe Haven for Infants Act, including
23 developing literature about that act and distributing it to
24 hospitals.

25 E. An infant left at a hospital in accordance with

.180978.1

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1 the provisions of the Safe Haven for Infants Act shall
2 presumptively be deemed eligible and enrolled for medicaid
3 benefits and services."

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