

NMDPS - CHILD – SAFE HAVEN

A nineteen year old female told her boyfriend that she was pregnant. He offered to quit school to support her and their baby. A few months later, alone in her dorm room at Eastern New Mexico State University in Portales, she gave birth to the child. Because she wanted her boyfriend to continue his education, she told him she had miscarried.

The day after giving birth, she took the baby to a park and pretended she found the baby. Emergency personnel took the baby and placed him in the custody of Children, Youth and Families Department (CYFD). Eventually, she admitted to the police that she was the baby's mother and was charged with abuse and neglect.

These criminal charges could have been avoided had she been aware of the Safe Haven for Infants Act. It's no longer necessary for despondent parents to tell an officer (or hospital personnel) that they found a baby or leave their baby in a dumpster or worse. In 2001, the legislature created the **Safe Haven for Infants Act** to provide immunity for a parent who leaves "an infant, ninety days of age or less, at a hospital." NMSA 1978, Section 24-22-1.

This case went up on appeal, however, because of what happened next. At the hospital a nurse learned of the situation and wanted to adopt the baby. One week after the child's birth, and after counseling, the birth mother and her boyfriend agreed to give custody to the nurse. A few weeks later, however, the birth mother changed her mind and sought to regain custody of the baby. Court of Appeals held that her initial decision was final and irrevocable. The nurse kept the baby. In the Matter of the Adoption Petition of Fogerson, Vigil and Allen (2005). - - - ADA Elliott



All I know is you said it wuz going to be a night qualification.