

Senate Engrossed

safe haven providers; hospital deliveries

State of Arizona  
Senate  
Fifty-seventh Legislature  
Second Regular Session  
2026

## **CHAPTER 163**

# **SENATE BILL 1253**

AN ACT

AMENDING SECTIONS 8-528 AND 13-3623.01, ARIZONA REVISED STATUTES; RELATING TO SAFE HAVEN PROVIDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-528, Arizona Revised Statutes, is amended to  
3 read:

4 8-528. Newborn infants left with safe haven providers;  
5 placement protocol; definitions

6 A. The placement of newborn infants who are left with safe haven  
7 providers pursuant to section 13-3623.01 shall follow the protocols  
8 prescribed in this section.

9 B. If a newborn infant is left with a private child welfare agency  
10 that is licensed pursuant to this article or with a private adoption  
11 agency that is licensed pursuant to section 8-126 and the agency has the  
12 ability and desire to take custody of the infant and to place the infant  
13 for adoption, the safe haven provider shall do the following:

14 1. Immediately transport the newborn infant or arrange for the  
15 newborn infant to be transported to a hospital for a physical examination.

16 2. Immediately call the department to inform it that a newborn  
17 infant has been left with the safe haven provider, of the location of the  
18 hospital where the agency transported the infant or arranged for the  
19 infant to be transported and that the agency will take custody of the  
20 infant after the hospital completes the physical examination.

21 3. Take custody of the newborn infant from the hospital within  
22 twenty-four hours after the hospital completes the physical examination.

23 C. If the private child welfare agency or private adoption agency  
24 does not have the ability or desire to take custody of the newborn infant  
25 and place the infant for adoption, the agency shall do the following:

26 1. Immediately transport the newborn infant or arrange for the  
27 newborn infant to be transported to a hospital for a physical examination.

28 2. Immediately call the department to inform it that a newborn  
29 infant has been left with the safe haven provider, of the location of the  
30 hospital where the agency transported the infant or arranged for the  
31 infant to be transported and that the agency will not take custody of the  
32 infant after the hospital completes the physical examination.

33 D. If a newborn infant is left with a church, the safe haven  
34 provider must do the following:

35 1. Immediately transport the newborn infant or arrange for the  
36 newborn infant to be transported to a hospital for a physical examination.

37 2. If the church is affiliated with a private adoption agency,  
38 contact the private adoption agency and inform the agency that a newborn  
39 infant has been left with the safe haven provider.

40 3. Immediately call the department to inform it that a newborn  
41 infant has been left at the church, of the location of the hospital where  
42 the church transported the infant or arranged for the infant to be  
43 transported and whether a private adoption agency will take custody of the  
44 infant.

1 E. If the agency contacted pursuant to subsection D of this section  
2 has the ability and desire to take custody of the newborn infant and place  
3 the infant for adoption, the agency must take custody of the infant within  
4 twenty-four hours after the hospital completes the physical examination.

5 F. If the church is not affiliated with a private adoption agency  
6 or the private adoption agency does not have the ability or desire to take  
7 custody of the newborn infant and place the infant for adoption, the  
8 department shall contact the next private adoption agency on a rotating  
9 list of agencies maintained by the department until it contacts an agency  
10 that agrees to take custody of the infant. The adoption agency must take  
11 custody of the infant from the hospital within twenty-four hours after the  
12 hospital completes the physical examination.

13 G. If a newborn infant is left with a firefighter who is on duty,  
14 an emergency medical technician who is on duty or a staff member at a  
15 health care institution that is classified by the department of health  
16 services pursuant to section 36-405 as a general hospital or a rural  
17 general hospital, the safe haven provider shall do the following:

18 1. Immediately transport the newborn infant to a hospital for a  
19 physical examination.

20 2. Immediately contact the department of child safety to inform it  
21 that a newborn infant has been left at a fire station or health care  
22 institution and of the location of the hospital where the safe haven  
23 provider transported the infant.

24 H. A PARENT OR AN AGENT OF THE PARENT MAY SURRENDER A NEWBORN  
25 INFANT TO A HEALTH CARE INSTITUTION THAT IS CLASSIFIED BY THE DEPARTMENT  
26 OF HEALTH SERVICES PURSUANT TO SECTION 36-405 AS A GENERAL HOSPITAL OR A  
27 RURAL GENERAL HOSPITAL IMMEDIATELY AFTER THE BIRTH OF THE NEWBORN INFANT  
28 IN THAT HOSPITAL. THE PARENT IS NOT REQUIRED TO BE DISCHARGED FROM OR  
29 LEAVE THE HOSPITAL AFTER THE BIRTH OF THE NEWBORN INFANT AND SUBSEQUENTLY  
30 RETURN TO THE HOSPITAL BEFORE LEAVING THE NEWBORN INFANT WITH THE SAFE  
31 HAVEN PROVIDER.

32 ~~H.~~ I. Within eight hours after the department is contacted  
33 pursuant to subsection C or G of this section, the department shall  
34 contact the next private adoption agency on a rotating list maintained by  
35 the department until the department contacts an agency that agrees to take  
36 custody of the newborn infant. The adoption agency must take custody of  
37 the infant from the hospital within twenty-four hours after the hospital  
38 completes the physical examination.

39 ~~I.~~ J. If an agency does not take custody of the newborn infant  
40 within twenty-four hours after the hospital completes the physical  
41 examination, the hospital shall contact the department, and the department  
42 shall contact the next private adoption agency on its rotating list until  
43 an agency agrees to take custody of the infant.

1           ~~J.~~ K. If no agency takes custody of the newborn infant pursuant to  
2 this section within forty-eight hours after the hospital completes the  
3 physical examination, the department shall take custody of the infant.

4           ~~K.~~ L. Notwithstanding any other law, before a private adoption  
5 agency or the department takes custody of a newborn infant pursuant to  
6 this section, a health care provider, as defined in section 36-3201, may  
7 make health care treatment decisions for the infant. A health care  
8 provider who makes a good faith medical decision pursuant to this  
9 subsection is immune from liability.

10          ~~L.~~ M. The safe haven provider that takes custody of the newborn  
11 infant shall act as the responsible adult and complete the Arizona health  
12 care cost containment system application process on behalf of the  
13 infant. If the child is determined ineligible for the Arizona health care  
14 cost containment system or if the Arizona health care cost containment  
15 system administration does not reimburse the hospital for the medical  
16 examination and treatment provided to the infant, the entity or individual  
17 that ultimately takes custody of the infant must compensate the hospital  
18 for the medical examination and treatment provided to the infant.

19          ~~M.~~ N. An agency that takes custody of the newborn infant must  
20 comply with all state and federal laws regarding adoption and placement of  
21 children.

22          ~~N.~~ O. The department shall inform an agency when it has rotated to  
23 the top of the contact list and inform it that the department will notify  
24 it the next time a newborn infant is left with a safe haven provider.

25          ~~O.~~ P. A private adoption agency may contact the department to be  
26 placed on the rotating list maintained by the department pursuant to this  
27 section if it:

- 28           1. Is a nonprofit agency.
- 29           2. Does not specialize in international adoptions.
- 30           3. Has a twenty-four hour emergency contact number.

31          ~~P.~~ Q. The protocols prescribed in this section apply only to an  
32 unharmed newborn infant who is thirty days of age or younger and who is  
33 not alleged to have been neglected or abused. If an infant who is  
34 transported to a hospital is older than thirty days or has been harmed,  
35 the hospital shall contact the department, and the department shall take  
36 custody of the infant.

37          ~~Q.~~ R. For the purposes of this section:

38           1. "Church" has the same meaning prescribed in section 13-3623.01,  
39 subsection ~~H~~ I, paragraph 2, subdivision (d), item (iii).

40           2. "Custody" means legal authority to act on behalf of a child  
41 including the following:

42           (a) The duty and authority to make decisions that affect the child,  
43 including medical decisions.

44           (b) The authority to file a petition for termination of parental  
45 rights.

1           Sec. 2. Section 13-3623.01, Arizona Revised Statutes, is amended to  
2 read:

3           13-3623.01. Safe haven for newborn infants; definitions

4           A. A person is not guilty of abuse of a child pursuant to section  
5 13-3623, subsection B solely for leaving an unharmed newborn infant with a  
6 safe haven provider.

7           B. A fire station and a health care institution that is classified  
8 by the department of health services pursuant to section 36-405 as a  
9 general hospital or a rural general hospital shall post a notice that it  
10 accepts a newborn infant pursuant to this section. The notice shall be  
11 placed on the exterior of the building in a location that is noticeable to  
12 the public. The words "baby safe haven" shall be printed in bold-faced  
13 capital letters that are not less than two inches in height. The notice  
14 may include an identifying logo. A fire station or hospital that does not  
15 post a notice as prescribed by this subsection is not subject to civil  
16 liability. A notice that is valid before September 30, 2009 remains valid  
17 after September 30, 2009.

18           C. If a parent or agent of a parent voluntarily delivers the  
19 parent's newborn infant to a safe haven provider, the safe haven provider  
20 shall take custody of the newborn infant if both of the following are  
21 true:

- 22           1. The parent did not express an intent to return for the newborn  
23 infant.
- 24           2. The safe haven provider reasonably believes that the child is a  
25 newborn infant.

26           D. IF A PARENT GIVES BIRTH AT A HEALTH CARE INSTITUTION THAT IS  
27 CLASSIFIED BY THE DEPARTMENT OF HEALTH SERVICES PURSUANT TO SECTION 36-405  
28 AS A GENERAL HOSPITAL OR A RURAL GENERAL HOSPITAL AND NOTIFIES A MEDICAL  
29 STAFF MEMBER AT THE HOSPITAL THAT THE PARENT IS VOLUNTARILY SURRENDERING  
30 THE NEWBORN INFANT AND THAT THE PARENT DOES NOT INTEND TO RETURN, THE  
31 HOSPITAL SHALL TAKE CUSTODY OF THE NEWBORN INFANT. THE PARENT IS NOT  
32 REQUIRED TO BE DISCHARGED FROM OR LEAVE THE HOSPITAL AFTER THE BIRTH OF  
33 THE NEWBORN INFANT AND SUBSEQUENTLY RETURN TO THE HOSPITAL BEFORE LEAVING  
34 THE NEWBORN INFANT WITH THE SAFE HAVEN PROVIDER.

35           ~~D.~~ E. The safe haven provider shall comply with the requirements  
36 of section 8-528 and report the receipt of a newborn infant to the  
37 department of child safety as soon as practicable after taking custody of  
38 the newborn infant. The department shall report the number of newborn  
39 infants delivered to ~~OR SURRENDERED AT~~ safe haven providers pursuant to  
40 section 8-526.

41           ~~E.~~ F. A parent or agent of a parent who leaves a newborn infant  
42 with a safe haven provider ~~PURSUANT TO SUBSECTION C OR D OF THIS SECTION~~  
43 may remain anonymous, and the safe haven provider shall not require the  
44 parent or agent to answer any questions. A safe haven provider shall  
45 offer written information about information and referral organizations.

1           ~~F.~~ G. A safe haven provider who receives a newborn infant pursuant  
2 to this section is not liable for any civil or other damages for any act  
3 or omission by the safe haven provider in maintaining custody of the  
4 newborn infant if the safe haven provider acts in good faith without gross  
5 negligence.

6           ~~G.~~ H. This section does not preclude the prosecution of the person  
7 for any offense based on any act not covered by this section.

8           ~~H.~~ I. For the purposes of this section:

9           1. "Newborn infant" means an infant who is thirty days old or  
10 younger.

11           2. "Safe haven provider" means any of the following:

12           (a) A firefighter who is on duty.

13           (b) An emergency medical technician who is on duty.

14           (c) A health care institution that is classified by the department  
15 of health services pursuant to section 36-405 as a general hospital or a  
16 rural general hospital. The parent or agent must deliver the newborn  
17 infant to a medical staff member at the health care institution.

18           (d) A staff member or volunteer at any of the following that posts  
19 a public notice that it is willing to accept a newborn infant pursuant to  
20 this section:

21           (i) A private child welfare agency licensed pursuant to title 8,  
22 chapter 4, article 4.

23           (ii) An adoption agency licensed pursuant to section 8-126.

24           (iii) A church. For the purposes of this item, "church" means a  
25 building that is erected or converted for use as a church, where services  
26 are regularly convened, that is used primarily for religious worship and  
27 schooling and that a reasonable person would conclude is a church by  
28 reason of design, signs or architectural or other features.

APPROVED BY THE GOVERNOR JUNE 19, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 22, 2026.