

REFERENCE TITLE: safe haven providers; hospital deliveries

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

SB 1253

Introduced by
Senator Mesnard

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.

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

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

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

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

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

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

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

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

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

1. "Church" has the same meaning prescribed in section 13-3623.01, subsection ~~H~~ I, paragraph 2, subdivision (d), item (iii).
2. "Custody" means legal authority to act on behalf of a child including the following:
 - (a) The duty and authority to make decisions that affect the child, including medical decisions.
 - (b) The authority to file a petition for termination of parental 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.