

REFERENCE TITLE: safe haven; adoption agencies; contact

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2365

Introduced by
Representatives Keshel: Carter P, Fink, Gillette, Heap, Marshall,
Martinez, Way

AN ACT

AMENDING SECTION 8-528, ARIZONA REVISED STATUTES; RELATING TO CHILD
WELFARE AND PLACEMENT.

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

40 ~~D.~~ E. If a newborn infant is left with a church, the safe haven
41 provider must do the following:

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

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

4 3. Immediately call the department to inform it that a newborn
5 infant has been left at the church, of the location of the hospital where
6 the church transported the infant or arranged for the infant to be
7 transported and whether a private adoption agency will take custody of the
8 infant.

9 ~~E.~~ F. If the agency contacted pursuant to subsection ~~E~~ of this
10 section has the ability and desire to take custody of the newborn infant
11 and place the infant for adoption, the agency must take custody of the
12 infant within twenty-four hours after the hospital completes the physical
13 examination.

14 ~~F.~~ G. If the church is not affiliated with a private adoption
15 agency or the private adoption agency does not have the ability or desire
16 to take custody of the newborn infant and place the infant for adoption,
17 the department shall contact the next private adoption agency on a
18 rotating list of agencies maintained by the department until it contacts
19 an agency that agrees to take custody of the infant. The adoption agency
20 must take custody of the infant from the hospital within twenty-four hours
21 after the hospital completes the physical examination.

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

27 1. Immediately transport the newborn infant to a hospital for a
28 physical examination.

29 2. CONTACT PRIVATE ADOPTION AGENCIES AND INFORM THE AGENCIES THAT A
30 NEWBORN INFANT HAS BEEN LEFT WITH THE SAFE HAVEN PROVIDER.

31 ~~H.~~ 3. Immediately contact the department of child safety to inform
32 it that a newborn infant has been left at a fire station or health care
33 institution, ~~and~~ of the location of the hospital where the safe haven
34 provider transported the infant AND WHETHER A PRIVATE ADOPTION AGENCY WILL
35 TAKE CUSTODY OF THE INFANT.

36 I. IF A PRIVATE ADOPTION AGENCY CONTACTED PURSUANT TO SUBSECTION H
37 OF THIS SECTION HAS THE ABILITY AND DESIRE TO TAKE CUSTODY OF THE NEWBORN
38 INFANT AND PLACE THE INFANT FOR ADOPTION, THE PRIVATE ADOPTION AGENCY MUST
39 TAKE CUSTODY OF THE INFANT WITHIN TWENTY-FOUR HOURS AFTER THE HOSPITAL
40 COMPLETES THE PHYSICAL EXAMINATION.

41 J. IF A PRIVATE ADOPTION AGENCY CONTACTED PURSUANT TO SUBSECTION H
42 OF THIS SECTION DOES NOT HAVE THE ABILITY AND DESIRE TO TAKE CUSTODY OF
43 THE NEWBORN INFANT AND PLACE THE INFANT FOR ADOPTION, THE DEPARTMENT SHALL
44 CONTACT THE NEXT PRIVATE ADOPTION AGENCY ON A ROTATING LIST OF AGENCIES
45 MAINTAINED BY THE DEPARTMENT UNTIL IT CONTACTS AN AGENCY THAT AGREES TO

1 TAKE CUSTODY OF THE INFANT. THE ADOPTION AGENCY MUST TAKE CUSTODY OF THE
2 INFANT FROM THE HOSPITAL WITHIN TWENTY-FOUR HOURS AFTER THE HOSPITAL
3 COMPLETES THE PHYSICAL EXAMINATION.

4 ~~I.~~ K. If an agency does not take custody of the newborn infant
5 within twenty-four hours after the hospital completes the physical
6 examination, the hospital shall contact the department, and the department
7 shall contact the next private adoption agency on its rotating list until
8 an agency agrees to take custody of the infant.

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

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

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

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

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

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

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

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

1 ~~0.~~ S. For the purposes of this section:

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

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

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

8 (b) The authority to file a petition for termination of parental
9 rights.