

SENATE BILL 4

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2025

INTRODUCED BY

Crystal Brantley and David M. Gallegos and Anthony L. Thornton
and Joshua A. Sanchez and Nicole Tobiassen

AN ACT

RELATING TO CHILDREN; PROVIDING A BEST INTERESTS OF THE CHILD
STANDARD IN ABUSE AND NEGLECT CASES.

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

SECTION 1. A new section of the Abuse and Neglect Act is
enacted to read:

"[NEW MATERIAL] BEST INTERESTS OF THE CHILD STANDARD.--In
all matters and proceedings pursuant to the Abuse and Neglect
Act, the following factors shall be considered in determining
the best interests of the child:

A. the child's age and physical and mental
vulnerabilities;

B. the frequency and nature of any out-of-home
placements for the child;

C. the frequency, magnitude and other circumstances

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underscored material = new
[bracketed material] = delete

1 of the harm to the child;

2 D. any repeated harm suffered by the child;

3 E. any fear by the child of living in or returning
4 to the home from which the child was removed, current placement
5 or potential placement;

6 F. the results of psychiatric, psychological or
7 developmental evaluations of the child, the child's parents or
8 other family members;

9 G. any history of abusive conduct by the child's
10 family or others who have access to the child's home;

11 H. any history of substantiated claims of substance
12 abuse by the child's family or others who have access to the
13 child's home;

14 I. whether the perpetrator of the harm to the child
15 is identified;

16 J. whether an identified perpetrator has or may
17 have continued access to the child;

18 K. the circumstances under which a parent
19 voluntarily relinquished parental rights to the child;

20 L. the willingness and ability of the child's
21 family to:

22 (1) seek, accept and complete family services,
23 including services that address specific needs of the child or
24 family;

25 (2) cooperate with and facilitate close

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1 supervision by an appropriate agency;

2 (3) complete psychological, domestic violence
3 and substance abuse assessments; and

4 (4) effect positive environmental and personal
5 changes within a reasonable period of time;

6 M. the demonstration by the child's family of
7 adequate parenting skills, including providing the child and
8 other children under the family's care with:

9 (1) minimally adequate health and nutritional
10 care;

11 (2) nurture, care and appropriate discipline
12 consistent with the child's physical and psychological
13 development;

14 (3) guidance and supervision consistent with
15 the child's safety;

16 (4) a safe home environment;

17 (5) protection from repeated exposure to any
18 violence in the child's home; and

19 (6) an understanding of the child's needs and
20 capabilities; and

21 N. the availability of an adequate social support
22 system for the child consisting of an extended family and
23 friends."