

HOUSE BILL 293

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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10 | AN ACT

11 RELATING TO CHILDREN; CREATING THE EARLY CHILDHOOD EDUCATION
12 AND CARE DEPARTMENT INVESTIGATION TEAM; ESTABLISHING
13 INVESTIGATION UNITS AND A TEAM COORDINATOR; REQUIRING
14 REPORTING; REQUIRING RULES.

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

17 **SECTION 1.** A new section of the Early Childhood Education
18 and Care Department Act is enacted to read:

19 "[NEW MATERIAL] EARLY CHILDHOOD EDUCATION AND CARE
20 DEPARTMENT INVESTIGATION TEAM CREATED--TEAM COORDINATOR--
21 DUTIES--WRITTEN FINDINGS--REPORTS.--

1 investigation units and other personnel necessary to carry out
2 the duties of the team. The team is responsible for
3 investigating reports of critical incidents and serious
4 critical incidents referred to the team by the department.

5 B. The team coordinator shall:

6 (1) handle all aspects of the intake of
7 reports of critical incidents and serious critical incidents
8 directed to the early childhood education and care department
9 investigation team, including documentation and recordkeeping,
10 tracking and transparency as necessary for each report;

11 (2) immediately assign the appropriate
12 investigation unit to investigate each report directed to the
13 early childhood education and care department investigation
14 team;

15 (3) assist in an ongoing manner each
16 investigation unit with coordination and collaboration with
17 local law enforcement as necessary or appropriate; and

18 (4) perform any other duties as required and
19 assigned by the department.

20 C. An early childhood education and care department
21 investigation unit shall investigate reports of critical
22 incidents and serious critical incidents of a child that occur
23 in a program or facility receiving funds from the department
24 located in the unit's local area of authority as determined and
25 assigned by the team coordinator. An investigation initiated

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1 pursuant to this section:

2 (1) shall commence within twenty-four hours of
3 assignment to the unit;

4 (2) shall include, as appropriate, interviews
5 with the alleged victim, witnesses and program or facility
6 staff;

7 (3) shall include review of incident reports,
8 including prior incident reports, applicable medical reports
9 and treatment plans, other relevant records, video or audio
10 recordings, on-site visits and any history of complaints or
11 violations at the program or facility;

12 (4) shall include consultations or interviews
13 with experts such as medical, behavioral health or other
14 specialists, including department staff as appropriate;

15 (5) may include additional unannounced or
16 announced site visits to the program or facility to observe the
17 environment, interview additional staff, review pertinent
18 records or gather additional information deemed appropriate or
19 necessary; and

20 (6) shall be completed within sixty days of
21 assignment unless the team coordinator documents good cause for
22 an extension.

23 D. In conducting an investigation of critical
24 incidents or serious critical incidents alleged to have
25 occurred at a program or facility receiving funds from the

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1 department, the investigation unit shall be provided immediate
2 and unrestricted access to:

3 (1) the alleged victim;
4 (2) program or facility administrators and
5 staff;

6 (3) the physical premises of the program or
7 facility; and

8 (4) records relevant to the investigation,
9 including personnel files, incident reports, video or audio
10 recordings, medical records, treatment plans and licensing or
11 contract compliance material.

12 E. The program or facility receiving funds from the
13 department and its employees shall cooperate fully with the
14 investigation unit and shall not obstruct, interfere with or
15 retaliate against any person who makes a report, participates
16 in an interview or otherwise assists the unit.

17 F. At the initial contact with an alleged
18 perpetrator, the investigation unit shall provide to the
19 alleged perpetrator written notice of the allegations and a
20 description of the investigative process.

21 G. Interviews conducted pursuant to an
22 investigation as provided in this section shall, to the extent
23 practicable:

24 (1) be conducted privately;
25 (2) be documented in an investigation record;

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1 and

2 (3) include interpreter services when
3 necessary to facilitate effective communication.

4 H. If information obtained during an investigation
5 identifies a new alleged perpetrator or otherwise expands the
6 allegations, the investigation unit, in a separate interview
7 conducted pursuant to this section, shall provide the
8 identified new alleged perpetrator an opportunity to respond to
9 the allegation.

10 I. If the investigation unit determines that the
11 alleged victim or another child faces immediate risk to health
12 or safety, the unit shall implement or recommend a plan for
13 immediate protective action in coordination with the department
14 and appropriate authorities.

15 J. An investigation completed pursuant to
16 Subsection C of this section shall be fully documented in a
17 report with written findings and notifications provided to the
18 department. The report shall include:

19 (1) determinations by the investigation unit
20 as to whether:

21 (a) the allegation of a critical
22 incident or a serious critical incident is or is not
23 substantiated by a preponderance of evidence;

24 (b) concerns that are identified
25 regarding a caregiver with a program or facility or the program

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or facility as a whole; or

(c) the critical incident or serious

critical incident was referred to law enforcement; and

(2) notifications by the investigation unit to the following parties of the unit's findings, not to include the investigative materials:

(a) the alleged victim and the alleged victim's parent, guardian or custodian;

(b) the administrator, director or similarly titled manager of the program or facility where alleged incident occurred; and

(c) appropriate law enforcement if the investigation unit suspects criminal activity.

K. At the conclusion of an investigation, in its written findings, the investigation unit shall, as appropriate, require corrective actions or monitoring to ensure that the program or facility is compliant with the applicable licensing or contract requirements.

L. As used in this section:

(1) "critical incident" means any action or inaction that implicates the well-being or safety of a child in a program or facility receiving funds from the department; and

(2) "serious critical incident" means any action in violation of:

(a) the Abuse and Neglect Act;

- (b) Section 30-6-3 or 30-6-4 NMSA 1978;
- (c) the Sexual Exploitation of Children Act;
- (d) Sections 30-9-11 through 30-9-13 NMSA 1978; or
- (e) rules adopted by the department."

SECTION 2. TEMPORARY PROVISION--RULES.--The early childhood education and care department shall adopt and promulgate rules to carry out the provisions of this act no later than September 30, 2026.

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