

SENATE BILL 232

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

INTRODUCED BY

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AN ACT

RELATING TO COMPETENCY; PROVIDING FOR THE DETERMINATION OF
COMPETENCY OF A CHILD.

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

SECTION 1. [NEW MATERIAL] DETERMINATION OF COMPETENCY OF
A CHILD.--

A. The question of competency of a child may be
raised by the court or by written motion of either party to the
proceeding, accompanied by any documents supporting the motion.

B. The court may order a determination of a child's
competency if the court finds that a compelling reason exists
to evaluate and determine competency. The age of the child
shall not alone be a compelling reason.

C. When determining competency for a child
defendant, the child shall be presumed to be competent.

1 D. Upon the court ordering a determination of
2 competency of a child, the child's competency shall be
3 evaluated by an independent child psychologist recognized by
4 the court as an expert.

5 E. The determination of competency shall include:

6 (1) an evaluation of the child's ability to
7 understand relevant information;

8 (2) an assessment of the child's ability to
9 appreciate the consequences of choices;

10 (3) a measurement of the child's reasoning
11 skills in weighing options and outcomes; and

12 (4) the child's ability to express a choice
13 clearly.

14 F. As used in this section, "child" means a person
15 under eighteen years of age.