

1 SENATE BILL 232

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Crystal Brantley

10 AN ACT

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

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

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

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

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

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

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

E. The determination of competency shall include:

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

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

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

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

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

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