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AN ACT

RELATING TO CHILDREN; AMENDING SECTIONS OF THE CHILDREN'S
CODE, THE ABUSE AND NEGLECT ACT AND THE CITIZEN SUBSTITUTE
CARE REVIEW ACT; CREATING THE SUBSTITUTE CARE ADVISORY
COUNCIL; TRANSFERRING FUNCTIONS, PERSONNEL, APPROPRIATIONS,
PROPERTY, CONTRACTUAL OBLIGATIONS AND REFERENCES IN LAW;
AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 32A-1-4 NMSA 1978 (being Laws 1993,
Chapter 77, Section 13, as amended) is amended to read:

"32A-1-4. DEFINITIONS.--As used in the Children's Code:

A. "adult" means a person who is eighteen years of
age or older;

B. "child" means a person who is less than
eighteen years old;

C. "council" means the substitute care advisory
council established pursuant to Section 32A-8-4 NMSA 1978;

D. "court", when used without further
qualification, means the children's court division of the
district court and includes the judge, special master or
commissioner appointed pursuant to the provisions of the
Children's Code or supreme court rule;

E. "court-appointed special advocate" means a
person appointed pursuant to the provisions of the Children's

1 Court Rules to assist the court in determining the best
2 interests of the child by investigating the case and
3 submitting a report to the court;

4 F. "custodian" means an adult with whom the child
5 lives who is not a parent or guardian of the child;

6 G. "department" means the children, youth and
7 families department, unless otherwise specified;

8 H. "disproportionate minority contact" means the
9 involvement of a racial or ethnic group with the criminal or
10 juvenile justice system at a proportion either higher or
11 lower than that group's proportion in the general population;

12 I. "foster parent" means a person, including a
13 relative of the child, licensed or certified by the
14 department or a child placement agency to provide care for
15 children in the custody of the department or agency;

16 J. "guardian" means a person appointed as a
17 guardian by a court or Indian tribal authority or a person
18 authorized to care for the child by a parental power of
19 attorney as permitted by law;

20 K. "guardian ad litem" means an attorney appointed
21 by the children's court to represent and protect the best
22 interests of the child in a case; provided that no party or
23 employee or representative of a party to the case shall be
24 appointed to serve as a guardian ad litem;

25 L. "Indian child" means an unmarried person who

1 is:

2 (1) less than eighteen years old;

3 (2) a member of an Indian tribe or is
4 eligible for membership in an Indian tribe; and

5 (3) the biological child of a member of an
6 Indian tribe;

7 M. "Indian child's tribe" means:

8 (1) the Indian tribe in which an Indian
9 child is a member or eligible for membership; or

10 (2) in the case of an Indian child who is a
11 member or eligible for membership in more than one tribe, the
12 Indian tribe with which the Indian child has more significant
13 contacts;

14 N. "Indian tribe" means a federally recognized
15 Indian tribe, community or group pursuant to 25 U.S.C.
16 Section 1903(1);

17 O. "judge", when used without further
18 qualification, means the judge of the court;

19 P. "legal custody" means a legal status created by
20 order of the court or other court of competent jurisdiction
21 or by operation of statute that vests in a person, department
22 or agency the right to determine where and with whom a child
23 shall live; the right and duty to protect, train and
24 discipline the child and to provide the child with food,
25 shelter, personal care, education and ordinary and emergency

1 medical care; the right to consent to major medical,
2 psychiatric, psychological and surgical treatment and to the
3 administration of legally prescribed psychotropic medications
4 pursuant to the Children's Mental Health and Developmental
5 Disabilities Act; and the right to consent to the child's
6 enlistment in the armed forces of the United States;

7 Q. "parent" or "parents" includes a biological or
8 adoptive parent if the biological or adoptive parent has a
9 constitutionally protected liberty interest in the care and
10 custody of the child;

11 R. "permanency plan" means a determination by the
12 court that the child's interest will be served best by:

13 (1) reunification;

14 (2) placement for adoption after the
15 parents' rights have been relinquished or terminated or after
16 a motion has been filed to terminate parental rights;

17 (3) placement with a person who will be the
18 child's permanent guardian;

19 (4) placement in the legal custody of the
20 department with the child placed in the home of a fit and
21 willing relative; or

22 (5) placement in the legal custody of the
23 department under a planned permanent living arrangement;

24 S. "person" means an individual or any other form
25 of entity recognized by law;

1 T. "preadoptive parent" means a person with whom a
2 child has been placed for adoption;

3 U. "protective supervision" means the right to
4 visit the child in the home where the child is residing,
5 inspect the home, transport the child to court-ordered
6 diagnostic examinations and evaluations and obtain
7 information and records concerning the child;

8 V. "relative" means a person related to another
9 person by blood within the fifth degree of consanguinity or
10 through marriage by the fifth degree of affinity;

11 W. "reunification" means either a return of the
12 child to the parent or to the home from which the child was
13 removed or a return to the noncustodial parent;

14 X. "tribal court" means:

15 (1) a court established and operated
16 pursuant to a code or custom of an Indian tribe; or

17 (2) any administrative body of an Indian
18 tribe that is vested with judicial authority;

19 Y. "tribal court order" means a document issued by
20 a tribal court that is signed by an appropriate authority,
21 including a judge, governor or tribal council member, and
22 that orders an action that is within the tribal court's
23 jurisdiction; and

24 Z. "tribunal" means any judicial forum other than
25 the court."

1 SECTION 2. Section 32A-4-25 NMSA 1978 (being Laws 1993,
2 Chapter 77, Section 119, as amended) is amended to read:

3 "32A-4-25. PERIODIC JUDICIAL REVIEW OF DISPOSITIONAL
4 JUDGMENTS.--

5 A. The initial judicial review shall be held
6 within sixty days of the disposition. At the initial
7 judicial review, the parties shall demonstrate to the court
8 efforts made to implement the treatment plan approved by the
9 court in its dispositional order. The court shall determine
10 the extent to which the treatment plan has been implemented
11 and make supplemental orders as necessary to ensure
12 compliance with the treatment plan and the safety of the
13 child. Prior to the initial judicial review, the department
14 shall submit a copy of the adjudicatory order, the
15 dispositional order and notice of the initial judicial review
16 to the council. The staff of the council, or an entity
17 contracting with the council, shall review the case. If the
18 staff or contracting entity determines that the case meets
19 the criteria established in council rules, the staff or
20 contracting entity shall designate the case for review by a
21 substitute care review board. A representative of the
22 substitute care review board, if designated, shall be
23 permitted to attend and comment to the court.

24 B. The court shall conduct subsequent periodic
25 judicial reviews of the dispositional order within six months

1 of the conclusion of the permanency hearing or, if a motion
2 has been filed for termination of parental rights or
3 permanent guardianship, within six months of the decision on
4 that motion and every six months thereafter. Prior to a
5 subsequent periodic judicial review, the department shall
6 submit a progress report to the council or any designated
7 substitute care review board. Prior to any judicial review
8 by the court pursuant to this section, the substitute care
9 review board may review the dispositional order or the
10 continuation of the order and the department's progress
11 report and report its findings and recommendations to the
12 court.

13 C. Judicial review pursuant to this section may be
14 carried out by either of the following:

15 (1) a judicial review hearing conducted by
16 the court; or

17 (2) a judicial review hearing conducted by a
18 special master appointed by the court; provided, however,
19 that the court approve any findings made by the special
20 master.

21 D. The children's court attorney shall give notice
22 of the time, place and purpose of any judicial review hearing
23 held pursuant to Subsection A, B or C of this section to:

24 (1) all parties, including:

25 (a) the child alleged to be neglected

1 or abused or in need of court-ordered services, by and
2 through the child's guardian ad litem or attorney;

3 (b) the child's parent, guardian or
4 custodian, who has allegedly neglected or abused the child or
5 is in need of court-ordered services; and

6 (c) any other person made a party by
7 the court;

8 (2) the child's foster parent or substitute
9 care provider;

10 (3) the child's court-appointed special
11 advocate; and

12 (4) if designated by the council, the
13 substitute care review board.

14 E. At any subsequent judicial review hearing held
15 pursuant to Subsection B of this section, the department and
16 all parties given notice pursuant to Subsection D of this
17 section shall have the opportunity to present evidence and to
18 cross-examine witnesses. At the hearing, the department
19 shall show that it has made reasonable effort to implement
20 any treatment plan approved by the court in its dispositional
21 order and shall present a treatment plan consistent with the
22 purposes of the Children's Code for any period of extension
23 of the dispositional order. The respondent shall demonstrate
24 to the court that efforts to comply with the treatment plan
25 approved by the court in its dispositional order and efforts

1 to maintain contact with the child were diligent and made in
2 good faith. The court shall determine the extent of
3 compliance with the treatment plan and whether progress is
4 being made toward establishing a stable and permanent
5 placement for the child.

6 F. The Rules of Evidence shall not apply to
7 hearings held pursuant to this section. The court may admit
8 testimony by any person given notice of the hearing who has
9 information about the status of the child or the status of
10 the treatment plan.

11 G. At the conclusion of any hearing held pursuant
12 to this section, the court shall make findings of fact and
13 conclusions of law.

14 H. When the child is an Indian child, the court
15 shall determine during review of a dispositional order
16 whether the placement preferences set forth in the federal
17 Indian Child Welfare Act of 1978 or the placement preferences
18 of the child's Indian tribe were followed and whether the
19 child's treatment plan provides for maintaining the child's
20 cultural ties. When placement preferences have not been
21 followed, good cause for noncompliance shall be clearly
22 stated and supported.

23 I. Based on its findings at a judicial review
24 hearing held pursuant to Subsection B of this section, the
25 court shall order one of the following dispositions:

1 (1) dismiss the action and return the child
2 to the child's parent without supervision if the court finds
3 that conditions in the home that led to abuse have been
4 corrected and it is now safe for the return of the abused
5 child;

6 (2) permit the child to remain with the
7 child's parent, guardian or custodian subject to those
8 conditions and limitations the court may prescribe, including
9 protective supervision of the child by the department;

10 (3) return the child to the child's parent
11 and place the child under the protective supervision of the
12 department;

13 (4) transfer or continue legal custody of
14 the child to:

15 (a) the noncustodial parent, if that is
16 found to be in the child's best interests;

17 (b) a relative or other individual who,
18 after study by the department or other agency designated by
19 the court, is found by the court to be qualified to receive
20 and care for the child and is appointed as a permanent
21 guardian of the child; or

22 (c) the department, subject to the
23 provisions of Paragraph (6) of this subsection;

24 (5) continue the child in the legal custody
25 of the department with or without any required parental

1 involvement in a treatment plan. Reasonable efforts shall be
2 made to preserve and reunify the family, with the paramount
3 concern being the child's health and safety unless the court
4 finds that such efforts are not required. The court may
5 determine that reasonable efforts are not required to be made
6 when the court finds that:

7 (a) the efforts would be futile; or

8 (b) the parent, guardian or custodian
9 has subjected the child to aggravated circumstances;

10 (6) make additional orders regarding the
11 treatment plan or placement of the child to protect the
12 child's best interests if the court determines the department
13 has failed in implementing any material provision of the
14 treatment plan or abused its discretion in the placement or
15 proposed placement of the child; or

16 (7) if during a judicial review the court
17 finds that the child's parent, guardian or custodian has not
18 complied with the court-ordered treatment plan, the court may
19 order:

20 (a) the child's parent, guardian or
21 custodian to show cause why the parent, guardian or custodian
22 should not be held in contempt of court; or

23 (b) a hearing on the merits of
24 terminating parental rights.

25 J. Dispositional orders entered pursuant to this

1 section shall remain in force for a period of six months,
2 except for orders that provide for transfer of the child to
3 the child's noncustodial parent or to a permanent guardian.

4 K. When the court determines, pursuant to
5 Paragraph (5) of Subsection I of this section, that no
6 reasonable efforts at reunification are required, the court
7 shall conduct, within thirty days, a permanency hearing as
8 described in Section 32A-4-25.1 NMSA 1978. The department
9 shall make reasonable efforts to place the child in a timely
10 manner in accordance with the permanency plan and to complete
11 whatever steps are necessary to finalize the permanent
12 placement of the child."

13 SECTION 3. Section 32A-4-25.1 NMSA 1978 (being Laws
14 1997, Chapter 34, Section 8, as amended) is amended to read:

15 "32A-4-25.1. PERMANENCY HEARINGS--PERMANENCY REVIEW
16 HEARINGS.--

17 A. A permanency hearing shall be commenced within
18 six months of the initial judicial review of a child's
19 dispositional order or within twelve months of a child
20 entering foster care pursuant to Subsection D of this
21 section, whichever occurs first. Prior to the initial
22 permanency hearing:

23 (1) the department shall submit a copy of
24 any continuation of the dispositional order and notice of
25 hearing to the council or any substitute care review board

1 designated pursuant to Section 32A-8-5 NMSA 1978;

2 (2) the department shall submit a progress
3 report to any designated substitute care review board;

4 (3) all parties to the hearing shall attend
5 a mandatory meeting and attempt to settle issues attendant to
6 the permanency hearing and develop a proposed treatment plan
7 that serves the child's best interest; and

8 (4) any designated substitute care review
9 board may review the child's case and the department's
10 progress report and report its findings and recommendations
11 to the court.

12 B. At the permanency hearing, all parties shall
13 have the opportunity to present evidence and to cross-examine
14 witnesses. At the conclusion of the permanency hearing, the
15 court shall order one of the following permanency plans for
16 the child:

17 (1) reunification;

18 (2) placement for adoption after the
19 parents' rights have been relinquished or terminated or after
20 a motion has been filed to terminate parental rights;

21 (3) placement with a person who will be the
22 child's permanent guardian;

23 (4) placement in the legal custody of the
24 department with the child placed in the home of a fit and
25 willing relative; or

1 (5) placement in the legal custody of the
2 department under a planned permanent living arrangement,
3 provided that there is substantial evidence that none of the
4 above plans is appropriate for the child.

5 C. If the court adopts a permanency plan of
6 reunification, the court shall adopt a plan for transitioning
7 the child home and schedule a permanency review hearing
8 within three months. If the child is reunified, the
9 subsequent hearing may be vacated.

10 D. If the court adopts a permanency plan other
11 than reunification, the court shall determine whether the
12 department has made reasonable efforts to identify and locate
13 all grandparents and other relatives. The court shall also
14 determine whether the department has made reasonable efforts
15 to conduct home studies on any appropriate relative
16 expressing an interest in providing permanency for the child.
17 The court must ensure that consideration has been given to
18 the child's familial identity and connections. If the court
19 finds that reasonable efforts have not been made to identify
20 or locate grandparents and other relatives or to conduct home
21 studies on appropriate and willing relatives, the court shall
22 schedule a permanency review within sixty days to determine
23 whether an appropriate relative placement has been made. If
24 a relative placement is made, the subsequent hearing may be
25 vacated.

1 E. At the permanency review hearing, all parties
2 and the child's guardian ad litem or attorney shall have the
3 opportunity to present evidence and cross-examine witnesses.
4 Based on the evidence, the court shall:

5 (1) change the plan from reunification to
6 one of the alternative plans provided in Subsection B of this
7 section;

8 (2) dismiss the case and return custody of
9 the child to the child's parent, guardian or custodian; or

10 (3) return the child to the custody of the
11 child's parent, guardian or custodian, subject to any
12 conditions or limitations as the court may prescribe,
13 including protective supervision of the child by the
14 department and continuation of the treatment plan for not
15 more than six months, after which the case shall be
16 dismissed. The department may seek removal of a child from
17 the home by obtaining an order in the pending case or by
18 seeking emergency removal under Section 32A-4-6 NMSA 1978
19 during the period of protective supervision if the child's
20 best interest requires such action. When a child is removed
21 in this situation, a permanency hearing shall be scheduled
22 within thirty days of the child coming back into the
23 department's legal custody.

24 F. The court shall hold a permanency hearing and
25 adopt a permanency plan for a child within twelve months of

1 the child entering foster care. For purposes of this
2 section, a child shall be considered to have entered foster
3 care on the earlier of:

4 (1) the date of the first judicial finding
5 that the child has been abused or neglected; or

6 (2) sixty days after the date on which the
7 child was removed from the home.

8 G. The court shall hold permanency hearings every
9 twelve months when a child is in the legal custody of the
10 department.

11 H. The children's court attorney shall give notice
12 of the time, place and purpose of any permanency hearing or
13 permanency review hearing held pursuant to this section to:

14 (1) all parties, including:

15 (a) the child alleged to be neglected
16 or abused or in need of court-ordered services, by and
17 through the child's guardian ad litem or attorney;

18 (b) the child's parent, guardian or
19 custodian, who has allegedly neglected or abused the child or
20 is in need of court-ordered services; and

21 (c) any other person made a party by
22 the court;

23 (2) the child's foster parent or substitute
24 care provider;

25 (3) the child's court-appointed special

1 advocate; and

2 (4) if designated by the council, the
3 substitute care review board.

4 I. The Rules of Evidence shall not apply to
5 permanency hearings. The court may admit testimony by any
6 person given notice of the permanency hearing who has
7 information about the status of the child or the status of
8 the treatment plan. All testimony shall be subject to
9 cross-examination."

10 SECTION 4. Section 32A-8-1 NMSA 1978 (being Laws 1993,
11 Chapter 77, Section 203) is amended to read:

12 "32A-8-1. SHORT TITLE.--Chapter 32A, Article 8 NMSA
13 1978 may be cited as the "Citizen Substitute Care Review
14 Act"."

15 SECTION 5. Section 32A-8-2 NMSA 1978 (being Laws 1993,
16 Chapter 77, Section 204) is amended to read:

17 "32A-8-2. PURPOSE OF ACT.--The purpose of the Citizen
18 Substitute Care Review Act is to provide a permanent system
19 for independent and objective monitoring of children placed
20 in the custody of the department by examining the policies,
21 procedures and practices of the department and, where
22 appropriate, specific cases to evaluate the extent to which
23 the department is effectively discharging its child
24 protection responsibilities."

25 SECTION 6. Section 32A-8-4 NMSA 1978 (being Laws 1993,

1 Chapter 77, Section 206) is amended to read:

2 "32A-8-4. SUBSTITUTE CARE ADVISORY COUNCIL--MEMBERS--
3 COMPENSATION--RESPONSIBILITIES--ADVISORY COMMITTEE.--

4 A. The "substitute care advisory council" is
5 created and, in accordance with the provisions of Section
6 9-1-7 NMSA 1978, is administratively attached to the
7 regulation and licensing department. The general purpose of
8 the council is to oversee substitute care review boards in
9 their monitoring of children placed in the custody of the
10 children, youth and families department to identify systemic
11 policy issues regarding substitute care. The council shall
12 be composed of nine persons, including:

13 (1) the secretary of public education or the
14 secretary's designee;

15 (2) the secretary of human services or the
16 secretary's designee;

17 (3) the secretary of finance and
18 administration or the secretary's designee;

19 (4) the secretary of health or the
20 secretary's designee;

21 (5) two public members, appointed by the
22 governor, who:

23 (a) are at least eighteen and no more
24 than thirty years of age at the time of appointment; and

25 (b) were previously placed in

1 substitute care;

2 (6) two public members, appointed by the
3 governor, who have expertise in the area of child welfare;
4 and

5 (7) one children's court judge, appointed by
6 the governor.

7 B. The council may hire staff and contract for
8 services to carry out the purposes of the Citizen Substitute
9 Care Review Act. Except as provided pursuant to
10 Paragraph (7) of Subsection A of this section, a person or a
11 relative of a person employed by the department or a district
12 court shall not serve on the council.

13 C. Terms of office of public members of the
14 council shall be three years. Public members shall be
15 eligible for reappointment. In the event that a vacancy
16 occurs among the members of the council, the governor shall
17 appoint another person to serve the unexpired portion of the
18 term.

19 D. The council shall select a chairperson, a vice
20 chairperson and other officers as it deems necessary.

21 E. The council shall meet no less than twice
22 annually and more frequently upon the call of the
23 chairperson.

24 F. The council shall adopt reasonable rules
25 relating to the functions and procedures of the substitute

1 care review boards and the council in accordance with the
2 duties of the boards as provided in the Citizen Substitute
3 Care Review Act. These rules shall:

4 (1) establish training requirements for
5 substitute care review board members;

6 (2) establish criteria for council
7 designation of cases for substitute care review board review;

8 (3) establish procedures for substitute care
9 review board review of designated cases;

10 (4) establish criteria for membership and
11 tenure on and operating procedures for substitute care review
12 boards;

13 (5) specify the information needed for
14 designated cases to be monitored by substitute care review
15 boards; and

16 (6) specify case information to be tracked
17 and reported to the council.

18 G. When adopting rules establishing criteria for
19 designation of cases for substitute care review board review,
20 the council shall weigh the importance of the following
21 factors, including:

22 (1) sibling placements;

23 (2) the frequency and severity of neglect or
24 abuse;

25 (3) the behavioral health status of

1 household members;

2 (4) the placement of children in households
3 where there are no relatives of the children;

4 (5) data related to demographics; and

5 (6) relevant trend data.

6 H. The council shall review and coordinate the
7 activities of the substitute care review boards and make a
8 report with its recommendations to the department, the courts
9 and the appropriate legislative interim committees, on or
10 before November 1 of each year, regarding statutes, rules,
11 policies and procedures relating to substitute care. This
12 report shall include recommendations for any changes to
13 substitute care review boards.

14 I. Council members shall receive per diem and
15 mileage as provided for nonsalaried public officers in the
16 Per Diem and Mileage Act; provided that, if a different
17 provision of that act applies to a specific member, that
18 member shall be paid pursuant to that applicable provision.
19 Members shall receive no other compensation, perquisite or
20 allowance.

21 J. The council shall appoint by October 1 of each
22 year a six-member advisory committee from a list of
23 substitute care review board members that the substitute care
24 review boards shall nominate. The advisory council shall
25 meet with the council at least once per year to advise the

1 council on matters relating to substitute care review.
2 Advisory committee members shall serve terms of one year and
3 may be reappointed."

4 SECTION 7. Section 32A-8-5 NMSA 1978 (being Laws 1993,
5 Chapter 77, Section 207) is amended to read:

6 "32A-8-5. SUBSTITUTE CARE REVIEW BOARDS--APPOINTMENTS--
7 EXCLUSION--TERMS--TRAINING--COMPENSATION--MEETINGS.--

8 A. The council shall establish no fewer than three
9 substitute care review boards and, in each judicial district
10 established pursuant to Section 34-6-1 NMSA 1978, no more
11 than the following number of substitute care review boards:

12 (1) two substitute care review boards in the
13 first judicial district;

14 (2) three substitute care review boards in
15 the second judicial district;

16 (3) one substitute care review board in the
17 third judicial district;

18 (4) two substitute care review boards in the
19 fourth judicial district;

20 (5) two substitute care review boards in the
21 fifth judicial district;

22 (6) two substitute care review boards in the
23 sixth judicial district;

24 (7) two substitute care review boards in the
25 seventh judicial district;

1 (8) two substitute care review boards in the
2 eighth judicial district;

3 (9) one substitute care review board in the
4 ninth judicial district;

5 (10) one substitute care review board in the
6 tenth judicial district;

7 (11) two substitute care review boards in
8 the eleventh judicial district;

9 (12) two substitute care review boards in
10 the twelfth judicial district; and

11 (13) two substitute care review boards in
12 the thirteenth judicial district.

13 B. The council, or a contractor performing
14 services for the council pursuant to Subsection B of Section
15 32A-8-4 NMSA 1978, shall provide administrative support to
16 substitute care review boards in accordance with the Citizen
17 Substitute Care Review Act and rules that the council has
18 adopted.

19 C. A person or a relative of a person employed by
20 the department of finance and administration, the children,
21 youth and families department, the human services department,
22 the public education department, the department of health, a
23 contractor of the council or a district court shall not serve
24 on a substitute care review board.

25 D. The composition of each substitute care review

1 board shall be broadly representative of the community in
2 which the board serves and include members with expertise in
3 the prevention and treatment of child abuse and neglect and
4 may include adult former victims of child abuse or neglect.

5 E. Each substitute care review board shall meet at
6 least once per quarter to review cases designated in
7 accordance with council rules.

8 F. Substitute care review board members may
9 receive per diem and mileage as provided for nonsalaried
10 public officers in the Per Diem and Mileage Act; provided
11 that, if a different provision of that act applies to a
12 specific member, that member shall be paid pursuant to that
13 applicable provision. Members shall receive no other
14 compensation, perquisite or allowance.

15 G. Upon request of the council, a substitute care
16 review board shall prepare a report summarizing its
17 activities. These reports shall not contain confidential
18 information."

19 SECTION 8. Section 32A-8-6 NMSA 1978 (being Laws 1993,
20 Chapter 77, Section 208) is amended to read:

21 "32A-8-6. SUBSTITUTE CARE REVIEW BOARD REVIEWS OF
22 CASES.--When council rules designate the review of a case, a
23 substitute care review board shall conduct the review in
24 accordance with the provisions of the Children's Code and the
25 Abuse and Neglect Act and council rules. The designated

1 substitute care review board shall submit a report to the
2 court for each case that it reviews. The substitute care
3 review board shall give the parties in a children's court
4 case under substitute care review board review notice of a
5 substitute care review board meeting related to that case and
6 afford the parties an opportunity to participate fully in the
7 substitute care review board meeting."

8 SECTION 9. Section 32A-8-7 NMSA 1978 (being Laws 1993,
9 Chapter 77, Section 209) is amended to read:

10 "32A-8-7. TRANSFER PROVISIONS--FUNDS--CONTRACTS--
11 REFERENCES IN LAW.--On the effective date of this 2016 act:

12 A. all functions, records, personnel,
13 appropriations, money, furniture, property, equipment and
14 supplies of the department of finance and administration
15 relating to the Citizen Substitute Care Review Act shall be
16 transferred to the council;

17 B. all appropriations, contract funds and funds
18 for contract administration and staff, the cost of council
19 per diem and travel, training and all other costs relating to
20 the Citizen Substitute Care Review Act shall be transferred
21 from the department of finance and administration to the
22 council;

23 C. all existing rules and regulations, contracts
24 and agreements of the department of finance and
25 administration relating to the statewide system of substitute

1 care review boards shall be binding and effective on the
2 council; and

3 D. all references in law to the state advisory
4 committee shall be deemed to be references to the council."

5 SECTION 10. REPEAL.--Section 32A-8-3 NMSA 1978 (being
6 Laws 1993, Chapter 77, Section 205) is repealed.

7 SECTION 11. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is July 1, 2016. _____

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