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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CHILDREN; AMENDING THE FAMILY IN NEED OF COURT-ORDERED SERVICES ACT; EXPANDING THE DEFINITION OF "FAMILY IN NEED OF COURT-ORDERED SERVICES"; MAKING AN APPROPRIATION.

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

SECTION 1. Section 32A-3B-2 NMSA 1978 (being Laws 1993, Chapter 77, Section 74, as amended) is amended to read:

"32A-3B-2. ~~[DEFINITIONS]~~ DEFINITION.--As used in ~~[Chapter 32A, Article 3B NMSA 1978]~~ the Family in Need of Court-Ordered Services Act, "family in need of court-ordered services" means the child or the family has refused family services or the department has exhausted appropriate and available family services and court intervention is necessary to provide family services to the child or family and it is a family:

- A. whose child, subject to compulsory school

underscoring material = new
[bracketed material] = delete

1 attendance, is absent from school without an authorized excuse
2 more than ten days during a school year;

3 B. whose child is absent from the child's place of
4 residence for a time period of twelve hours or more without
5 consent of the child's parent, guardian or custodian;

6 C. whose child refuses to return home and there is
7 good cause to believe that the child will run away from home if
8 forced to return to the parent, guardian or custodian;

9 D. in which the child's parent, guardian or
10 custodian refuses to allow the child to return home and a
11 petition alleging neglect of the child is not in the child's
12 best interests; [~~or~~]

13 E. in which the child's parent, guardian or
14 custodian was investigated by the department and the department
15 found credible evidence that the child is an abused or
16 neglected child as provided in the Abuse and Neglect Act; or

17 [~~E.~~] F. whose child is:

18 (1) alleged to be engaged in an act that would
19 be designated as prostitution if committed by an adult; or

20 (2) a victim of human trafficking as defined
21 in Section 30-52-1 NMSA 1978."

22 SECTION 2. APPROPRIATION.--One million dollars
23 (\$1,000,000) is appropriated from the general fund to the
24 administrative office of the courts for expenditure in fiscal
25 year 2025 to assist the administrative office of the courts in

.226522.1

underscoring material = new
~~[bracketed material]~~ = delete

1 expanding the scope of the Family in Need of Court-Ordered
2 Services Act. Any unexpended or unencumbered balance remaining
3 at the end of fiscal year 2025 shall revert to the general
4 fund.

5 SECTION 3. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2024.