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HOUSE BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO THE CHILDREN'S CODE; SPECIFYING TO WHOM AND UNDER WHAT CIRCUMSTANCES INFORMATION THAT IS HELD BY THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT THAT PERTAINS TO CHILD ABUSE AND NEGLECT MAY BE SHARED; REQUIRING THAT INFORMATION BE PROVIDED ABOUT CHILD FATALITIES OR NEAR FATALITIES; PROTECTING PERSONAL IDENTIFIER INFORMATION OF DEPARTMENT CLIENTS; REQUIRING THE COURT'S WRITTEN ORDER WHEN EXCLUDING MEDIA FROM AN ABUSE OR NEGLECT PROCEEDING, WHICH IS APPEALABLE; REQUIRING REPORTS ON THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT'S WEBSITE; PRESCRIBING A PENALTY.

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

SECTION 1. Section 32A-4-2 NMSA 1978 (being Laws 1993, Chapter 77, Section 96, as amended) is amended to read:

"32A-4-2. DEFINITIONS.--As used in the Abuse and Neglect

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1 Act:

2 A. "abandonment" includes instances when the
3 parent, without justifiable cause:

4 (1) left the child without provision for the
5 child's identification for a period of fourteen days; or

6 (2) left the child with others, including the
7 other parent or an agency, without provision for support and
8 without communication for a period of:

9 (a) three months if the child was under
10 six years of age at the commencement of the three-month period;
11 or

12 (b) six months if the child was over six
13 years of age at the commencement of the six-month period;

14 B. "abused child" means a child:

15 (1) who has suffered or who is at risk of
16 suffering serious harm because of the action or inaction of the
17 child's parent, guardian or custodian;

18 (2) who has suffered physical abuse, emotional
19 abuse or psychological abuse inflicted or caused by the child's
20 parent, guardian or custodian;

21 (3) who has suffered sexual abuse or sexual
22 exploitation inflicted by the child's parent, guardian or
23 custodian;

24 (4) whose parent, guardian or custodian has
25 knowingly, intentionally or negligently placed the child in a

1 situation that may endanger the child's life or health; or

2 (5) whose parent, guardian or custodian has
3 knowingly or intentionally tortured, cruelly confined or
4 cruelly punished the child;

5 C. "aggravated circumstances" includes those
6 circumstances in which the parent, guardian or custodian has:

7 (1) attempted, conspired to cause or caused
8 great bodily harm to the child or great bodily harm or death to
9 the child's sibling;

10 (2) attempted, conspired to cause or caused
11 great bodily harm or death to another parent, guardian or
12 custodian of the child;

13 (3) attempted, conspired to subject or has
14 subjected the child to torture, chronic abuse or sexual abuse;
15 or

16 (4) had parental rights over a sibling of the
17 child terminated involuntarily;

18 D. "educational decision maker" means an individual
19 appointed by the children's court to attend school meetings and
20 to make decisions about the child's education that a parent
21 could make under law, including decisions about the child's
22 educational setting, and the development and implementation of
23 an individual education plan for the child;

24 E. "fictive kin" means a person not related by
25 birth, adoption or marriage with whom a child has an

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1 emotionally significant relationship;

2 F. "great bodily harm" means an injury to a person
3 that creates a high probability of death, that causes serious
4 disfigurement or that results in permanent or protracted loss
5 or impairment of the function of a member or organ of the body;

6 G. "neglected child" means a child:

7 (1) who has been abandoned by the child's
8 parent, guardian or custodian;

9 (2) who is without proper parental care and
10 control or subsistence, education, medical or other care or
11 control necessary for the child's well-being because of the
12 faults or habits of the child's parent, guardian or custodian
13 or the failure or refusal of the parent, guardian or custodian,
14 when able to do so, to provide them;

15 (3) who has been physically or sexually
16 abused, when the child's parent, guardian or custodian knew or
17 should have known of the abuse and failed to take reasonable
18 steps to protect the child from further harm;

19 (4) whose parent, guardian or custodian is
20 unable to discharge that person's responsibilities to and for
21 the child because of incarceration, hospitalization or physical
22 or mental disorder or incapacity; or

23 (5) who has been placed for care or adoption
24 in violation of the law; provided that nothing in the
25 Children's Code shall be construed to imply that a child who is

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1 being provided with treatment by spiritual means alone through
2 prayer, in accordance with the tenets and practices of a
3 recognized church or religious denomination, by a duly
4 accredited practitioner thereof is for that reason alone a
5 neglected child within the meaning of the Children's Code; and
6 further provided that no child shall be denied the protection
7 afforded to all children under the Children's Code;

8 H. "personal identifier information" means a
9 person's:

10 (1) name; and

11 (2) contact information, including a home or
12 business address, email address or phone number;

13 [~~H.~~] I. "physical abuse" includes any case in which
14 the child suffers strangulation or suffocation and any case in
15 which the child exhibits evidence of skin bruising, bleeding,
16 malnutrition, failure to thrive, burns, fracture of any bone,
17 subdural hematoma, soft tissue swelling or death and:

18 (1) there is not a justifiable explanation for
19 the condition or death;

20 (2) the explanation given for the condition is
21 at variance with the degree or nature of the condition;

22 (3) the explanation given for the death is at
23 variance with the nature of the death; or

24 (4) circumstances indicate that the condition
25 or death may not be the product of an accidental occurrence;

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1 ~~[F.]~~ J. "relative" means a person related to
2 another person by birth, adoption or marriage within the fifth
3 degree of consanguinity;

4 ~~[J.]~~ K. "sexual abuse" includes criminal sexual
5 contact, incest or criminal sexual penetration, as those acts
6 are defined by state law;

7 ~~[K.]~~ L. "sexual exploitation" includes:

8 (1) allowing, permitting or encouraging a
9 child to engage in prostitution;

10 (2) allowing, permitting, encouraging or
11 engaging a child in obscene or pornographic photographing; or

12 (3) filming or depicting a child for obscene
13 or pornographic commercial purposes, as those acts are defined
14 by state law;

15 ~~[L.]~~ M. "sibling" means a brother or sister having
16 one or both parents in common by birth or adoption;

17 ~~[M.]~~ N. "strangulation" has the same meaning as set
18 forth in Section 30-3-11 NMSA 1978;

19 ~~[N.]~~ O. "suffocation" has the same meaning as set
20 forth in Section 30-3-11 NMSA 1978; and

21 ~~[O.]~~ P. "transition plan" means an individualized
22 written plan for a child, based on the unique needs of the
23 child, that outlines all appropriate services to be provided to
24 the child to increase independent living skills. The plan
25 shall also include responsibilities of the child, and any other

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1 party as appropriate, to enable the child to be self-sufficient
2 upon emancipation."

3 SECTION 2. Section 32A-4-20 NMSA 1978 (being Laws 1993,
4 Chapter 77, Section 114, as amended) is amended to read:

5 "32A-4-20. CONDUCT OF HEARINGS--FINDINGS--DISMISSAL--
6 DISPOSITIONAL MATTERS--ORDER EXCLUDING MEDIA APPEALABLE--
7 PENALTY.--

8 A. The proceedings shall be recorded by
9 stenographic notes or by electronic, mechanical or other
10 appropriate means. The court docket number is a public record.

11 B. [~~All~~] Abuse and neglect hearings shall be closed
12 to the general public.

13 C. Only the parties, their counsel, witnesses and
14 other persons approved by the court may be present at a closed
15 hearing. The foster parent, preadoptive parent or relative
16 providing care for the child shall be given notice and an
17 opportunity to be heard at the dispositional phase. Those
18 other persons the court finds to have a proper interest in the
19 case or in the work of the court may be admitted by the court
20 to closed hearings on the condition that they refrain from
21 divulging any information that would identify the child or
22 family involved in the proceedings.

23 D. Accredited representatives of the news media
24 shall be allowed to be present at closed hearings, [~~subject to~~]
25 on the condition that they refrain from divulging information

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1 that would identify [~~any~~] the child involved in the proceedings
2 or the [~~parent, guardian or~~] custodian of that child and
3 subject to enabling [~~regulations~~] rules as the court finds
4 necessary for the maintenance of order and decorum and for the
5 furtherance of the purposes of the Children's Code. A child
6 who is the subject of an abuse and neglect proceeding and is
7 present at a hearing may object to the presence of the media.
8 The court may exclude the media if it finds that the presence
9 of the media is contrary to the best interests of the child.
10 The judge shall submit a written order explaining the reasons
11 for excluding the media from a hearing.

12 E. If the court finds that it is in the best
13 interest of a child under fourteen years of age, the child may
14 be excluded from a hearing under the Abuse and Neglect Act. A
15 child fourteen years of age or older may be excluded from a
16 hearing only if the court makes a finding that there is a
17 compelling reason to exclude the child and states the factual
18 basis for the finding.

19 F. Those persons or parties granted admission to a
20 closed hearing who intentionally divulge information in
21 violation of this section are guilty of a petty misdemeanor.

22 G. The court shall determine if the allegations of
23 the petition are admitted or denied. If the allegations are
24 denied, the court shall proceed to hear evidence on the
25 petition. The court, after hearing all of the evidence bearing

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1 on the allegations of neglect or abuse, shall make and record
2 its findings on whether the child is a neglected child, an
3 abused child or both. If the petition alleges that the parent,
4 guardian or custodian has subjected the child to aggravated
5 circumstances, then the court shall also make and record its
6 findings on whether the aggravated circumstances have been
7 proven.

8 H. If the court finds on the basis of a valid
9 admission of the allegations of the petition or on the basis of
10 clear and convincing evidence, competent, material and relevant
11 in nature, that the child is neglected or abused, the court
12 shall enter an order finding that the child is neglected or
13 abused and may proceed immediately or at a postponed hearing to
14 make disposition of the case. If the court does not find that
15 the child is neglected or abused, the court shall dismiss the
16 petition and may refer the family to the department for
17 appropriate services.

18 I. A party aggrieved by an order entered pursuant
19 to Subsection D or H of this section may file an immediate
20 appeal to the court of appeals.

21 J. In that part of the hearings held under the
22 Children's Code on dispositional issues, all relevant and
23 material evidence helpful in determining the questions
24 presented, including oral and written reports, may be received
25 by the court and may be relied upon to the extent of its

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1 probative value even though not competent had it been offered
2 during the part of the hearings on adjudicatory issues.

3 K. On the court's motion or that of a party, the
4 court may continue the hearing on the petition for a period not
5 to exceed thirty days to receive reports and other evidence in
6 connection with disposition. The court shall continue the
7 hearing pending the receipt of the predisposition study and
8 report if that document has not been prepared and received.
9 During any continuances under this subsection, the court shall
10 make an appropriate order for legal custody."

11 SECTION 3. Section 32A-4-33 NMSA 1978 (being Laws 1993,
12 Chapter 77, Section 127, as amended) is amended to read:

13 "32A-4-33. CONFIDENTIALITY--~~[RECORDS]~~ INFORMATION--
14 PENALTY.--

15 A. In investigations and proceedings alleging abuse
16 or neglect, the department shall not disclose personal
17 identifier information of the child or the child's parents
18 except as follows:

19 (1) in the case of the death or near death of
20 a child;

21 (2) in cases in which a child is missing or
22 abducted or the child is or may be in danger of serious injury
23 or death unless immediate action is taken or there are other
24 exigent circumstances, the department shall release to law
25 enforcement and the nationally recognized organization that

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1 serves as the national clearinghouse and resource center for
2 information about missing and exploited children as much
3 personal identifier information as necessary to identify the
4 child, a possible abductor or a suspect in an abuse or neglect
5 case or to protect evidence of a crime against the child;

6 (3) when the child or the child's parents have
7 been publicly identified by a person outside the department; or

8 (4) to the persons enumerated in Subsection E
9 of this section.

10 B. Department information obtained during the
11 course of an investigation into allegations of abuse or neglect
12 shall be maintained by the department as required by federal
13 law as a condition of the allocation of federal funds in New
14 Mexico. The public release of department information shall be
15 construed as openly as possible under federal and state law.

16 C. Information released by the department that has
17 not otherwise been publicly released by a person outside the
18 department shall be redacted as needed to safeguard personal
19 identifier information. In a case in which a child or the
20 child's family has been publicly identified through press
21 reports, a lawsuit or other means, the department may respond
22 publicly with factual and complete information about the
23 actions the department has taken in the case.

24 ~~[A. All records or]~~ D. Redacted information
25 concerning a party to a neglect or abuse proceeding, including

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1 social records; diagnostic evaluations; psychiatric or
2 psychological reports; videotapes, transcripts and audio
3 recordings of a child's statement of abuse; ~~[or]~~ and medical
4 reports incident to or obtained as a result of a neglect or
5 abuse proceeding or that were produced or obtained during an
6 investigation in anticipation of or incident to a neglect or
7 abuse proceeding ~~[shall be confidential and closed to the~~
8 public] may be released by the department to a person who is
9 conducting bona fide research, the results of which should
10 provide the department information on child abuse and neglect
11 that would be useful to the department in developing policy and
12 practice.

13 ~~[B.]~~ E. The ~~[records]~~ information described in
14 Subsection ~~[A]~~ D of this section shall be disclosed ~~[only]~~
15 without redaction to the parties and:

16 (1) court personnel and persons or entities
17 authorized by contract with the court to review, inspect or
18 otherwise have access to ~~[records or]~~ information in the
19 court's possession;

20 (2) court-appointed special advocates
21 appointed to the neglect or abuse proceeding;

22 (3) the child's guardian ad litem;

23 (4) the attorney representing the child in an
24 abuse or neglect action, a delinquency action or any other
25 action under the Children's Code;

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1 (5) department personnel and persons or
2 entities authorized by contract with the department to review,
3 inspect or otherwise have access to [~~records or~~] information in
4 the department's possession;

5 (6) any local substitute care review board or
6 any agency contracted to implement local substitute care review
7 boards;

8 (7) law enforcement officials, except when use
9 immunity is granted pursuant to Section 32A-4-11 NMSA 1978;

10 (8) district attorneys, except when use
11 immunity is granted pursuant to Section 32A-4-11 NMSA 1978;

12 (9) any state government or tribal government
13 social services agency in any state or when, in the opinion of
14 the department, it is in the best interest of the child, a
15 governmental social services agency of another country;

16 (10) a foster parent, if the [~~records are~~
17 ~~those of a child currently placed with that foster parent or of~~
18 ~~a child being considered for placement with that foster parent~~
19 ~~and the records concern~~] information concerns the social,
20 medical, psychological or educational needs of [~~the~~] a child
21 currently placed with that foster parent or a child being
22 considered for placement with that foster parent;

23 (11) school personnel involved with the child,
24 but only if the [~~records concern~~] information concerns the
25 child's social or educational needs;

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1 (12) a grandparent, parent of a sibling,
2 relative or fictive kin, if the [~~records or~~] information
3 [~~pertain~~] pertains to a child being considered for placement
4 with that grandparent, parent of a sibling, relative or fictive
5 kin and the [~~records or~~] information [~~concern~~] concerns the
6 social, medical, psychological or educational needs of the
7 child;

8 (13) health care or mental health
9 professionals involved in the evaluation or treatment of the
10 child or of the child's parents, guardian, custodian or other
11 family members;

12 (14) protection and advocacy representatives
13 pursuant to the federal Developmental Disabilities Assistance
14 and Bill of Rights Act and the federal Protection and Advocacy
15 for Mentally Ill Individuals Amendments Act of 1991;

16 (15) children's safehouse organizations
17 conducting [~~investigatory~~] interviews of children on behalf of
18 a law enforcement agency or the department;

19 (16) representatives of the federal government
20 or their contractors authorized by federal statute or
21 regulation to review, inspect, audit or otherwise have access
22 to [~~records and~~] information pertaining to neglect or abuse
23 proceedings;

24 (17) [~~any~~] a person [~~or entity~~] attending a
25 meeting arranged by the department to discuss the safety, well-

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1 being and permanency of a child, when the parent or child, or
2 parent or [~~legal~~] custodian on behalf of a child younger than
3 fourteen years of age, has consented to the disclosure; [~~and~~]

4 (18) the office of the state medical
5 investigator; and

6 [~~(18)~~] (19) any other person [~~or entity~~], by
7 order of the court, having a legitimate interest in the case or
8 the work of the court.

9 F. A party to a court proceeding relating to a
10 department investigation into allegations of abuse or neglect
11 may comment publicly as long as the party does not disclose the
12 personal identifier information that is still confidential for
13 the child or the child's parents.

14 [~~G.~~] G. A parent, guardian or [~~legal~~] custodian
15 whose child has been the subject of an investigation of abuse
16 or neglect where no petition has been filed shall have the
17 right to inspect any medical report, psychological evaluation,
18 law enforcement reports or other investigative or diagnostic
19 evaluation; provided that any identifying information related
20 to the reporting party or any other party providing information
21 shall be deleted or redacted. The parent, guardian or [~~legal~~]
22 custodian shall also have the right to the results of the
23 investigation and the right to petition the court for full
24 access to all department [~~records and~~] information except
25 [~~those records and~~] that information the department finds would

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1 be likely to endanger the life or safety of ~~[any]~~ a person
2 providing information to the department.

3 H. The department is not required by this section
4 to disclose department information if, after consultation with
5 the district attorney, the district attorney determines that
6 disclosure would cause specific, material harm to a criminal
7 investigation or prosecution.

8 I. The department shall provide pertinent
9 department information upon request to a prospective adoptive
10 parent, foster parent or guardian if the information concerns a
11 child for whom the prospective adoptive parent, foster parent
12 or guardian seeks to adopt or provide care.

13 J. A person may authorize the release of department
14 information about that person but shall not waive the
15 confidentiality of department information concerning any other
16 person.

17 K. The department shall provide a summary of the
18 outcome of a department investigation to the person who
19 reported the suspected child abuse or neglect in a timely
20 manner, not later than twenty days after the deadline for
21 closure of the investigation.

22 ~~[D-]~~ L. Whoever intentionally and unlawfully
23 releases any information ~~[or records]~~ closed to the public
24 pursuant to the Abuse and Neglect Act or releases or makes
25 other unlawful use of ~~[records]~~ information in violation of

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1 that act is guilty of a petty misdemeanor and shall be
2 sentenced pursuant to the provisions of Section 31-19-1 NMSA
3 1978.

4 ~~[E.]~~ M. The department ~~[shall]~~ may promulgate rules
5 for implementing disclosure of ~~[records]~~ information pursuant
6 to this section and in compliance with state and federal law
7 and the Children's Court Rules.

8 N. Nothing in this section or Section 32A-4-33.1
9 NMSA 1978 limits the right of a person to seek documents or
10 information through other provisions of law.

11 O. Nothing in this section shall apply to the
12 Indian Family Protection Act, information or records concerning
13 Indian children or Indian parents, guardians or custodians, as
14 those terms are defined in the Indian Family Protection Act, or
15 investigations or proceedings pursuant to the Indian Family
16 Protection Act."

17 SECTION 4. Section 32A-4-33.1 NMSA 1978 (being Laws 2009,
18 Chapter 239, Section 52) is amended to read:

19 "32A-4-33.1. FATALITIES--NEAR FATALITIES--RECORDS RELEASE
20 [WHEN A CHILD DIES].--

21 A. As used in this section, "near fatality" means
22 an act that, as certified by a physician, including the child's
23 treating physician, placed a child in serious or critical
24 medical condition.

25 ~~[A.]~~ B. After learning that a child fatality or

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1 near fatality has occurred and that there is reasonable
2 suspicion that the fatality or near fatality was caused by
3 abandonment, abuse or neglect, the department shall [~~upon~~
4 ~~written request to the secretary of the department~~] release the
5 following information, if in the department's possession,
6 within five business days:

7 ~~[(1) the age and gender of the child;~~
8 ~~(2) the date of death;~~
9 ~~(3) whether the child was in foster care or in~~
10 ~~the home of the child's parent or guardian at the time of~~
11 ~~death; and~~

12 ~~(4) whether an investigation is being~~
13 ~~conducted by the department.~~

14 ~~B. If an investigation is being conducted by the~~
15 ~~department, then a request for further information beyond that~~
16 ~~listed in Subsection A of this section shall be answered with a~~
17 ~~statement that a report is under investigation.]~~

18 (1) for a fatality:
19 (a) the name, age and gender of the
20 child;

21 (b) the date and location of the
22 fatality; and

23 (c) the cause of death, if known;

24 (2) for a near fatality:

25 (a) the age and gender of the child; and

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1 (b) the type and extent of injuries;
2 (3) for either a fatality or near fatality:
3 (a) whether the child is currently or
4 has been in the custody of the department within the last five
5 years or the child's family is currently or has been served or
6 under investigation by the department within the last five
7 years;

8 (b) whether the child lived with a
9 parent, guardian or custodian; was in foster care; was in a
10 residential facility or detention facility; was a runaway; or
11 had some other living arrangement;

12 (c) whether an investigation is being
13 conducted by the department or by a law enforcement agency, if
14 known;

15 (d) a detailed synopsis of prior reports
16 of abuse or neglect involving the child, siblings or other
17 children in the home, if applicable; and

18 (e) actions taken by the department to
19 ensure the safety of siblings, if applicable; and

20 (4) any other information that is publicly
21 known.

22 C. Upon completion of a child abandonment, abuse or
23 neglect investigation into a [~~child's death~~] fatality or near
24 fatality, if it is determined that abandonment, abuse or
25 neglect caused the [~~child's death~~] fatality or near fatality,

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1 the following documents shall be released upon request:

2 (1) a summary of the department's
3 investigation;

4 (2) a law enforcement investigation report, if
5 in the department's possession; and

6 (3) ~~[a medical examiner's]~~ the medical
7 investigator's report in the case of a fatality, if in the
8 department's possession.

9 D. Prior to releasing ~~[any document pursuant to]~~
10 documents specified in Subsection C of this section, the
11 department shall consult with the district attorney and shall
12 redact:

13 (1) information that ~~[would]~~, in the opinion
14 of the district attorney, ~~[jeopardize a]~~ would cause specific
15 material harm to the criminal investigation or ~~[proceeding]~~
16 prosecution;

17 (2) ~~[identifying]~~ personal identifier
18 information related to a reporting party or any other party
19 providing information; and

20 (3) information that is privileged,
21 confidential or not subject to disclosure pursuant to ~~[any]~~
22 Section 32A-4-33 NMSA 1978 or other state or federal law.

23 E. ~~[Once]~~ If documents pursuant to this section
24 have been released by the department, the department may
25 comment on the case ~~[within the scope of the release]~~.

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1 F. Information released by the department
2 consistent with the requirements of this section does not
3 require prior notice to any ~~[other individual]~~ person.

4 G. Nothing in this section shall be construed as
5 requiring the department to obtain documents not in the abuse
6 and neglect case file.

7 H. A person disclosing abandonment, abuse ~~[and]~~ or
8 neglect case file information as required by this section shall
9 not be subject to suit in civil or criminal proceedings for
10 complying with the requirements of this section.

11 I. The department shall continue to provide timely
12 allowable information to the public on the investigation into a
13 case of fatality or near fatality of a child, including a
14 summary report that shall include:

15 (1) actions taken by the department in
16 response to the case, including changes in policies, practices,
17 procedures and processes that have been made to address issues
18 raised in the investigation of the case and any recommendations
19 for further changes in policies, practices, procedures,
20 processes and other rules or laws to address the issues; and

21 (2) the information described in Subsection J
22 or K of this section.

23 J. If the summary report involves a child who was
24 residing in the child's home, the report shall contain a
25 summary of all of the following:

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1 (1) whether services pursuant to the Abuse and
2 Neglect Act were being provided to the child, a member of the
3 child's household or a person who had been arrested for
4 abandonment, abuse or neglect of the child prior to the time of
5 the fatality or near fatality and the date of the last contact
6 between the person providing the services and the person
7 receiving the services prior to or at the time of the fatality
8 or near fatality;

9 (2) whether the child, a member of the child's
10 household or the person who had been arrested for abandonment,
11 abuse or neglect of the child prior to the fatality or near
12 fatality was the subject of a current or previous department
13 report;

14 (3) all involvement of the child's parents or
15 the person who had been arrested for abuse or neglect of the
16 child prior to the fatality or near fatality in a situation for
17 which a department report was made or services provided
18 pursuant to the Abuse and Neglect Act in the five years
19 preceding the incident that culminated in the fatality or near
20 fatality; and

21 (4) any investigation pursuant to a department
22 report concerning the child, a member of the child's household
23 or the person who had been suspected or arrested of the
24 abandonment, abuse or neglect of the child or services provided
25 to the child or the child's household since the date of the

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1 incident involving a fatality or a near fatality.

2 K. If the summary report involves a child who was
3 in out-of-home placement, the summary report shall include:

4 (1) the name of the agency the licensee was
5 licensed by; and

6 (2) the licensing history of the out-of-home
7 placement, including the type of license held by the operator
8 of the placement, the period for which the placement has been
9 licensed and a summary of all violations by the licensee and
10 any other actions by the licensee or an employee of the
11 licensee that constitute a substantial failure to protect and
12 promote the health, safety and welfare of a child.

13 L. Nothing in this section shall apply to the
14 Indian Family Protection Act, information or records concerning
15 Indian children or Indian parents, guardians or custodians, as
16 those terms are defined in the Indian Family Protection Act, or
17 investigations or proceedings pursuant to the Indian Family
18 Protection Act."

19 SECTION 5. A new section of the Abuse and Neglect Act is
20 enacted to read:

21 "[NEW MATERIAL] CREATION AND MAINTENANCE OF DASHBOARD ON
22 DEPARTMENT WEBSITE--ANNUAL REPORT.--

23 A. The department shall create and maintain a
24 public, easily accessible and searchable dashboard on the
25 department's website. The confidentiality of personal

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1 identifier information shall be safeguarded consistent with
2 federal and state law. The dashboard shall be updated at least
3 quarterly and shall include the data to be reported to the
4 governor and the legislature.

5 B. By February 1 of each year, the department shall
6 submit a report to the governor and the legislature that
7 includes the following data for the prior twelve months ending
8 on December 31:

9 (1) the number of fatalities and near
10 fatalities of children in the custody of the department or as a
11 result of abandonment, abuse or neglect when in the custody of
12 a parent, guardian, custodian or other person;

13 (2) the number of children in department
14 custody and the average length of time in custody, including
15 the number of in-state and out-of-state placements in which
16 children are placed;

17 (3) the number of children in foster care and
18 the length of time in foster care or living with relatives or
19 fictive kin;

20 (4) the number of complaints received alleging
21 abandonment, abuse or neglect;

22 (5) the number of investigations that resulted
23 from the complaints, the number of complaints accepted for
24 investigation and not accepted for investigation and the
25 identified reasons in the aggregate for not investigating a

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1 complaint;

2 (6) the number of children removed from the
3 custody of a parent, guardian, custodian or other person and
4 the reasons for removals;

5 (7) the number of children returned to a
6 household from which they were removed;

7 (8) the number of children placed in the
8 custody of the department who have run away while in custody;

9 (9) the number of cases in which families
10 subject to court-ordered treatment plans or voluntary placement
11 agreements have absconded with children placed in the custody
12 of the department;

13 (10) the number of adoptions and the number of
14 adoptions for which funding was terminated prior to the child
15 reaching the age of eighteen;

16 (11) the number of children and cases
17 transferred to the jurisdiction of Indian nations, tribes and
18 pueblos pursuant to the Indian Family Protection Act; and

19 (12) any other information the department
20 considers of interest to the public.

21 C. Data shall be disaggregated by age, race,
22 ethnicity, gender, disability status and geographic location.

23 D. The report shall be published on the
24 department's website."