

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CHILDREN; ENACTING THE OFFICE OF CHILD ADVOCATE ACT; PROVIDING FOR THE STATE CHILD ADVOCATE; CREATING THE OFFICE OF CHILD ADVOCATE AND ESTABLISHING THE POWERS AND DUTIES OF THAT OFFICE; PROVIDING FOR THE ESTABLISHMENT OF THE STATE CHILD ADVOCATE SELECTION COMMITTEE; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. A new section of the Children's Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 13 of this act may be cited as the "Office of Child Advocate Act"."

SECTION 2. A new section of the Children's Code is enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Office of

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 Child Advocate Act:

2 A. "committee" means the state child advocate  
3 selection committee;

4 B. "near fatality" means an injury or condition  
5 caused by abuse or neglect that results in a child:

6 (1) being placed in serious or critical  
7 condition, as certified by a licensed physician; and

8 (2) receiving critical care for at least  
9 twenty-four hours following the child's admission to a critical  
10 care unit; and

11 C. "office" means the office of child advocate."

12 SECTION 3. A new section of the Children's Code is  
13 enacted to read:

14 "[NEW MATERIAL] OFFICE OF CHILD ADVOCATE--CREATED.--The  
15 "office of child advocate" is created and is administratively  
16 attached to the office of the attorney general pursuant to  
17 Section 9-1-7 NMSA 1978. The office shall maintain autonomy  
18 over the office's budget and any decisions the office may  
19 take."

20 SECTION 4. A new section of the Children's Code is  
21 enacted to read:

22 "[NEW MATERIAL] STATE CHILD ADVOCATE--APPOINTMENT--  
23 DUTIES.--The head of the office is the "state child advocate",  
24 who shall be appointed for a term of six years, except that the  
25 initial term shall begin on December 1, 2024 and shall end on

.226828.1

underscoring material = new  
[bracketed material] = delete

1 June 30, 2025. The state child advocate may be reappointed to  
2 successive terms. An appointed state child advocate shall  
3 serve and have all of the duties, responsibilities and  
4 authority of that office until appointment of a new state child  
5 advocate. The governor or the supreme court may remove the  
6 state child advocate only for malfeasance, misfeasance or abuse  
7 of office."

8 SECTION 5. A new section of the Children's Code is  
9 enacted to read:

10 "[NEW MATERIAL] STATE CHILD ADVOCATE SELECTION COMMITTEE--  
11 DUTIES.--

12 A. The "state child advocate selection committee"  
13 is created and consists of nine members, including:

14 (1) one member who shall be selected by the  
15 president pro tempore of the senate;

16 (2) one member who shall be selected by the  
17 minority floor leader of the senate;

18 (3) one member who shall be selected by the  
19 speaker of the house of representatives;

20 (4) one member who shall be selected by the  
21 minority floor leader of the house of representatives;

22 (5) four members who shall be selected by the  
23 governor:

24 (a) no more than two of whom are from  
25 the same political party and have not changed political party

.226828.1

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

1 affiliation in the last two years;

2 (b) one of whom shall have specialized  
3 expertise in the federal Indian Child Welfare Act of 1978 and  
4 the Indian Family Protection Act; and

5 (c) one of whom shall have extensive  
6 knowledge of child protective services, juvenile justice  
7 services or child welfare; and

8 (6) a committee chair, whom a majority of the  
9 other eight members select and who is:

10 (a) not a candidate for the position of  
11 state child advocate; and

12 (b) a person with extensive knowledge of  
13 child welfare and the Children's Code.

14 B. The committee shall meet exclusively for the  
15 purpose of nominating persons to fill a current or impending  
16 vacancy in the position of state child advocate. The committee  
17 shall actively solicit, accept and evaluate applications for  
18 the position of state child advocate and may require applicants  
19 to submit any information that the committee deems relevant to  
20 the consideration of applications. Within ninety days before  
21 the date on which the term of a state child advocate ends or no  
22 later than sixty days after the occurrence of a vacancy in the  
23 state child advocate position, the committee shall convene and,  
24 within sixty days after convening, submit to the governor the  
25 names of persons who are recommended for appointment to the

.226828.1

underscored material = new  
[bracketed material] = delete

1 position by a majority of the committee members.

2 C. After receiving nominations for the state child  
3 advocate, the governor may make one request of the committee  
4 for submission of additional names. The committee shall  
5 promptly submit those additional names if a majority of the  
6 committee members find that additional persons would be  
7 qualified and recommends those persons for appointment as state  
8 child advocate. The governor shall fill a vacancy or appoint a  
9 successor to fill an impending vacancy in the office within  
10 sixty days after receiving final nominations from the committee  
11 by appointing one of the persons nominated by the committee.

12 D. The committee is administratively attached to  
13 the office of the attorney general pursuant to the provisions  
14 of Section 9-1-7 NMSA 1978.

15 E. After the initial meeting of the committee, the  
16 governor or the chair of the committee may call subsequent  
17 meetings of the committee to nominate persons to fill a current  
18 or impending vacancy in the position of state child advocate.

19 F. The members of the committee shall receive per  
20 diem and mileage as provided in the Per Diem and Mileage Act  
21 and shall receive no other compensation, perquisite or  
22 allowance."

23 SECTION 6. A new section of the Children's Code is  
24 enacted to read:

25 "[NEW MATERIAL] OFFICE OF CHILD ADVOCATE--POWERS--

.226828.1

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

1 DUTIES.--The office:

2 A. shall:

3 (1) review the department's provision of  
4 services to children and families, receive complaints  
5 concerning the actions of the department or of any entity that  
6 provides services to children and families through funds  
7 provided by the department and make appropriate referrals when  
8 the state child advocate determines that a child or family may  
9 be in need of assistance from the office;

10 (2) review current systems to determine the  
11 extent to which the department's policies and procedures  
12 protect and enhance children's personal dignity, right to  
13 privacy, appropriate health care and education in accordance  
14 with state and federal law;

15 (3) adopt and promulgate rules in accordance  
16 with the State Rules Act as are deemed necessary to carry out  
17 the provisions of the Office of Child Advocate Act;

18 (4) operate a toll-free hotline and electronic  
19 communication portal to receive complaints pursuant to this  
20 section;

21 (5) investigate and attempt to resolve  
22 complaints made by or on behalf of children placed in the  
23 custody of the department, receiving services under the  
24 supervision of the department, referred to the department or  
25 whose parent, guardian or custodian is under investigation by

.226828.1

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

1 the department;

2 (6) upon investigation of a complaint, notify  
3 the complainant and subjects of the complaint of the  
4 investigation or, if the office declines to investigate a  
5 complaint or continue an investigation, notify the complainant  
6 and the subjects of the complaint that no further action will  
7 be taken by the office;

8 (7) update the complainant on the progress of  
9 the investigation every ninety days and notify the complainant  
10 and the subjects of the complaint of the final outcome within  
11 ninety days of the completion of the investigation;

12 (8) provide information about recipients'  
13 rights and responsibilities related to departmental services;

14 (9) provide information concerning child and  
15 family welfare to the governor, state agencies and legislators;

16 (10) compile an annual report pursuant to  
17 Section 7 of the Office of Child Advocate Act;

18 (11) subpoena witnesses to provide testimony  
19 in cases in which a fatality or near fatality of a child has  
20 occurred while the child was in the custody of the department;

21 (12) access information or records that are  
22 necessary for carrying out the provisions of the Office of  
23 Child Advocate Act; and

24 (13) access and review information, records or  
25 documents, including records of third parties, that the office

.226828.1

underscored material = new  
[bracketed material] = delete

1 deems necessary to conduct a thorough and independent review of  
2 a complaint; provided that the department would be entitled to  
3 access or receive such information, records or documents; and

4 B. may:

5 (1) hire and contract for such professional,  
6 technical and support staff as needed to carry out the  
7 functions of the office;

8 (2) meet or communicate with any child placed  
9 in the custody of the department, receiving services under the  
10 supervision of the department, referred to the department or  
11 whose parent, guardian or custodian is under investigation by  
12 the department in a developmentally sensitive method; and

13 (3) decide whether to investigate a complaint  
14 or refer a complaint to another agency for investigation."

15 SECTION 7. A new section of the Children's Code is  
16 enacted to read:

17 "[NEW MATERIAL] ANNUAL REPORT--REPORT CONTENTS--CREATION  
18 AND MAINTENANCE OF WEBSITE CONTAINING REPORT INFORMATION.--

19 A. Each year, the office shall submit to the  
20 legislative finance committee, the department and the governor  
21 on or before September 1 a report addressing services provided  
22 by the department, including:

23 (1) the quality of services provided to  
24 children and families;

25 (2) the conditions of placements for New

.226828.1



1 Mexico's children, including the number of out-of-state  
2 placements and an assessment of each active congregate care and  
3 juvenile justice facility in which children in the custody of  
4 the department are placed;

5 (3) the number of children removed from a  
6 residence of a parent, foster parent or guardian;

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

9 (5) the number of children removed from a  
10 household subsequent to being returned to a household from  
11 which they were removed;

12 (6) the number of children placed in the  
13 custody of a juvenile justice facility;

14 (7) the number of children placed in the  
15 custody of the department who have run away from a department  
16 placement, the number of children placed in the custody of the  
17 department who have been found after running away and the  
18 number of children placed in the custody of the department who  
19 are currently missing;

20 (8) the number of cases in which families  
21 subject to court-ordered treatment plans or voluntary placement  
22 agreements have absconded with children placed in the custody  
23 of the department;

24 (9) a review of systemic issues related to  
25 services for assistance to children and families within the

underscored material = new  
[bracketed material] = delete

1 child protection and juvenile justice systems;

2 (10) findings and recommendations related to  
3 the implementation of the federal Indian Child Welfare Act of  
4 1978 and the Indian Family Protection Act;

5 (11) recommendations related to improving  
6 services for children and families;

7 (12) data disaggregated by race, ethnicity,  
8 gender, geographic location, sexual identity, disability status  
9 and any other categories that the office deems necessary; and

10 (13) the training and certification process  
11 for the state child advocate and office staff.

12 B. The office shall create and maintain a web page  
13 on which the data contained in Subsection A of this section  
14 shall be provided in an accessible manner and updated  
15 quarterly.

16 C. Each year the annual report shall be posted to  
17 the web page created pursuant to Subsection B of this section."

18 **SECTION 8.** A new section of the Children's Code is  
19 enacted to read:

20 "[NEW MATERIAL] TRAINING AND CERTIFICATION.--

21 A. The state child advocate shall ensure that  
22 office staff are trained in:

23 (1) federal, state, local and tribal laws,  
24 regulations and policies with respect to child protection and  
25 juvenile justice services in the state;

.226828.1

underscored material = new  
[bracketed material] = delete

1 (2) investigative techniques, including  
2 trauma-informed care and questioning;

3 (3) the federal Indian Child Welfare Act of  
4 1978, the Indian Family Protection Act, tribal culture, tribal  
5 relations and sovereign nation status; and

6 (4) department policies and procedures.

7 B. The state child advocate shall develop  
8 procedures for the training and certification of appropriate  
9 staff.

10 C. An officer, employee or other representative of  
11 the office shall not investigate any complaint filed with the  
12 office unless that person is certified by the office."

13 SECTION 9. A new section of the Children's Code is  
14 enacted to read:

15 "[NEW MATERIAL] CONFLICT OF INTEREST.--Persons who are  
16 employees of the office or who have contracts with the office  
17 shall not have a conflict of interest with the department or  
18 with an entity that provides services to children and families  
19 through funds provided by the department relating to the  
20 performance of their responsibilities pursuant to the  
21 Children's Code. For the purposes of this section, a conflict  
22 of interest exists whenever the state child advocate, an  
23 employee of the office or a person having a contract with the  
24 office:

25 A. licenses, certifies or accredits a provider or

.226828.1

underscored material = new  
[bracketed material] = delete

1 facility delivering services to children and families pursuant  
2 to the Children's Code;

3 B. has a direct ownership interest in a provider or  
4 facility delivering services to children and families pursuant  
5 to the Children's Code;

6 C. is employed by or participates in the management  
7 of a provider or facility delivering services to children and  
8 families pursuant to the Children's Code; or

9 D. receives, directly or indirectly, remuneration  
10 pursuant to a compensation arrangement with a provider or  
11 facility delivering services to children and families pursuant  
12 to the Children's Code."

13 SECTION 10. A new section of the Children's Code is  
14 enacted to read:

15 "[NEW MATERIAL] INCIDENTS, FATALITIES AND NEAR  
16 FATALITIES.--

17 A. The department shall provide the office with a  
18 copy of all reports related to actual physical injury to  
19 children in the custody of the department within thirty days of  
20 receiving the report, whether substantiated or unsubstantiated.

21 B. The department shall provide the office with a  
22 written notification within seventy-two hours of:

23 (1) a fatality or near fatality of a child in  
24 its custody or referred or receiving services under the  
25 supervision of the department; and

.226828.1

underscored material = new  
[bracketed material] = delete

1 (2) the restraint or seclusion of a child in  
2 its custody.

3 C. As used in this section:

4 (1) "restraint" means a measure or condition  
5 that keeps someone or something under control or within limits.  
6 "Restraint" may include mechanical or physical restraint; and

7 (2) "seclusion" means the involuntary  
8 confinement of a child alone in a room from which egress is  
9 prevented. "Seclusion" does not mean the use of a voluntary  
10 behavior management technique, including a timeout location, as  
11 part of a child's education plan, individual safety plan,  
12 behavioral plan or individualized education program that  
13 involves the child's separation from a larger group for  
14 purposes of calming."

15 SECTION 11. A new section of the Children's Code is  
16 enacted to read:

17 "[NEW MATERIAL] LAW ENFORCEMENT REPORTS.--Upon request by  
18 the office, law enforcement agencies shall share with the  
19 office all law enforcement reports involving children  
20 identified by the agencies as having been placed in the custody  
21 of the department, receiving services under the supervision of  
22 the department, referred to the department or whose parent,  
23 guardian or custodian is under investigation by the  
24 department."

25 SECTION 12. A new section of the Children's Code is

.226828.1

underscored material = new  
[bracketed material] = delete

1 enacted to read:

2 "[NEW MATERIAL] CONFIDENTIALITY OF INFORMATION.--

3 A. The office shall maintain the confidentiality of  
4 all case records, third-party records and court records, as  
5 well as any information gathered in the course of  
6 investigations and system monitoring duties. These records are  
7 exempt from public inspection and copying pursuant to the  
8 Inspection of Public Records Act and shall be kept confidential  
9 unless disclosure is:

10 (1) ordered by the court;

11 (2) necessary to prevent imminent harm and the  
12 imminent harm is communicated directly to the state child  
13 advocate or staff of the office;

14 (3) necessary to the department in order for  
15 the department to determine the appropriateness of initiating  
16 an investigation regarding potential abuse or neglect or other  
17 emergency circumstances; or

18 (4) necessary to the department in order for  
19 the department to determine the appropriateness of initiating  
20 an investigation to determine facility compliance with  
21 applicable rules of licensure or certification or both.

22 B. Notwithstanding the provisions of Subsection A  
23 of this section, the office may publicly report any patterns of  
24 conduct or repeated incidents identified by the office in  
25 carrying out the provisions of the Office of Child Advocate

.226828.1

underscored material = new  
[bracketed material] = delete

1 Act; provided that the office shall not publicly disclose  
2 either of the following:

3 (1) individually identifiable information  
4 about a child; and

5 (2) investigation findings when there is  
6 pending law enforcement investigation or prosecution."

7 SECTION 13. A new section of the Children's Code is  
8 enacted to read:

9 "[NEW MATERIAL] NOTIFICATION OF OFFICE OF CHILD  
10 ADVOCATE.--The department shall notify all children placed in  
11 the custody of the department, receiving services under the  
12 supervision of the department, referred to the department or  
13 whose parent, guardian or custodian is under investigation by  
14 the department and their parents, guardians, foster parents and  
15 identified fictive kin of the existence of the office, its  
16 purpose and function and its toll-free hotline and electronic  
17 communication portal with instructions for access."

18 SECTION 14. Section 32A-2-32 NMSA 1978 (being Laws 1993,  
19 Chapter 77, Section 61, as amended) is amended to read:

20 "32A-2-32. CONFIDENTIALITY--RECORDS.--

21 A. All records pertaining to the child, including  
22 all related social records, behavioral health screenings,  
23 diagnostic evaluations, psychiatric reports, medical reports,  
24 social studies reports, records from local detention  
25 facilities, client-identifying records from facilities for the

.226828.1

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

1 care and rehabilitation of delinquent children, pre-parole or  
2 supervised release reports and supervision histories obtained  
3 by the juvenile probation office, parole officers and the  
4 juvenile public safety advisory board or in possession of the  
5 department, are confidential and shall not be disclosed  
6 directly or indirectly to the public.

7 B. The disclosure of all mental health and  
8 developmental disability records shall be made pursuant to the  
9 Children's Mental Health and Developmental Disabilities Act.

10 C. The records described in Subsection A of this  
11 section, other than mental health and developmental disability  
12 records, shall be disclosed only to any of the following;  
13 provided that the agency, person or institution receiving  
14 information shall not re-release the information without proper  
15 consent or as otherwise provided by law:

- 16 (1) court personnel;  
17 (2) the child's court appointed special  
18 advocates;  
19 (3) the child's attorney or guardian ad litem  
20 representing the child in any matter;  
21 (4) department personnel;  
22 (5) corrections department personnel;  
23 (6) law enforcement officials when the request  
24 is related to the investigation of a crime;  
25 (7) district attorneys or children's court

.226828.1



underscored material = new  
[bracketed material] = delete

1 attorneys;

2 (8) a state government social services agency  
3 in any state;

4 (9) those persons or entities of a child's  
5 Indian tribe specifically authorized to inspect such records  
6 pursuant to the federal Indian Child Welfare Act of 1978, the  
7 Indian Family Protection Act or any regulations promulgated  
8 under [~~that act~~] those acts;

9 (10) tribal juvenile justice system and social  
10 service representatives;

11 (11) a foster parent, if the records are those  
12 of a child currently placed with that foster parent or of a  
13 child being considered for placement with that foster parent,  
14 when the disclosure of the information is necessary for the  
15 child's treatment or care and shall include only that  
16 information necessary to provide for treatment and care of the  
17 child;

18 (12) school personnel involved with the child  
19 if the records concern the child's educational needs, but shall  
20 only include that information necessary to provide for the  
21 child's educational planning and needs;

22 (13) a health care or mental health  
23 professional involved in the evaluation or treatment of the  
24 child, the child's parents, guardians or custodian or other  
25 family members;

.226828.1

underscoring material = new  
[bracketed material] = delete

1 (14) representatives of the protection and  
2 advocacy system;

3 (15) the child's parent, guardian or legal  
4 custodian when the disclosure of the information is necessary  
5 for the child's treatment or care and shall include only that  
6 information necessary to provide for the treatment or care of  
7 the child;

8 (16) any other person or entity, by order of  
9 the court, having a legitimate interest in the case or the work  
10 of the court who agrees not to otherwise release the records;  
11 [~~and~~]

12 (17) the child, if fourteen years of age or  
13 older; and

14 (18) the office of child advocate and its  
15 employees and contractors, pursuant to the requirements of the  
16 Delinquency Act, if the records are needed for the purpose of  
17 implementing the Office of Child Advocate Act.

18 D. If disclosure of otherwise confidential records  
19 is made to the child or any other person or entity pursuant to  
20 a valid release of information signed by the child, all victim  
21 or witness identifying information shall be redacted or  
22 otherwise deleted.

23 E. Whoever intentionally and unlawfully releases  
24 any information or records closed to the public pursuant to  
25 this section or releases or makes other unlawful use of records

.226828.1

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

1 in violation of this section is guilty of a petty misdemeanor.

2 F. The department shall promulgate rules for  
3 implementing disclosure of records pursuant to this section and  
4 in compliance with state and federal law and the Children's  
5 Court Rules."

6 SECTION 15. Section 32A-4-33 NMSA 1978 (being Laws 1993,  
7 Chapter 77, Section 127, as amended) is amended to read:

8 "32A-4-33. CONFIDENTIALITY--RECORDS--PENALTY.--

9 A. All records or information concerning a party to  
10 a neglect or abuse proceeding, including social records,  
11 diagnostic evaluations, psychiatric or psychological reports,  
12 videotapes, transcripts and audio recordings of a child's  
13 statement of abuse or medical reports incident to or obtained  
14 as a result of a neglect or abuse proceeding or that were  
15 produced or obtained during an investigation in anticipation of  
16 or incident to a neglect or abuse proceeding shall be  
17 confidential and closed to the public.

18 B. The records described in Subsection A of this  
19 section shall be disclosed only to the parties and:

20 (1) court personnel and persons or entities  
21 authorized by contract with the court to review, inspect or  
22 otherwise have access to records or information in the court's  
23 possession;

24 (2) court-appointed special advocates  
25 appointed to the neglect or abuse proceeding;

.226828.1

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

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

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

5 (5) department personnel and persons or  
6 entities authorized by contract with the department to review,  
7 inspect or otherwise have access to records or information in  
8 the department's possession;

9 (6) any local substitute care review board or  
10 any agency contracted to implement local substitute care review  
11 boards;

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

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

16 (9) any state government or tribal government  
17 social services agency in any state or when, in the opinion of  
18 the department, it is in the best interest of the child, a  
19 governmental social services agency of another country;

20 (10) a foster parent, if the records are those  
21 of a child currently placed with that foster parent or of a  
22 child being considered for placement with that foster parent  
23 and the records concern the social, medical, psychological or  
24 educational needs of the child;

25 (11) school personnel involved with the child

.226828.1

1 if the records concern the child's social or educational needs;

2 (12) a grandparent, parent of a sibling,  
3 relative or fictive kin, if the records or information pertain  
4 to a child being considered for placement with that  
5 grandparent, parent of a sibling, relative or fictive kin and  
6 the records or information concern the social, medical,  
7 psychological or educational needs of the 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 a  
18 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 person or entity attending a meeting  
25 arranged by the department to discuss the safety, well-being

underscored material = new  
[bracketed material] = delete

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

4 (18) any other person or entity, by order of  
5 the court, having a legitimate interest in the case or the work  
6 of the court; and

7 (19) the office of child advocate and its  
8 employees and contractors, pursuant to the requirements of the  
9 Abuse and Neglect Act, if the records are needed for the  
10 purpose of implementing the Office of Child Advocate Act.

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

25 D. Whoever intentionally and unlawfully releases

.226828.1

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

1 any information or records closed to the public pursuant to the  
2 Abuse and Neglect Act or releases or makes other unlawful use  
3 of records in violation of that act is guilty of a petty  
4 misdemeanor and shall be sentenced pursuant to the provisions  
5 of Section 31-19-1 NMSA 1978.

6 E. The department shall promulgate rules for  
7 implementing disclosure of records pursuant to this section and  
8 in compliance with state and federal law and the Children's  
9 Court Rules."

10 SECTION 16. EFFECTIVE DATE.--The effective date of the  
11 provisions of this act is July 1, 2024.