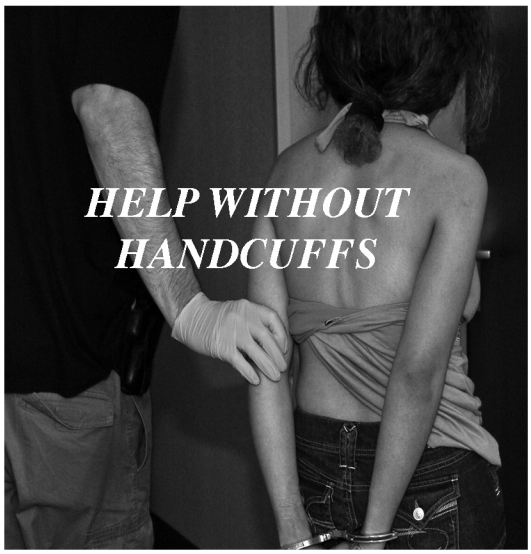
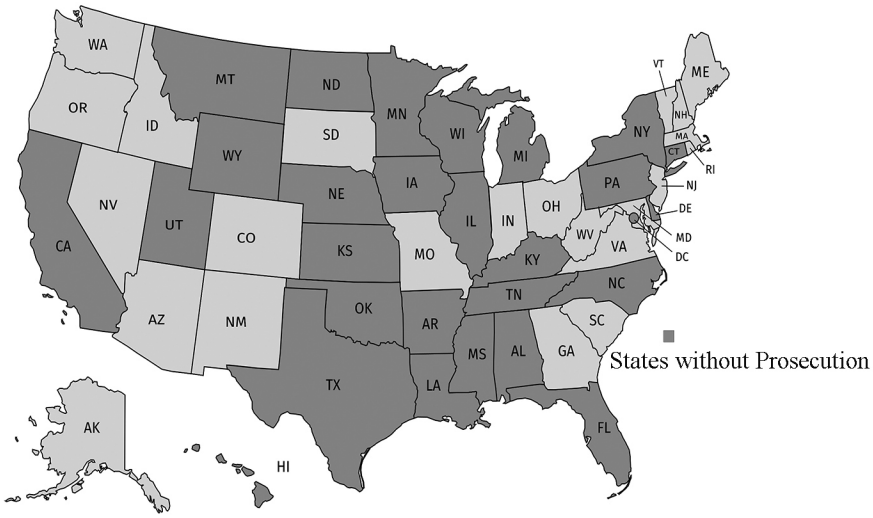
REPORT OF THE LEGISLATIVE SUBCOMMITTEE OF THE NEW MEXICO ATTORNEY GENERAL TASK FORCE ON DOMESTIC MINOR SEX TRAFFICKING FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

September 24, 2018



THE PROBLEM

In New Mexico, children who are victims of human trafficking can be charged with prostitution.[1]



THE SOLUTION

Congress and our neighboring states have chosen to modernize their laws to recognize that trafficked minors should be protected, not prosecuted.[2]

PATHWAYS TO PROTECTION

HUMAN TRAFFICKING NM STAT § 30-52-1

The State mandates that a victim of human trafficking is eligible to receive: (1) case management; (2) emergency temporary housing; (3) health care; (4) mental health counseling; (5) drug addiction screening and treatment; (6) language interpretation, translation services and English language instruction; (7) job training, job placement assistance and post-employment services for job retention; (8) child care; (9) advocacy services; (10) state-funded cash assistance; (11) food assistance; (12) services to assist the victim and the victim's family members; and (13) other general assistance services and benefits as determined by the Children, Youth and Families Department or the Human Services Department.

CHILD ABUSE AND NEGLECT NM STAT § 32A-4-1

The State mandates that an abused and neglected child in protective services receive in-home and out-of-home services. Additionally, the Children, Youth and Families Department is required to create a permanency plan that reflects the child's individual case plan and that provides for the child's best interests in education and medical and behavioral health.

FAMILIES IN NEED OF COURT-ORDERED SERVICES NM STAT § 32A-3B-1

The State mandates that a child in FINCOS receive an individualized services plan that includes a statement of the problem, the needs of the child, and the needs of the family. Additionally, children who are 16 years and older who have been removed from their homes or have been placed in continued residence outside the home should be referred to services that will help them develop specific skills to succesfully transition into independent living.

Citations

1.“Safe Harbor: State Efforts to Combat Child Trafficking.” NCSL, National Conference of State Legislatures, Apr. 2017, www.ncsl.org/Portals/1/Documents/cj/SafeHarbor_v06.pdf.

2. N.M. Stat. Ann. 1978, § 32A-2-3 (LexisNexis, Lexis Advance through all 2018 Regular Session enactments of the 53rd Legislature).