

A JOINT MEMORIAL
REQUESTING THE APPOINTMENT OF A TASK FORCE TO STUDY AND
RECOMMEND REVISIONS TO THE CHILDREN' S CODE.

WHEREAS, the present Children's Code was enacted into law in 1972, and rewritten in 1981 and 1993, and there have been numerous piecemeal amendments to the code since 1993 as well; and

WHEREAS, in the thirty years since enactment of the Children's Code, there have been significant legal and social changes that call for another review and update of the code; and

WHEREAS, the offenses perpetrated by young offenders appear to be growing more serious in nature; and

WHEREAS, a database has been developed containing the children's codes from all fifty states, and the university of New Mexico school of law has indicated it will assign students to help staff and do legal research for the task force; and

WHEREAS, regional hearings will be held statewide and surveys will be distributed to obtain input on changes needed in the Children's Code; and

WHEREAS, there are now twenty-one articles in the Children's Code that must be examined for needed changes as they relate to the Delinquency Act; and

WHEREAS, the Delinquency Act has the primary need for revision as it relates to such concerns as minors driving while under the influence of intoxicating liquor or drugs, detention criteria, administrative placement and duties of juvenile probation and parole officers and the ages at which children are sentenced as adults; and

WHEREAS, proposed amendments to the Family in Need of Services Act were drafted in 2002 but not introduced as legislation, and the Compulsory School Attendance Law, which is dependent on the Family in Need of Services Act, was also not amended at that time, and input from a coalition of school administrators, teachers associations, local law enforcement groups and the state department of public education is necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that a task force be appointed by the New Mexico legislative council to study and recommend revisions to the Children's Code; and

BE IT FURTHER RESOLVED that the task force be requested to report its findings and proposed revisions to the Children's Code to the appropriate legislative interim committee in a timely manner so that it may prepare proposed legislation for the first session of the forty-sixth legislature; and

BE IT FURTHER RESOLVED that the judiciary; the

children, youth and families department; the human services department; the department of health; the state department of public education; and other appropriate executive and nonprofit agencies cooperate and provide appropriate resources and expertise in this effort to review and revise the Children's Code; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the New Mexico legislative council; the secretary of children, youth and families; the secretary of corrections; the secretary of human services; the secretary of health; the superintendent of public instruction; and to the New Mexico supreme court for distribution to the district courts.