

1 SENATE BILL 558

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Sander Rue

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10 AN ACT

11 RELATING TO EMERGENCY PLACEMENT OF CHILDREN; ALLOWING THE  
12 CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO CONDUCT FEDERAL  
13 CRIMINAL HISTORY RECORD CHECKS OF ADULTS RESIDING IN THE HOME;  
14 DECLARING AN EMERGENCY.

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

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

19 "[NEW MATERIAL] EMERGENCY PLACEMENT--CRIMINAL HISTORY  
20 RECORD CHECK.--

21 A. In an emergency placement situation, when a  
22 child must be placed in a home due to the absence of parents or  
23 custodians, the department may request that a criminal justice  
24 agency perform a federal name-based criminal history record  
25 check of each adult residing in the home. The results of the

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1 name-based check shall be provided to the department, and,  
2 within twenty days from the date that the name-based check was  
3 conducted, the department shall provide a complete set of each  
4 adult resident's fingerprints to the department of public  
5 safety for immediate submission to the federal bureau of  
6 investigation. The department of public safety shall  
7 positively identify the fingerprint subject, if possible, and  
8 forward the fingerprints to the federal bureau of investigation  
9 within fifteen calendar days from the date that the name-based  
10 search was conducted. The child shall be removed from the home  
11 immediately if any adult resident fails to provide fingerprints  
12 or written permission to perform a federal criminal history  
13 record check when requested to do so.

14 B. When placement of a child in a home is denied as  
15 a result of a name-based criminal history record check of a  
16 resident, and the resident contests that denial, the resident  
17 shall, within five business days, submit to the department a  
18 complete set of the resident's fingerprints with written  
19 permission allowing the department to forward the fingerprints  
20 to the department of public safety for submission to the  
21 federal bureau of investigation.

22 C. The department of public safety may charge a  
23 reasonable fee for processing a fingerprint-based criminal  
24 history record check.

25 D. As used in this section, "emergency placement"

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1 refers to those limited instances when the department is  
2 placing a child in the home of private individuals, including  
3 neighbors, friends or relatives, as a result of sudden  
4 unavailability of the child's primary caretaker."

5 SECTION 2. EMERGENCY.--It is necessary for the public  
6 peace, health and safety that this act take effect immediately.

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