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SENATE BILL 115

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Steven P. Neville

AN ACT

RELATING TO SUBSTITUTE CARE CITIZEN REVIEW BOARDS; PROVIDING FOR THE ADMINISTRATIVE OFFICE OF THE COURTS TO ADMINISTER THE SUBSTITUTE CARE CITIZEN REVIEW BOARD SYSTEM; REVISING THE STATE ADVISORY COMMITTEE COMPOSITION.

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

SECTION 1. Section 32A-8-3 NMSA 1978 (being Laws 1993, Chapter 77, Section 205) is amended to read:

"32A-8-3. ADMINISTRATION--IMPLEMENTATION OF ACT.--The ~~[department of finance and administration shall maintain and fund]~~ administrative office of the courts shall administer the substitute care review board system using the office's staff or through a contract with a nonprofit organization ~~[having]~~ that has a demonstrated knowledge of the problem of children in substitute care and the issues in permanency planning to

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1 operate a statewide system of local substitute care review
2 boards."

3 SECTION 2. Section 32A-8-4 NMSA 1978 (being Laws 1993,
4 Chapter 77, Section 206) is amended to read:

5 "32A-8-4. STATE ADVISORY COMMITTEE--MEMBERS--
6 COMPENSATION--RESPONSIBILITIES.--

7 A. A state advisory committee shall be composed of
8 three ~~[persons]~~ district court judges and two public members
9 with expertise in the area of substitute care, appointed by the
10 ~~[secretary of finance and administration and also one~~
11 ~~representative of each local substitute care review board.~~
12 ~~Each local board shall select its representative to the state~~
13 ~~advisory committee in accordance with procedures established by~~
14 ~~that committee. No person employed by the department or a~~
15 ~~district court may serve on the state advisory committee]~~ chief
16 justice of the supreme court.

17 B. ~~[Terms of office of local substitute care review~~
18 ~~board members of the state advisory committee shall be~~
19 ~~coterminous with their terms as members of the local boards.]~~
20 Terms of office of state advisory committee members ~~[who are~~
21 ~~appointed by the secretary of finance and administration]~~ shall
22 be for three years; provided, however, that ~~[appointment of the~~
23 ~~first]~~ on July 1, 2015, the chief justice of the supreme court
24 shall appoint state advisory committee members ~~[shall be]~~ to
25 staggered terms so that ~~[one member]~~ two members shall serve

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1 for a term of three years, [~~one member~~] two members shall serve
2 for a term of two years and one member shall serve for a term
3 of one year. The term of each member shall expire on June 30
4 of the appropriate year. In the event that a vacancy occurs
5 [~~among the members of~~] on the state advisory committee,
6 [~~appointed by the secretary of finance and administration~~] the
7 [~~secretary~~] chief justice of the supreme court shall appoint
8 another person to serve the unexpired portion of the term.

9 C. The state advisory committee shall select a
10 chairperson, a vice chairperson [~~an executive committee~~] and
11 other officers as it deems necessary.

12 D. The state advisory committee shall meet no less
13 than twice annually and more frequently upon the call of the
14 chairperson [~~or as the executive committee may determine~~]. The
15 state advisory committee is authorized to adopt reasonable
16 rules relating to the functions and procedures of the local
17 substitute care review boards and the state advisory committee
18 in accordance with the duties of the boards as provided in the
19 Citizen Substitute Care Review Act. These rules shall include
20 guidelines for the determination of the appropriate type of
21 review and the information needed for all cases to be monitored
22 by the local substitute care review boards. The state advisory
23 committee shall review and coordinate the activities of the
24 local substitute care review boards and make recommendations to
25 the department, the courts and the legislature, on or before

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1 January 1 of each year, regarding statutes, policies and
2 procedures relating to substitute care.

3 E. State advisory committee members shall receive
4 per diem and mileage as provided for nonsalaried public
5 officers in the Per Diem and Mileage Act [~~and~~], unless a
6 different provision of that act applies to a specific member,
7 in which case that member shall be paid pursuant to the
8 applicable provision. Members shall receive no other
9 compensation, perquisite or allowance."

10 SECTION 3. Section 32A-8-5 NMSA 1978 (being Laws 1993,
11 Chapter 77, Section 207) is amended to read:

12 "32A-8-5. LOCAL BOARDS--APPOINTMENTS--EXCLUSION--TERMS--
13 TRAINING--COMPENSATION--MEETINGS.--

14 A. The administrative office of the courts or a
15 contractor that is selected by the [~~department of finance and~~
16 ~~administration~~] administrative office of the courts pursuant to
17 the provisions of Section [~~32-8-3~~] 32A-8-3 NMSA 1978 shall
18 establish and maintain local substitute care review boards to
19 review, as provided in the Citizen Substitute Care Review Act,
20 the disposition of children in the custody of the department
21 prior to judicial review. The composition of each board shall,
22 to the maximum extent feasible, represent the various
23 socioeconomic, racial and ethnic groups of the community that
24 [~~they serve~~] each board serves.

25 B. Criteria for membership and tenure on local

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1 substitute care review boards shall be determined by the state
2 advisory committee, after consultation with the [~~department of~~
3 ~~finance and administration~~] administrative office of the courts
4 and the contractor if applicable. No person employed by the
5 [~~department of finance and administration~~] administrative
6 office of the courts, the department or a district court may
7 serve on a local substitute care review board.

8 C. Each local substitute care review board shall
9 elect a chairperson, a vice chairperson and other officers as
10 it deems necessary.

11 D. Local substitute care review board members may
12 receive per diem and mileage as provided for nonsalaried public
13 officers in the Per Diem and Mileage Act and shall receive no
14 other compensation, perquisite or allowance."

15 SECTION 4. Section 32A-8-7 NMSA 1978 (being Laws 1993,
16 Chapter 77, Section 209) is amended to read:

17 "32A-8-7. TEMPORARY PROVISIONS--TRANSFER--FUNDS--
18 CONTRACTS.--

19 A. On [~~the effective date of the Children's Code~~]
20 July 1, 2015, all records, personnel, money, property,
21 equipment and supplies of the department of finance and
22 administration relating to the Citizen Substitute Care Review
23 Act shall be transferred to the [~~department of finance and~~
24 ~~administration~~] administrative office of the courts.

25 B. On [~~the effective date of the Children's Code~~]

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1 July 1, 2015, all appropriations, contract funds and funds for
2 contract administration and staff, the cost of advisory
3 committee per diem and travel, training and all other costs
4 relating to the Citizen Substitute Care Review Act shall be
5 transferred from the department of finance and administration
6 to the [~~department of finance and administration~~]
7 administrative office of the courts.

8 C. On [~~the effective date of the Children's Code~~]
9 July 1, 2015, all existing rules and regulations, contracts and
10 agreements in effect with the department of finance and
11 administration for providing a statewide system of local
12 substitute care review boards shall be binding and effective on
13 the [~~department of finance and administration~~] administrative
14 office of the courts."

15 SECTION 5. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2015.