

HOUSE BILL 122

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Monica Youngblood and Antonio "Moe" Maestas

AN ACT

RELATING TO CHILDREN; CLARIFYING LANGUAGE DESCRIBING THE DUTY
TO REPORT KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT.

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

SECTION 1. Section 32A-4-3 NMSA 1978 (being Laws 1993,
Chapter 77, Section 97, as amended) is amended to read:

"32A-4-3. DUTY TO REPORT CHILD ABUSE AND CHILD
NEGLECT--RESPONSIBILITY TO INVESTIGATE CHILD ABUSE OR NEGLECT--
PENALTY.--

A. Every person [~~including a licensed physician; a
resident or an intern examining, attending or treating a child;
a law enforcement officer; a judge presiding during a
proceeding; a registered nurse; a visiting nurse; a
schoolteacher; a school official; a social worker acting in an
official capacity; or a member of the clergy~~] who has

.209405.1

underscored material = new
[bracketed material] = delete

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

1 information that is not privileged as a matter of law and who
2 knows or has a reasonable suspicion that a child is an abused
3 or a neglected child shall report the matter immediately to:

- 4 (1) a local law enforcement agency;
5 (2) the department; or
6 (3) a tribal law enforcement or social
7 services agency for any Indian child residing in Indian
8 country.

9 B. A law enforcement agency receiving the report
10 shall immediately transmit the facts of the report and the
11 name, address and phone number of the reporter by telephone to
12 the department and shall transmit the same information in
13 writing within forty-eight hours. The department shall
14 immediately transmit the facts of the report and the name,
15 address and phone number of the reporter by telephone to a
16 local law enforcement agency and shall transmit the same
17 information in writing within forty-eight hours. The written
18 report shall contain the names and addresses of the child and
19 the child's parents, guardian or custodian, the child's age,
20 the nature and extent of the child's injuries, including any
21 evidence of previous injuries, and other information that the
22 maker of the report believes might be helpful in establishing
23 the cause of the injuries and the identity of the person
24 responsible for the injuries. The written report shall be
25 submitted upon a standardized form agreed to by the law

.209405.1

underscored material = new
[bracketed material] = delete

1 enforcement agency and the department.

2 C. The recipient of a report under Subsection A of
3 this section shall take immediate steps to ensure prompt
4 investigation of the report. The investigation shall ensure
5 that immediate steps are taken to protect the health or welfare
6 of the alleged abused or neglected child, as well as that of
7 any other child under the same care who may be in danger of
8 abuse or neglect. A local law enforcement officer trained in
9 the investigation of child abuse and neglect is responsible for
10 investigating reports of alleged child abuse or neglect at
11 schools, daycare facilities or child care facilities.

12 D. If the child alleged to be abused or neglected
13 is in the care or control of or in a facility administratively
14 connected to the department, the report shall be investigated
15 by a local law enforcement officer trained in the investigation
16 of child abuse and neglect. The investigation shall ensure
17 that immediate steps are taken to protect the health or welfare
18 of the alleged abused or neglected child, as well as that of
19 any other child under the same care who may be in danger of
20 abuse or neglect.

21 E. A law enforcement agency or the department
22 shall have access to any of the records pertaining to a child
23 abuse or neglect case maintained by ~~[any of the persons~~
24 ~~enumerated in]~~ a person who makes a report pursuant to
25 Subsection A of this section, except as otherwise provided in

.209405.1

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

1 the Abuse and Neglect Act.

2 F. A person who violates the provisions of
3 Subsection A of this section is guilty of a misdemeanor and
4 shall be sentenced pursuant to the provisions of Section
5 31-19-1 NMSA 1978."

6 SECTION 2. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2018.

8 - 4 -

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25