

HOUSE BILL 314

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO CHILD ABUSE AND NEGLECT; PROVIDING FOR THE ESTABLISHMENT OF CHILDREN'S ADVOCACY CENTERS STATEWIDE; ESTABLISHING MULTIDISCIPLINARY CHILD ABUSE INVESTIGATORY TEAMS IN EACH JUDICIAL DISTRICT.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Children's Advocacy Centers Act".

SECTION 2. [NEW MATERIAL] Hf1→DEFINITIONS←Hf1  
Hf1→DEFINITION←Hf1.--As used in the Children's Advocacy

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Centers Act Hfl→:←Hfl Hfl→,←Hfl

Hfl→A.←Hfl "center" means a children's advocacy center, which is an entity that provides a comprehensive multidisciplinary team response to allegations of child abuse or neglect in a neutral, child-friendly setting by representatives of the following fields and professions:

- Hfl→(1) A.←Hfl child protective services;
- Hfl→(2) B.←Hfl family and victim advocacy;
- Hfl→(3) C.←Hfl forensic interviewers;
- Hfl→(4) D.←Hfl law enforcement;
- Hfl→(5) E.←Hfl medical examiners;
- Hfl→(6) F.←Hfl behavioral health; and
- Hfl→(7) G.←Hfl services related to those

fields and professions listed in Hfl→Paragraphs (1) through (6)←Hfl Hfl→Subsections A through F←Hfl of this Hfl→subsection; and←Hfl Hfl→section.←Hfl

Hfl→B. ~~"nonprofit entity" means an entity that has demonstrated to the taxation and revenue department that it has been granted exemption from federal income tax by the United States commissioner of internal revenue as an organization described in Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended or renumbered.~~←Hfl

SECTION 3. [NEW MATERIAL] CHILDREN'S ADVOCACY CENTERS-- DUTIES.--A center shall:

- A. be HSEIC→a nonprofit←HSEIC HSEIC→an←HSEIC

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entity that is a private, incorporated agency, a hospital or a governmental entity;

B. have a neutral, child-focused facility where forensic interviews with children take place; provided that all agencies shall have a place to interact with the child as investigative or treatment needs require;

C. have a designated staff trained according to standards approved by the national children's alliance;

D. have a multidisciplinary team established in accordance with the provisions of the Children's Advocacy Centers Act that meets on a regular basis, at least

SPAC→~~monthly~~ every other month←SPAC;

E. provide case tracking of child abuse cases seen through the center. Case tracking or data collected shall include:

(1) the number of child abuse cases seen at the center;

(2) demographic data;

(3) the number of cases referred for prosecution; and

(4) the number of cases referred for behavioral health services, medical examinations and other related services;

F. provide medical examinations or mental health services at the center or provide referrals for medical

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examinations or mental health therapy provided by an agency not located at the center but with which the center has a memorandum of understanding or interagency agreement;

G. provide family and victim advocacy services to a child and to a non-offending SPAC→~~family member~~ caregiver←SPAC of the child;

H. facilitate the provision of training of center staff and multidisciplinary team members; and

I. adhere to the national children's alliance standards SPAC→~~relating to multidisciplinary teams; cultural competency and diversity; forensic interviews; victim support and advocacy; medical evaluations; mental health; case review; case tracking; organizational capacity; and child-focused settings.~~ .←SPAC

SECTION 4. [NEW MATERIAL] MULTIDISCIPLINARY CHILD ABUSE TEAMS--ESTABLISHMENT--MEMBERSHIP--DUTIES.--

A. The following persons shall comprise a multidisciplinary child abuse investigation team in each judicial district in the state:

(1) the district attorney of the judicial district in which the team is created and established, or the district attorney's designee;

(2) a representative from the protective services division of the children, youth and families department, appointed by the director of the division SPAC→or

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the director's designee←SPAC;

(3) a representative from a center that exists in the judicial district in which the team is located; and

(4) the following members, appointed by the agency head or designee of the following agencies:

(a) a representative from each law enforcement agency within the judicial district;

(b) medical personnel with expertise and certification in pediatric sexual assault, child physical abuse and neglect identification or treatment;

(c) a mental health service provider with training and experience in SPAC→evidence-supported←SPAC trauma-focused cognitive behavioral therapy; and

(d) a family or victim advocate from an agency designated for advocacy services in that judicial district.

B. The following multidisciplinary child abuse investigation team members shall be present before a forensic interview can take place:

SPAC→(1) a representative from law enforcement;

(2) the representative from the protective services division of the children, youth and families department; and

(3) the center's forensic interviewer.←SPAC

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SPAC→(1) the center's forensic interviewer;

and

(2) when available and as appropriate:

(a) a representative from law

enforcement; and

(b) the representative from the

protective services division of the children, youth and

families department.←SPAC

C. A multidisciplinary child abuse investigation team shall:

(1) develop a written protocol for the investigation and prosecution of cases of child abuse and neglect in accordance with each member agency's requirements;

(2) convene on a regular ongoing basis, at least SPAC→monthly every other month←SPAC, for the purpose of conducting case tracking, case review and general business and considering proposed modifications to the team's existing protocol; and

(3) train and provide technical assistance to team members, agencies and medical providers that investigate child abuse and neglect cases.

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