

1 SENATE BILL 242

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Gay G. Kernan and Marian Matthews

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10 AN ACT

11 RELATING TO CITIZEN SUBSTITUTE CARE REVIEW; PROVIDING FOR
12 SUBMISSION, REVIEW AND RESOLUTION OF GRIEVANCES AGAINST THE
13 CHILDREN, YOUTH AND FAMILIES DEPARTMENT PERTAINING TO
14 SUBSTITUTE CARE; DEFINING TERMS IN THE CITIZEN SUBSTITUTE CARE
15 REVIEW ACT; PROVIDING FOR STAFFING OF THE SUBSTITUTE CARE
16 ADVISORY COUNCIL; PROVIDING FOR RULES PERTAINING TO VOLUNTEER
17 MEMBERS; PROVIDING ACCESS TO AND REQUIREMENTS FOR
18 CONFIDENTIALITY OF CERTAIN RECORDS AND INFORMATION; CHANGING
19 REPORTING REQUIREMENTS; AMENDING, REPEALING AND ENACTING
20 SECTIONS OF THE NMSA 1978.

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

23 SECTION 1. Section 32A-4-33 NMSA 1978 (being Laws 1993,
24 Chapter 77, Section 127, as amended) is amended to read:

25 "32A-4-33. CONFIDENTIALITY--RECORDS--PENALTY.--

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1 A. All records or information concerning a party to
2 a neglect or abuse proceeding, including social records,
3 diagnostic evaluations, psychiatric or psychological reports,
4 videotapes, transcripts and audio recordings of a child's
5 statement of abuse or medical reports incident to or obtained
6 as a result of a neglect or abuse proceeding or that were
7 produced or obtained during an investigation in anticipation of
8 or incident to a neglect or abuse proceeding shall be
9 confidential and closed to the public.

10 B. The records described in Subsection A of this
11 section shall be disclosed only to the parties and:

12 (1) court personnel and persons or entities
13 authorized by contract with the court to review, inspect or
14 otherwise have access to records or information in the court's
15 possession;

16 (2) court-appointed special advocates
17 appointed to the neglect or abuse proceeding;

18 (3) the child's guardian ad litem;

19 (4) the attorney representing the child in an
20 abuse or neglect action, a delinquency action or any other
21 action under the Children's Code;

22 (5) department personnel and persons or
23 entities authorized by contract with the department to review,
24 inspect or otherwise have access to records or information in
25 the department's possession;

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1 (6) ~~[any local substitute care review board or~~
2 ~~any agency contracted to implement local substitute care review~~
3 ~~boards]~~ a member of the substitute care advisory council, a
4 member of its staff or a member of a board pursuant to the
5 requirements of the Citizen Substitute Care Review Act, if the
6 records are requested for the purpose of carrying out the
7 provisions of the Citizen Substitute Care Review Act;

8 (7) law enforcement officials, except when use
9 immunity is granted pursuant to Section 32A-4-11 NMSA 1978;

10 (8) district attorneys, except when use
11 immunity is granted pursuant to Section 32A-4-11 NMSA 1978;

12 (9) any state government social services
13 agency in any state or when, in the opinion of the department
14 it is in the best interest of the child, a governmental social
15 services agency of another country;

16 (10) those persons or entities of an Indian
17 tribe specifically authorized to inspect the records pursuant
18 to the federal Indian Child Welfare Act of 1978 or any
19 regulations promulgated thereunder;

20 (11) a foster parent, if the records are those
21 of a child currently placed with that foster parent or of a
22 child being considered for placement with that foster parent
23 and the records concern the social, medical, psychological or
24 educational needs of the child;

25 (12) school personnel involved with the child

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1 if the records concern the child's social or educational needs;

2 (13) a grandparent, parent of a sibling,
3 relative or fictive kin, if the records or information pertain
4 to a child being considered for placement with that
5 grandparent, parent of a sibling, relative or fictive kin and
6 the records or information concern the social, medical,
7 psychological or educational needs of the child;

8 (14) health care or mental health
9 professionals involved in the evaluation or treatment of the
10 child or of the child's parents, guardian, custodian or other
11 family members;

12 (15) protection and advocacy representatives
13 pursuant to the federal Developmental Disabilities Assistance
14 and Bill of Rights Act and the federal Protection and Advocacy
15 for Mentally Ill Individuals Amendments Act of 1991;

16 (16) children's safehouse organizations
17 conducting investigatory interviews of children on behalf of a
18 law enforcement agency or the department;

19 (17) representatives of the federal government
20 or their contractors authorized by federal statute or
21 regulation to review, inspect, audit or otherwise have access
22 to records and information pertaining to neglect or abuse
23 proceedings;

24 (18) any person or entity attending a meeting
25 arranged by the department to discuss the safety, well-being

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1 and permanency of a child, when the parent or child, or parent
2 or legal custodian on behalf of a child younger than fourteen
3 years of age, has consented to the disclosure; and

4 (19) any other person or entity, by order of
5 the court, having a legitimate interest in the case or the work
6 of the court.

7 C. A parent, guardian or legal custodian whose
8 child has been the subject of an investigation of abuse or
9 neglect where no petition has been filed shall have the right
10 to inspect any medical report, psychological evaluation, law
11 enforcement reports or other investigative or diagnostic
12 evaluation; provided that any identifying information related
13 to the reporting party or any other party providing information
14 shall be deleted. The parent, guardian or legal custodian
15 shall also have the right to the results of the investigation
16 and the right to petition the court for full access to all
17 department records and information except those records and
18 information the department finds would be likely to endanger
19 the life or safety of any person providing information to the
20 department.

21 D. Whoever intentionally and unlawfully releases
22 any information or records closed to the public pursuant to the
23 Abuse and Neglect Act or releases or makes other unlawful use
24 of records in violation of that act is guilty of a petty
25 misdemeanor and shall be sentenced pursuant to the provisions

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1 of Section 31-19-1 NMSA 1978.

2 E. The department shall promulgate rules for
3 implementing disclosure of records pursuant to this section and
4 in compliance with state and federal law and the Children's
5 Court Rules."

6 SECTION 2. Section 32A-8-2 NMSA 1978 (being Laws 1993,
7 Chapter 77, Section 204, as amended) is amended to read:

8 "32A-8-2. PURPOSE OF ACT.--The purpose of the Citizen
9 Substitute Care Review Act is to provide a permanent system for
10 independent and objective monitoring [~~of children placed in the~~
11 ~~e custody~~] of the department by examining the policies,
12 procedures and practices of the department [~~and, where~~
13 ~~appropriate, specific cases~~] to evaluate [~~the extent to which~~
14 ~~the department is effectively~~] its effectiveness in discharging
15 its child protection responsibilities and to meet federal
16 requirements for citizen review panels."

17 SECTION 3. A new section of the Citizen Substitute Care
18 Review Act is enacted to read:

19 "[NEW MATERIAL] DEFINITIONS.--As used in the Citizen
20 Substitute Care Review Act:

21 A. "board" means a substitute care review board of
22 volunteer members facilitated by council staff convened for the
23 purpose of reviews of designated cases or other related
24 activities deemed appropriate by the council;

25 B. "case" means an abuse, neglect or juvenile

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1 justice case referred to the department;

2 C. "council" means the substitute care advisory
3 council;

4 D. "county office manager" means the person
5 assigned to manage daily operations of a county department
6 office or that person's successor;

7 E. "department" means the children, youth and
8 families department or its agent or contractor;

9 F. "grievance" means a complaint received by
10 council staff:

11 (1) of any action or inaction that may or has
12 adversely affected the health, safety, welfare or rights of an
13 identified child or identified adult; or

14 (2) of the failure of the department to comply
15 with the law or department policies;

16 G. "identified adult" means an adult participating
17 in the fostering connections program or that program's
18 successor;

19 H. "identified child" means a child who is:

20 (1) the subject of a referral of abuse and
21 neglect made to the department;

22 (2) receiving services from the department; or

23 (3) in the custody of the department due to
24 abuse and neglect proceedings or juvenile justice proceedings;

25 I. "public member" means an individual who has been

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1 appointed by the governor;

2 J. "substitute care" means custodial or residential
3 care for an identified child that is ordered or otherwise
4 sanctioned by the court and in which the child does not live
5 with either of the child's birth parents. "Substitute care"
6 includes foster care, kinship care or care within a group home,
7 residential treatment center, juvenile justice facility, semi-
8 independent living program or emergency shelter; and

9 K. "volunteer member" means an individual who has
10 met eligibility requirements to perform volunteer services for
11 the council."

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

14 "32A-8-4. SUBSTITUTE CARE ADVISORY COUNCIL--MEMBERS--
15 COMPENSATION--RESPONSIBILITIES--ADVISORY COMMITTEE.--

16 A. The "substitute care advisory council" is
17 created and, in accordance with the provisions of Section 9-1-7
18 NMSA 1978, is administratively attached to the regulation and
19 licensing department. [~~The general purpose of the council is
20 to oversee substitute care review boards in their monitoring of
21 children placed in the custody of the children, youth and
22 families department to identify systemic policy issues
23 regarding substitute care.~~] The council shall function
24 independently of any state agency in performing its duties.

25 The council shall be composed of [~~nine persons~~] ten voting

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1 members, including:

2 (1) the secretary of public education or the
3 secretary's designee;

4 (2) the secretary of human services or the
5 secretary's designee;

6 (3) the secretary of finance and
7 administration or the secretary's designee;

8 (4) the secretary of health or the secretary's
9 designee;

10 [~~(5) two public members, appointed by the~~
11 ~~governor, who:~~

12 ~~(a) are at least eighteen and no more~~
13 ~~than thirty years of age at the time of appointment; and~~

14 ~~(b) were previously placed in substitute~~
15 ~~care;~~

16 ~~(6) two public members, appointed by the~~
17 ~~governor, who have expertise in the area of child welfare; and]~~

18 (5) the secretary of early childhood education
19 and care or the secretary's designee;

20 [~~(7)] (6) one children's court judge,
21 appointed by the governor; and~~

22 (7) four public members, two of whom have
23 expertise in the area of child welfare and two of whom have had
24 experience in abuse and neglect proceedings, including former
25 foster youth, biological parents, foster parents and adoptive

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1 parents.

2 B. ~~[The council may hire staff and contract for~~
3 ~~services to carry out the purposes of the Citizen Substitute~~
4 ~~Care Review Act.]~~ The secretary of children, youth and families
5 or the secretary's designee shall serve as a nonvoting member.

6 C. Except as provided pursuant to Paragraph ~~[(7)]~~
7 ~~(6)~~ of Subsection A and Subsection B of this section, a person
8 or a relative of a person employed by the department or a
9 district court shall not serve on the council.

10 ~~[E.]~~ D. Terms of office of public members of the
11 council shall be three years. Public members shall be eligible
12 for reappointment. In the event that a vacancy occurs among
13 the members of the council, the governor shall appoint another
14 person to serve the unexpired portion of the term.

15 E. A member of the council shall receive per diem
16 and mileage as provided for nonsalaried public officers
17 pursuant to the Per Diem and Mileage Act; provided that, if a
18 different provision of that act applies to a member, that
19 member shall be paid pursuant to that provision. A member of
20 the council shall receive no other compensation, perquisite or
21 allowance.

22 ~~[D.]~~ F. The council shall select a chairperson, a
23 vice chairperson and other officers as it deems necessary.

24 ~~[E.]~~ G. The council shall meet no less than ~~[twice~~
25 ~~annually]~~ quarterly and more frequently upon the call of the

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1 chairperson.

2 H. The council may establish work groups and enter
3 into contracts, memoranda of understanding and joint powers
4 agreements to carry out the provisions of the Citizen
5 Substitute Care Review Act.

6 [~~F.~~] I. The council shall adopt reasonable rules
7 relating to the functions and procedures of [~~the substitute~~
8 ~~care review boards and~~] the council [~~in accordance with the~~
9 ~~duties of the boards as provided in the Citizen Substitute Care~~
10 ~~Review Act~~]. These rules shall establish:

- 11 [~~(1) establish training requirements for~~
12 ~~substitute care review board members;~~
- 13 [~~(2) establish criteria for council designation~~
14 ~~of cases for substitute care review board review;~~
- 15 [~~(3) establish procedures for substitute care~~
16 ~~review board review of designated cases;~~
- 17 [~~(4) establish criteria for membership and~~
18 ~~tenure on and operating procedures for substitute care review~~
19 ~~boards;~~
- 20 [~~(5) specify the information needed for~~
21 ~~designated cases to be monitored by substitute care review~~
22 ~~boards; and~~
- 23 [~~(6) specify case information to be tracked and~~
24 ~~reported to the council.~~

25 ~~G. When adopting rules establishing criteria for~~

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1 ~~designation of cases for substitute care review board review,~~
2 ~~the council shall weigh the importance of the following~~
3 ~~factors, including:~~

- 4 ~~(1) sibling placements;~~
5 ~~(2) the frequency and severity of neglect or~~
6 ~~abuse;~~
7 ~~(3) the behavioral health status of household~~
8 ~~members;~~
9 ~~(4) the placement of children in households~~
10 ~~where there are no relatives of the children;~~
11 ~~(5) data related to demographics; and~~
12 ~~(6) relevant trend data]~~

13 (1) procedures to ensure compliance with the
14 Open Meetings Act;

15 (2) initial and annual training requirements
16 for council staff;

17 (3) requirements for public participation,
18 including participation on work groups and boards;

19 (4) criteria for establishment of the
20 council's designation of cases;

21 (5) procedures for the council's review of
22 designated cases;

23 (6) procedures for receipt and processing of
24 grievances;

25 (7) procedures to provide for public outreach

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1 and public comment to assess the impact of current child
2 protection procedures and practices on children and families in
3 the community; and

4 (8) other procedures to provide for compliance
5 with the Citizen Substitute Care Review Act and the federal
6 Child Abuse Prevention and Treatment Act as it relates to
7 citizen review panels.

8 ~~[H.] J. The council shall [review and coordinate~~
9 ~~the activities of the substitute care review boards and make a~~
10 ~~report with its recommendations to the department, the courts~~
11 ~~and the appropriate legislative interim committees] provide~~
12 periodic reports on the work of the council, including an
13 annual written report to the governor, the legislature, the
14 department and the administrative office of the courts and
15 other persons, organizations or agencies deemed appropriate.
16 The annual report shall be distributed electronically on or
17 before November 1 of each year [regarding statutes, rules,
18 policies and procedures relating to substitute care]. This
19 report shall include [recommendations for any changes to
20 substitute care review boards.

21 ~~I. Council members shall receive per diem and~~
22 ~~mileage as provided for nonsalaried public officers in the Per~~
23 ~~Diem and Mileage Act; provided that, if a different provision~~
24 ~~of that act applies to a specific member, that member shall be~~
25 ~~paid pursuant to that applicable provision. Members shall~~

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1 ~~receive no other compensation, perquisite or allowance.~~

2 J. ~~The council shall appoint by October 1 of each~~
3 ~~year a six-member advisory committee from a list of substitute~~
4 ~~care review board members that the substitute care review~~
5 ~~boards shall nominate. The advisory council shall meet with~~
6 ~~the council at least once per year to advise the council on~~
7 ~~matters relating to substitute care review. Advisory committee~~
8 ~~members shall serve terms of one year and may be reappointed] a~~
9 summary of the activities of the council and recommendations to
10 improve child protective services at the state and local
11 levels. Other reports regarding trends or topics deemed
12 necessary by the council may be provided to the governor, the
13 legislature, the department and the administrative office of
14 the courts."

15 SECTION 5. A new section of the Citizen Substitute Care
16 Review Act is enacted to read:

17 "[NEW MATERIAL] COUNCIL ADMINISTRATION--STAFFING.--

18 A. The council shall hire a director who:
19 (1) shall oversee, manage and direct
20 processing of cases and grievances filed or reviewed pursuant
21 to the Citizen Substitute Care Review Act, provide
22 administrative support to the council and conduct any other
23 activities as deemed necessary by the council to support its
24 functions;

25 (2) shall act impartially in a nonpartisan

1 manner;

2 (3) shall promote public awareness of the
3 purpose and services of the council and the methods for
4 submitting grievances or requests for case review;

5 (4) shall employ staff for the council and fix
6 compensation of the staff;

7 (5) shall prepare a budgetary request to be
8 submitted through the regulation and licensing department in
9 accordance with the provisions of Section 9-1-7 NMSA 1978; and

10 (6) may apply for and accept grants, gifts and
11 bequests from other states, federal and interstate agencies,
12 independent authorities, private firms, individuals and
13 foundations for the purpose of carrying out the
14 responsibilities of the council.

15 B. The director shall possess the following
16 qualifications:

17 (1) a master's degree in social work and
18 possession of a license issued pursuant to the Social Work
19 Practice Act; or

20 (2) an active license to practice law issued
21 pursuant to rules promulgated by the supreme court; and

22 (3) at least five years' experience in child
23 welfare administration, with an emphasis on child abuse and
24 neglect prevention or abatement.

25 C. The director shall hire staff to carry out the

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1 purposes of the Citizen Substitute Care Review Act, including
2 review of cases and processing of grievances. Council staff
3 shall possess:

4 (1) a bachelor's degree in social work,
5 psychology, guidance and counseling, education, sociology,
6 criminal justice, criminology or family studies and at least
7 two years of experience in child welfare administration with an
8 emphasis on child abuse and neglect prevention or abatement; or

9 (2) at least four years of experience combined
10 from:

11 (a) study at an accredited college or
12 university in a field related to child welfare; or

13 (b) professional experience working in
14 the field in child welfare.

15 D. Council staff shall be required to complete
16 annual training directly relating to enhancing staff
17 proficiency, meeting job requirements, conducting case reviews
18 and processing grievances required pursuant to the Citizen
19 Substitute Care Review Act."

20 SECTION 6. A new section of the Citizen Substitute Care
21 Review Act is enacted to read:

22 "[NEW MATERIAL] ATTORNEY GENERAL REPRESENTATION AND
23 CONSULTATION.--The attorney general shall advise and consult
24 with the council, acting pursuant to the Citizen Substitute
25 Care Review Act, and render legal services upon request of the

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1 council."

2 SECTION 7. A new section of the Citizen Substitute Care
3 Review Act is enacted to read:

4 "[NEW MATERIAL] GRIEVANCES.--

5 A. Council staff shall review each grievance
6 submitted to council staff.

7 B. The council shall promulgate rules regarding
8 council staff's acceptance and processing of grievances to
9 establish:

10 (1) criteria for grievances that are accepted
11 by council staff;

12 (2) procedures for the referral of grievances
13 involving allegations of abuse and neglect pursuant to the
14 requirements provided in Sections 27-7-30 and 32A-4-3 NMSA
15 1978;

16 (3) procedures for the referral of grievances
17 to an appropriate agency when additional services, resources or
18 treatment are needed; and

19 (4) time frames to respond to grievances.

20 C. Following the review of a grievance, council
21 staff shall submit a report to the department regarding the
22 strengths, concerns and recommendations relating to the
23 grievance.

24 D. The secretary of children, youth and families or
25 the secretary's designee shall acknowledge receipt of the

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1 report within ten business days and indicate whether the
2 department agrees with each recommendation to be implemented
3 and identify the date to be completed; or, in the event the
4 department disagrees with a recommendation, the basis for the
5 disagreement.

6 E. If the department disagrees with a
7 recommendation, council staff and the department shall meet
8 quarterly or more frequently at the request of council staff
9 for the purpose of reconciling the disagreement.

10 F. An individual who requests a remedy pursuant to
11 this section shall not be precluded from pursuing other legal
12 or equitable remedies.

13 G. A state or municipal agency shall not discharge,
14 discriminate against in any manner or retaliate against an
15 employee, volunteer or contractor who, in good faith, files a
16 grievance with the council."

17 SECTION 8. A new section of the Citizen Substitute Care
18 Review Act is enacted to read:

19 "[NEW MATERIAL] VOLUNTEER MEMBER PARTICIPATION--RULES.--

20 A. The council shall promulgate rules relating to
21 volunteer member participation, which shall include provisions
22 for:

23 (1) efforts to recruit and retain volunteer
24 members who are broadly representative of the communities in
25 which they serve and to include volunteer members with

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1 expertise in the prevention and treatment of child abuse and
2 neglect and adult former victims of child abuse or neglect;

3 (2) a membership process that includes
4 background checks and orientation training;

5 (3) ongoing training requirements;

6 (4) procedures to address conflicts of actual,
7 perceived or possible conflicts of interest;

8 (5) a code of conduct; and

9 (6) procedures to maintain confidentiality of
10 information required to be kept confidential as required by
11 law.

12 B. Each volunteer member that meets the
13 requirements established by council rules shall participate at
14 least once quarterly in case reviews and other activities
15 deemed appropriate by council staff.

16 C. Volunteer members may receive per diem and
17 mileage as provided for nonsalaried public officers in the Per
18 Diem and Mileage Act; provided that if a different provision of
19 that act applies to a specific member, that member shall be
20 paid pursuant to that applicable provision. Members shall
21 receive no other compensation, perquisite or allowance."

22 SECTION 9. A new section of the Citizen Substitute Care
23 Review Act is enacted to read:

24 "[NEW MATERIAL] SUBSTITUTE CARE REVIEW BOARD
25 ESTABLISHMENT--CASE REVIEW.--

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1 A. The council shall establish boards comprised
2 entirely of volunteer members to review cases designated in
3 accordance with council rules.

4 B. When a case has been designated for review
5 pursuant to council rules, the staff of the council shall
6 convene a board to review the case.

7 C. If a case reviewed by a board is a children's
8 court case, the staff of the council shall give the parties to
9 the case notice of the review and afford the parties to the
10 case an opportunity to provide input relevant to the review.
11 If the case involves an Indian child, notice shall additionally
12 be provided to persons afforded notice pursuant to the federal
13 Indian Child Welfare Act of 1978.

14 D. After a board's review of a children's court
15 case, council staff shall submit a report of the board's
16 findings and recommendations to the children's court, the
17 department and the parties to the case. If the case involves
18 an Indian child, the report shall additionally be provided to
19 persons afforded notice pursuant to the federal Indian Child
20 Welfare Act of 1978.

21 E. The county office manager shall acknowledge
22 receipt of the report within ten business days and indicate
23 whether the department agrees with each recommendation to be
24 implemented and identify the date to be completed; or, in the
25 event the department disagrees with a recommendation, the basis

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underscoring material = new
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1 for the disagreement.

2 F. If the department disagrees with a
3 recommendation, council staff and the department shall meet
4 quarterly, or more frequently at the request of council staff,
5 for the purpose of reconciling the disagreement."

6 SECTION 10. A new section of the Citizen Substitute Care
7 Review Act is enacted to read:

8 "[NEW MATERIAL] ACCESS TO RECORDS.--

9 A. Subject to state or federal law to the contrary,
10 council staff shall have access to, including the right to
11 inspect and copy, any records necessary to carry out council
12 responsibilities, including access to the following:

13 (1) social records, diagnostic evaluations,
14 psychiatric or psychologic reports, video footage, transcripts
15 and audio records of a child's statement of abuse or medical
16 reports incident to an abuse or neglect proceeding;

17 (2) a record of an agency, hospital,
18 organization, school, person or office, including the clerk of
19 the court, the department, a court-appointed special advocate
20 program, a public or private health care facility, a medical or
21 mental health care professional, a law enforcement agency or
22 other agency that provides services to children and families;

23 (3) a record of an administrative hearing
24 conducted by the department and any findings or conclusions
25 resulting from such hearing; and

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underscoring material = new
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1 (4) a record of a private meeting with a child
2 in protective custody or with an individual with knowledge of
3 the case or grievance.

4 B. The department shall establish procedures to
5 provide the requested records in a timely manner.

6 C. The department shall:

7 (1) establish procedures to provide the
8 requested records in a timely manner and to ensure staff
9 availability to provide input for case reviews and processing
10 of grievances; and

11 (2) ensure that its agents and contractors
12 provide requested records in a timely manner and ensure staff
13 availability to provide input for case reviews and processing
14 of grievances.

15 D. The department, its agent or contractor shall
16 not discharge, discriminate against in any manner or retaliate
17 against an employee, volunteer or contractor who, in good
18 faith, communicates with the council about a grievance, case
19 review or provision of records pursuant to this section."

20 SECTION 11. A new section of the Citizen Substitute Care
21 Review Act is enacted to read:

22 "[NEW MATERIAL] CONFIDENTIALITY OF INFORMATION.--

23 A. Information obtained or generated by a member of
24 the council, a staff member of the council or a member of a
25 board for the purpose of performing duties in compliance with

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1 the Citizen Substitute Care Review Act is not subject to the
2 provisions of the Inspection of Public Records Act.

3 B. The name, address or other personally
4 identifiable information of a person whose records are released
5 to council staff or who files a grievance shall be
6 confidential.

7 C. A member of the council, a staff member of the
8 council or a member of a board with knowledge of a case or
9 grievance that was obtained pursuant to the Citizen Substitute
10 Care Review Act shall maintain that information as confidential
11 unless:

12 (1) the person filing the grievance or the
13 identified child or identified adult who is the subject of the
14 case consents in writing to disclosure of that information to
15 another person;

16 (2) the person filing the grievance or the
17 identified child or identified adult who is the subject of the
18 case provides oral consent for disclosure to another person
19 that is immediately documented in writing by council staff; or

20 (3) disclosure is ordered by a court."

21 SECTION 12. REPEAL.--Sections 32A-8-5 and 32A-8-6 NMSA
22 1978 (being Laws 1993, Chapter 77, Sections 207 and 208, as
23 amended) are repealed.