

1 SENATE BILL 207

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Gregg Schmedes

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10 AN ACT

11 RELATING TO CHILDREN; PROVIDING A BEST INTERESTS OF THE CHILD
12 STANDARD IN ABUSE AND NEGLECT CASES.

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

15 SECTION 1. A new section of the Abuse and Neglect Act is
16 enacted to read:

17 "[NEW MATERIAL] BEST INTERESTS OF THE CHILD STANDARD.--In
18 all matters and proceedings pursuant to the Abuse and Neglect
19 Act, the following factors shall be considered in determining
20 the best interests of the child:

21 A. the child's age and physical and mental
22 vulnerabilities;

23 B. the frequency and nature of any out-of-home
24 placements for the child;

25 C. the frequency, magnitude and other circumstances

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underscored material = new
[bracketed material] = delete

1 of the harm to the child;

2 D. any repeated harm suffered by the child;

3 E. any fear by the child of living in or returning
4 to the home from which the child was removed, current placement
5 or potential placement;

6 F. the results of psychiatric, psychological or
7 developmental evaluations of the child, the child's parents or
8 other family members;

9 G. any history of abusive conduct by the child's
10 family or others who have access to the child's home;

11 H. any history of substantiated claims of substance
12 abuse by the child's family or others who have access to the
13 child's home;

14 I. whether the perpetrator of the harm to the child
15 is identified;

16 J. whether an identified perpetrator has or may
17 have continued access to the child;

18 K. the circumstances under which a parent
19 voluntarily relinquished parental rights to the child;

20 L. the willingness and ability of the child's
21 family to:

22 (1) seek, accept and complete family services,
23 including services that address specific needs of the child or
24 family;

25 (2) cooperate with and facilitate close

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1 supervision by an appropriate agency; and

2 (3) complete psychological, domestic violence
3 and substance abuse assessments;

4 M. the willingness and ability of the child's
5 family to effect positive environmental and personal changes
6 within a reasonable period of time;

7 N. a demonstration by the child's family of
8 adequate parenting skills, including providing the child and
9 other children under the family's care with:

10 (1) minimally adequate health and nutritional
11 care;

12 (2) nurture, care and appropriate discipline
13 consistent with the child's physical and psychological
14 development;

15 (3) guidance and supervision consistent with
16 the child's safety;

17 (4) a safe home environment;

18 (5) protection from repeated exposure to
19 violence even though the violence may not be directed at the
20 child; and

21 (6) an understanding of the child's needs and
22 capabilities; and

23 O. the availability of an adequate social support
24 system for the child consisting of an extended family and
25 friends."

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