

HOUSE BILL 121

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Gail Armstrong and Andrea Reeb and Stefani Lord and
Harlan Vincent and Jenifer Jones

AN ACT

RELATING TO CHILDREN; REQUIRING THE CHILDREN, YOUTH AND
FAMILIES DEPARTMENT TO CONDUCT ASSESSMENTS, PROVIDE SERVICES
AND CONDUCT AN INVESTIGATION UPON A FAILURE TO COMPLY WITH A
PLAN OF CARE.

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

SECTION 1. Section 32A-3A-14 NMSA 1978 (being Laws 2019,
Chapter 190, Section 4) is amended to read:

"32A-3A-14. NOTIFICATION TO THE DEPARTMENT OF
NONCOMPLIANCE WITH A PLAN OF CARE.--

A. If the parents, relatives, guardians or
caretakers of a child released from a hospital or freestanding
birthing center pursuant to a plan of care fail to comply with
that plan, the department shall be notified and the department
[may] shall conduct a family assessment. Based on the results

.226983.1

underscored material = new
[bracketed material] = delete

1 of the family assessment, the department [~~may~~] shall offer or
2 provide referrals for counseling, training or other services
3 aimed at addressing the underlying causative factors that may
4 jeopardize the safety or well-being of the child. The child's
5 parents, relatives, guardians or caretakers may choose to
6 accept or decline any service or program offered subsequent to
7 the family assessment; provided that if the child's parents,
8 relatives, guardians or caretakers decline those services or
9 programs, the department [~~may~~] shall proceed with an
10 investigation.

11 B. As used in this section, "family assessment"
12 means a comprehensive assessment prepared by the department at
13 the time the department receives notification of failure to
14 comply with the plan of care to determine the needs of a child
15 and the child's parents, relatives, guardians or caretakers,
16 including an assessment of the likelihood of:

- 17 (1) imminent danger to a child's well-being;
- 18 (2) the child becoming an abused child or
19 neglected child; and
- 20 (3) the strengths and needs of the child's
21 family members, including parents, relatives, guardians or
22 caretakers, with respect to providing for the health and safety
23 of the child."