

1 SENATE BILL 83

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

4 Crystal Diamond Brantley

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9  
10 AN ACT

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

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

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

18 "32A-3A-14. NOTIFICATION TO THE DEPARTMENT OF  
19 NONCOMPLIANCE WITH A PLAN OF CARE.--

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

.226751.1

underscored material = new  
[bracketed material] = delete

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

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

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