

1 SENATE BILL 258

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

3 INTRODUCED BY

4 Katy M. Duhigg

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10 AN ACT

11 RELATING TO CHILDREN; SPECIFYING TO WHOM AND UNDER WHAT
12 CIRCUMSTANCES INFORMATION THAT IS HELD BY THE CHILDREN, YOUTH
13 AND FAMILIES DEPARTMENT THAT PERTAINS TO CHILD ABUSE AND
14 NEGLECT MAY BE SHARED; REQUIRING THAT INFORMATION BE PROVIDED
15 ABOUT CHILD FATALITIES OR NEAR FATALITIES; PROTECTING PERSONAL
16 IDENTIFIER INFORMATION OF DEPARTMENT CLIENTS; REQUIRING THE
17 COURT'S WRITTEN ORDER WHEN EXCLUDING MEDIA FROM AN ABUSE OR
18 NEGLECT PROCEEDING, WHICH ORDER IS APPEALABLE; REQUIRING
19 REPORTS ON THE DEPARTMENT'S WEBSITE; PRESCRIBING A PENALTY.

20
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

22 SECTION 1. Section 32A-4-2 NMSA 1978 (being Laws 1993,
23 Chapter 77, Section 96, as amended) is amended to read:

24 "32A-4-2. DEFINITIONS.--As used in the Abuse and Neglect
25 Act:

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1 A. "abandonment" includes instances when the
2 parent, without justifiable cause:

3 (1) left the child without provision for the
4 child's identification for a period of fourteen days; or

5 (2) left the child with others, including the
6 other parent or an agency, without provision for support and
7 without communication for a period of:

8 (a) three months if the child was under
9 six years of age at the commencement of the three-month period;
10 or

11 (b) six months if the child was over six
12 years of age at the commencement of the six-month period;

13 B. "abused child" means a child:

14 (1) who has suffered or who is at risk of
15 suffering serious harm because of the action or inaction of the
16 child's parent, guardian or custodian;

17 (2) who has suffered physical abuse, emotional
18 abuse or psychological abuse inflicted or caused by the child's
19 parent, guardian or custodian;

20 (3) who has suffered sexual abuse or sexual
21 exploitation inflicted by the child's parent, guardian or
22 custodian;

23 (4) whose parent, guardian or custodian has
24 knowingly, intentionally or negligently placed the child in a
25 situation that may endanger the child's life or health; or

1 (5) whose parent, guardian or custodian has
2 knowingly or intentionally tortured, cruelly confined or
3 cruelly punished the child;

4 C. "aggravated circumstances" includes those
5 circumstances in which the parent, guardian or custodian has:

6 (1) attempted, conspired to cause or caused
7 great bodily harm to the child or great bodily harm or death to
8 the child's sibling;

9 (2) attempted, conspired to cause or caused
10 great bodily harm or death to another parent, guardian or
11 custodian of the child;

12 (3) attempted, conspired to subject or has
13 subjected the child to torture, chronic abuse or sexual abuse;
14 or

15 (4) had parental rights over a sibling of the
16 child terminated involuntarily;

17 D. "educational decision maker" means an individual
18 appointed by the children's court to attend school meetings and
19 to make decisions about the child's education that a parent
20 could make under law, including decisions about the child's
21 educational setting, and the development and implementation of
22 an individual education plan for the child;

23 E. "fictive kin" means a person not related by
24 birth, adoption or marriage with whom a child has an
25 emotionally significant relationship;

1 F. "great bodily harm" means an injury to a person
2 that creates a high probability of death, that causes serious
3 disfigurement or that results in permanent or protracted loss
4 or impairment of the function of a member or organ of the body;

5 G. "neglected child" means a child:

6 (1) who has been abandoned by the child's
7 parent, guardian or custodian;

8 (2) who is without proper parental care and
9 control or subsistence, education, medical or other care or
10 control necessary for the child's well-being because of the
11 faults or habits of the child's parent, guardian or custodian
12 or the failure or refusal of the parent, guardian or custodian,
13 when able to do so, to provide them;

14 (3) who has been physically or sexually
15 abused, when the child's parent, guardian or custodian knew or
16 should have known of the abuse and failed to take reasonable
17 steps to protect the child from further harm;

18 (4) whose parent, guardian or custodian is
19 unable to discharge that person's responsibilities to and for
20 the child because of incarceration, hospitalization or physical
21 or mental disorder or incapacity; or

22 (5) who has been placed for care or adoption
23 in violation of the law; provided that nothing in the
24 Children's Code shall be construed to imply that a child who is
25 being provided with treatment by spiritual means alone through

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1 prayer, in accordance with the tenets and practices of a
2 recognized church or religious denomination, by a duly
3 accredited practitioner thereof is for that reason alone a
4 neglected child within the meaning of the Children's Code; and
5 further provided that no child shall be denied the protection
6 afforded to all children under the Children's Code;

7 H. "personal identifier information" means a
8 person's name and contact information, including home or
9 business address, email address or phone number;

10 ~~[H.]~~ I. "physical abuse" includes any case in which
11 the child suffers strangulation or suffocation and any case in
12 which the child exhibits evidence of skin bruising, bleeding,
13 malnutrition, failure to thrive, burns, fracture of any bone,
14 subdural hematoma, soft tissue swelling or death and:

15 (1) there is not a justifiable explanation for
16 the condition or death;

17 (2) the explanation given for the condition is
18 at variance with the degree or nature of the condition;

19 (3) the explanation given for the death is at
20 variance with the nature of the death; or

21 (4) circumstances indicate that the condition
22 or death may not be the product of an accidental occurrence;

23 ~~[H.]~~ J. "relative" means a person related to
24 another person by birth, adoption or marriage within the fifth
25 degree of consanguinity;

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1 ~~[J.]~~ K. "sexual abuse" includes criminal sexual
2 contact, incest or criminal sexual penetration, as those acts
3 are defined by state law;

4 ~~[K.]~~ L. "sexual exploitation" includes:

5 (1) allowing, permitting or encouraging a
6 child to engage in prostitution;

7 (2) allowing, permitting, encouraging or
8 engaging a child in obscene or pornographic photographing; or

9 (3) filming or depicting a child for obscene
10 or pornographic commercial purposes, as those acts are defined
11 by state law;

12 ~~[L.]~~ M. "sibling" means a brother or sister having
13 one or both parents in common by birth or adoption;

14 ~~[M.]~~ N. "strangulation" has the same meaning as set
15 forth in Section 30-3-11 NMSA 1978;

16 ~~[N.]~~ O. "suffocation" has the same meaning as set
17 forth in Section 30-3-11 NMSA 1978; and

18 ~~[O.]~~ P. "transition plan" means an individualized
19 written plan for a child, based on the unique needs of the
20 child, that outlines all appropriate services to be provided to
21 the child to increase independent living skills. The plan
22 shall also include responsibilities of the child, and any other
23 party as appropriate, to enable the child to be self-sufficient
24 upon emancipation."

25 **SECTION 2.** Section 32A-4-20 NMSA 1978 (being Laws 1993,
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1 Chapter 77, Section 114, as amended) is amended to read:

2 "32A-4-20. CONDUCT OF HEARINGS--FINDINGS--DISMISSAL--
3 DISPOSITIONAL MATTERS--ORDER EXCLUDING MEDIA APPEALABLE--
4 PENALTY.--

5 A. The proceedings shall be recorded by
6 stenographic notes or by electronic, mechanical or other
7 appropriate means. The court docket number is a public record.

8 B. All abuse and neglect hearings shall be closed
9 to the general public.

10 C. Only the parties, their counsel, witnesses and
11 other persons approved by the court may be present at a closed
12 hearing. The foster parent, preadoptive parent or relative
13 providing care for the child shall be given notice and an
14 opportunity to be heard at the dispositional phase. Those
15 other persons the court finds to have a proper interest in the
16 case or in the work of the court may be admitted by the court
17 to closed hearings on the condition that they refrain from
18 divulging any information that would identify the child or
19 family involved in the proceedings.

20 D. Accredited representatives of the news media
21 shall be allowed to be present at closed hearings, [~~subject to~~]
22 on the condition that they refrain from divulging information
23 that would identify [~~any~~] the child involved in the proceedings
24 or the parent, guardian or custodian of that child and subject
25 to enabling [~~regulations~~] rules as the court finds necessary

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1 for the maintenance of order and decorum and for the
2 furtherance of the purposes of the Children's Code. A child
3 who is the subject of an abuse and neglect proceeding and is
4 present at a hearing may object to the presence of the media.
5 The court may exclude the media if it finds that the presence
6 of the media is contrary to the best interests of the child.
7 The judge shall submit a written order explaining the reasons
8 for excluding the media from a hearing.

9 E. If the court finds that it is in the best
10 interest of a child under fourteen years of age, the child may
11 be excluded from a hearing under the Abuse and Neglect Act. A
12 child fourteen years of age or older may be excluded from a
13 hearing only if the court makes a finding that there is a
14 compelling reason to exclude the child and states the factual
15 basis for the finding.

16 F. Those persons or parties granted admission to a
17 closed hearing who intentionally divulge information in
18 violation of this section are guilty of a petty misdemeanor.

19 G. The court shall determine if the allegations of
20 the petition are admitted or denied. If the allegations are
21 denied, the court shall proceed to hear evidence on the
22 petition. The court, after hearing all of the evidence bearing
23 on the allegations of neglect or abuse, shall make and record
24 its findings on whether the child is a neglected child, an
25 abused child or both. If the petition alleges that the parent,

1 guardian or custodian has subjected the child to aggravated
2 circumstances, then the court shall also make and record its
3 findings on whether the aggravated circumstances have been
4 proven.

5 H. If the court finds on the basis of a valid
6 admission of the allegations of the petition or on the basis of
7 clear and convincing evidence, competent, material and relevant
8 in nature, that the child is neglected or abused, the court
9 shall enter an order finding that the child is neglected or
10 abused and may proceed immediately or at a postponed hearing to
11 make disposition of the case. If the court does not find that
12 the child is neglected or abused, the court shall dismiss the
13 petition and may refer the family to the department for
14 appropriate services.

15 I. A party aggrieved by an order entered pursuant
16 to Subsection D or H of this section may file an immediate
17 appeal to the court of appeals.

18 J. In that part of the hearings held under the
19 Children's Code on dispositional issues, all relevant and
20 material evidence helpful in determining the questions
21 presented, including oral and written reports, may be received
22 by the court and may be relied upon to the extent of its
23 probative value even though not competent had it been offered
24 during the part of the hearings on adjudicatory issues.

25 K. On the court's motion or that of a party, the

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1 court may continue the hearing on the petition for a period not
2 to exceed thirty days to receive reports and other evidence in
3 connection with disposition. The court shall continue the
4 hearing pending the receipt of the predisposition study and
5 report if that document has not been prepared and received.
6 During any continuances under this subsection, the court shall
7 make an appropriate order for legal custody."

8 SECTION 3. Section 32A-4-33 NMSA 1978 (being Laws 1993,
9 Chapter 77, Section 127, as amended) is amended to read:

10 "32A-4-33. CONFIDENTIALITY--~~[RECORDS]~~ INFORMATION--
11 PENALTY.--

12 A. In investigations and proceedings alleging abuse
13 or neglect, the department shall not disclose personal
14 identifier information of the child or the child's parent,
15 guardian or custodian, except as follows:

16 (1) in the case of the death or near death of
17 a child;

18 (2) in cases in which a child is missing or
19 abducted or the child is or may be in danger of serious injury
20 or death unless immediate action is taken or there are other
21 exigent circumstances, the department shall release to law
22 enforcement and the nationally recognized organization that
23 serves as the national clearinghouse and resource center for
24 information about missing and exploited children as much
25 personal identifier information as necessary to identify the

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1 child, a possible abductor or a suspect in an abuse or neglect
2 case or to protect evidence of a crime against the child; or
3 (3) to the persons enumerated in Subsection E
4 of this section.

5 B. Department information obtained during the
6 course of an investigation into allegations of abuse or neglect
7 shall be maintained by the department as required by federal
8 law as a condition of the allocation of federal funds in New
9 Mexico. The public release of department information shall be
10 construed as openly as possible under federal and state law.

11 C. Information released by the department that has
12 not otherwise been publicly released shall be redacted as
13 needed to safeguard personal identifier information of the
14 child and the child's family. In a case in which a child or
15 the child's family has been publicly identified through press
16 reports, a lawsuit or other means, the department may respond
17 publicly with factual and complete information about the
18 actions the department has taken in the case.

19 ~~[A. All records or]~~ D. Redacted information
20 concerning a party to a neglect or abuse proceeding, including
21 social records, diagnostic evaluations, psychiatric or
22 psychological reports, videotapes, transcripts and audio
23 recordings of a child's statement of abuse or medical reports
24 incident to or obtained as a result of a neglect or abuse
25 proceeding or that were produced or obtained during an

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1 investigation in anticipation of or incident to a neglect or
2 abuse proceeding [~~shall be confidential and closed to the~~
3 ~~public~~] may be released by the department to a person who is
4 conducting bona fide research or investigations, the results of
5 which should provide the department information on child abuse
6 and neglect that would be useful to the department in
7 developing policy and practice.

8 [B.] E. The [~~records~~] information described in
9 Subsection [A] D of this section shall be disclosed [~~only~~]
10 without redaction to the parties and:

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

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

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

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

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

25 (6) any local substitute care review board or

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1 any agency contracted to implement local substitute care review
2 boards;

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

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

7 (9) any state government or tribal government
8 social services agency in any state or when, in the opinion of
9 the department, it is in the best interest of the child, a
10 governmental social services agency of another country;

11 (10) a foster parent, if the [~~records are~~
12 ~~those~~] information is that of a child currently placed with
13 that foster parent or of a child being considered for placement
14 with that foster parent and the [~~records concern~~] information
15 concerns the social, medical, psychological or educational
16 needs of the child;

17 (11) school personnel involved with the child
18 but only if the [~~records concern~~] information concerns the
19 child's social, medical or educational needs;

20 (12) a grandparent, parent of a sibling,
21 relative or fictive kin, if the [~~records or~~] information
22 [~~pertain~~] pertains to a child being considered for placement
23 with that grandparent, parent of a sibling, relative or fictive
24 kin and the [~~records or~~] information [~~concern~~] concerns the
25 social, medical, psychological or educational needs of the

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1 child;

2 (13) health care or mental health
3 professionals involved in the evaluation or treatment of the
4 child or of the child's parents, guardian, custodian or other
5 family members;

6 (14) protection and advocacy representatives
7 pursuant to the federal Developmental Disabilities Assistance
8 and Bill of Rights Act and the federal Protection and Advocacy
9 for Mentally Ill Individuals Amendments Act of 1991;

10 (15) children's safehouse organizations
11 conducting [~~investigatory~~] interviews of children on behalf of
12 a law enforcement agency or the department;

13 (16) representatives of the federal government
14 or their contractors authorized by federal statute or
15 regulation to review, inspect, audit or otherwise have access
16 to [~~records and~~] information pertaining to neglect or abuse
17 proceedings;

18 (17) [~~any~~] a person [~~or entity~~] attending a
19 meeting arranged by the department to discuss the safety, well-
20 being and permanency of a child, when the parent or child, or
21 parent or [~~legal~~] custodian on behalf of a child younger than
22 fourteen years of age, has consented to the disclosure; [~~and~~]

23 (18) the office of the state medical
24 investigator; and

25 [~~(18)~~] (19) any other person [~~or entity~~], by

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1 order of the court, having a legitimate interest in the case or
2 the work of the court.

3 F. A party to a court proceeding relating to a
4 department investigation into allegations of abuse and neglect
5 may comment publicly as long as the party does not disclose
6 personal identifier information that is still confidential.

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

21 H. The department is not required by this section
22 to disclose department information if the district attorney
23 successfully petitions the children's court that disclosure
24 would cause specific, material harm to a criminal investigation
25 or prosecution.

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1 I. The department shall provide pertinent
2 department information upon request to a prospective adoptive
3 parent, foster parent or guardian if the information concerns a
4 child for whom the prospective adoptive parent, foster parent
5 or guardian seeks to adopt or provide care.

6 J. A person may authorize the release of department
7 information about the person's self but shall not waive the
8 confidentiality of department information concerning any other
9 person.

10 K. The department shall provide a summary of the
11 outcome of a department investigation to the person who
12 reported the suspected child abuse or neglect in a timely
13 manner, not later than twenty days after the deadline for
14 closure of the investigation.

15 [~~D.~~] L. Whoever intentionally and unlawfully
16 releases any information [~~or records~~] closed to the public
17 pursuant to the Abuse and Neglect Act or releases or makes
18 other unlawful use of [~~records~~] information in violation of
19 that act is guilty of a petty misdemeanor and shall be
20 sentenced pursuant to the provisions of Section 31-19-1 NMSA
21 1978.

22 [~~E.~~] M. The department [~~shall~~] may promulgate rules
23 for implementing disclosure of records pursuant to this section
24 and in compliance with state and federal law and the Children's
25 Court Rules.

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1 N. Nothing in this section or Section 32A-4-33.1
2 NMSA 1978 limits the right of a person to seek documents or
3 information through other provisions of law.

4 O. Nothing in this section applies to the Indian
5 Family Protection Act, information concerning Indian children
6 or Indian parents, guardians or custodians, as those terms are
7 defined in the Indian Family Protection Act, or investigations
8 or proceedings pursuant to the Indian Family Protection Act."

9 SECTION 4. Section 32A-4-33.1 NMSA 1978 (being Laws 2009,
10 Chapter 239, Section 52) is amended to read:

11 "32A-4-33.1. FATALITIES--NEAR FATALITIES--RECORDS RELEASE
12 [WHEN A CHILD DIES].--

13 A. As used in this section, "near fatality" means
14 an act that, as certified by a physician, including the child's
15 treating physician, placed a child in a serious or critical
16 medical condition.

17 ~~[A.]~~ B. After learning that a child fatality or
18 near fatality has occurred and that there is reasonable
19 suspicion that the fatality or near fatality was caused by
20 abandonment, abuse or neglect, the department shall ~~[upon~~
21 ~~written request to the secretary of the department]~~ release the
22 following information, if in the department's possession,
23 within five business days:

24 ~~[(1) the age and gender of the child;~~

25 ~~(2) the date of death;~~

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1 ~~(3) whether the child was in foster care or in~~
2 ~~the home of the child's parent or guardian at the time of~~
3 ~~death; and~~

4 ~~(4) whether an investigation is being~~
5 ~~conducted by the department.~~

6 ~~B. If an investigation is being conducted by the~~
7 ~~department, then a request for further information beyond that~~
8 ~~listed in Subsection A of this section shall be answered with a~~
9 ~~statement that a report is under investigation]~~

10 (1) for a fatality:

11 (a) the name, age and gender of the
12 child;

13 (b) the date and location of the
14 fatality; and

15 (c) the cause of death, if known;

16 (2) for a near fatality:

17 (a) the age and gender of the child; and

18 (b) the type and extent of injuries;

19 (3) for either a fatality or near fatality:

20 (a) whether the child is currently or
21 has been in the custody of the department within the last five
22 years or the child's family is currently or has been served or
23 under investigation by the department within the last five
24 years;

25 (b) whether the child lived with a

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1 parent, guardian or custodian; was in foster care; was in a
2 residential facility or detention facility; was a runaway; or
3 had some other living arrangement;

4 (c) whether an investigation is being
5 conducted by the department or by a law enforcement agency, if
6 known;

7 (d) a detailed synopsis of prior reports
8 of abuse or neglect involving the child, siblings or other
9 children in the home, if applicable; and

10 (e) actions taken by the department to
11 ensure the safety of siblings, if applicable; and

12 (4) any other information that is publicly
13 known.

14 C. Upon completion of a child abandonment, abuse or
15 neglect investigation into a [~~child's death~~] fatality or near
16 fatality, if it is determined that abandonment, abuse or
17 neglect caused the [~~child's death~~] fatality or near fatality,
18 the following documents shall be released upon request:

19 (1) a summary of the department's
20 investigation;

21 (2) a law enforcement investigation report, if
22 in the department's possession; and

23 (3) [~~a medical examiner's~~] the medical
24 investigator's report in the case of a fatality, if in the
25 department's possession.

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1 D. Prior to releasing [~~any document pursuant to~~]
2 documents specified in Subsection C of this section, the
3 department shall consult with the district attorney and shall
4 redact:

5 (1) information that, [~~would~~] in the opinion
6 of the district attorney, [~~jeopardize a~~] would cause specific
7 material harm to a criminal investigation or proceeding;

8 (2) [~~identifying~~] personal identifier
9 information related to a reporting party or any other party
10 providing information; and

11 (3) information that is privileged,
12 confidential or not subject to disclosure pursuant to [~~any~~]
13 Section 32A-4-33 NMSA 1978 or other state or federal law.

14 E. [~~Once~~] If documents pursuant to this section
15 have been released by the department, the department may
16 comment on the case [~~within the scope of the release~~].

17 F. Information released by the department
18 consistent with the requirements of this section does not
19 require prior notice to any other [~~individual~~] person.

20 G. Nothing in this section shall be construed as
21 requiring the department to obtain documents not in the abuse
22 and neglect case file.

23 H. A person disclosing abandonment, abuse [~~and~~] or
24 neglect case file information as required by this section shall
25 not be subject to suit in civil or criminal proceedings for

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1 complying with the requirements of this section.

2 I. The department shall continue to provide timely
3 allowable information to the public on the investigation into a
4 case of fatality or near fatality of a child, including a
5 summary report that shall include:

6 (1) actions taken by the department in
7 response to the case, including changes in policies, practices,
8 procedures and processes that have been made to address issues
9 raised in the investigation of the case and any recommendations
10 for further changes in policies, practices, procedures,
11 processes and other rules or laws to address the issues; and

12 (2) the information described in Subsection J
13 or K of this section.

14 J. If the summary report involves a child who was
15 residing in the child's home, the report shall contain a
16 summary of all of the following:

17 (1) whether services pursuant to the Abuse and
18 Neglect Act were being provided to the child, a member of the
19 child's household or a person who had been arrested for
20 abandonment, abuse or neglect of the child prior to the time of
21 the fatality or near fatality and the date of the last contact
22 between the person providing the services and the person
23 receiving the services prior to or at the time of the fatality
24 or near fatality;

25 (2) whether the child, a member of the child's

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1 household or the person who had been arrested for abandonment,
2 abuse or neglect of the child prior to the fatality or near
3 fatality was the subject of a current or previous department
4 report;

5 (3) all involvement of the child's parents or
6 the person who had been arrested for abuse or neglect of the
7 child prior to the fatality or near fatality in a situation for
8 which a department report was made or services provided
9 pursuant to the Abuse and Neglect Act in the five years
10 preceding the incident that culminated in the fatality or near
11 fatality; and

12 (4) any investigation pursuant to a department
13 report concerning the child, a member of the child's household
14 or the person who had been suspected or arrested of the
15 abandonment, abuse or neglect of the child or services provided
16 to the child or the child's household since the date of the
17 incident involving a fatality or a near fatality.

18 K. If the summary report involves a child who was
19 in out-of-home placement, the summary report shall include:

20 (1) the name of the agency the licensee was
21 licensed by; and

22 (2) the licensing history of the out-of-home
23 placement, including the type of license held by the operator
24 of the placement, the period for which the placement has been
25 licensed and a summary of all violations by the licensee and

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1 any other actions by the licensee or an employee of the
2 licensee that constitute a substantial failure to protect and
3 promote the health, safety and welfare of a child.

4 L. Nothing in this section shall apply to the
5 Indian Family Protection Act, information or records concerning
6 Indian children or Indian parents, guardians or custodians, as
7 those terms are defined in the Indian Family Protection Act, or
8 investigations or proceedings pursuant to the Indian Family
9 Protection Act."

10 SECTION 5. A new section of the Abuse and Neglect Act is
11 enacted to read:

12 "[NEW MATERIAL] CREATION AND MAINTENANCE OF DASHBOARD ON
13 DEPARTMENT WEBSITE--ANNUAL REPORT.--

14 A. The department shall create and maintain a
15 public, easily accessible and searchable dashboard on the
16 department's website. The confidentiality of personal
17 identifier information shall be safeguarded consistent with
18 federal and state law. The dashboard shall be updated at least
19 quarterly and shall include the data to be reported to the
20 governor and the legislature.

21 B. By February 1 of each year, the department shall
22 submit a report to the governor and the legislature that
23 includes the following data for the prior twelve months ending
24 on December 31:

25 (1) the number of fatalities and near

1 fatalities of children in the custody of the department or as a
2 result of abandonment, abuse or neglect when in the custody of
3 a parent, guardian, custodian or other person;

4 (2) the number of children in department
5 custody and the average length of time in custody, including
6 the number of in-state and out-of-state placements in which
7 children are placed;

8 (3) the number of children in foster care and
9 the length of time in foster care or living with relatives or
10 fictive kin;

11 (4) the number of complaints received alleging
12 abandonment, abuse or neglect;

13 (5) the number of investigations that resulted
14 from the complaints, the number of complaints accepted for
15 investigation and not accepted for investigation and the
16 identified reasons in the aggregate for not investigating a
17 complaint;

18 (6) the number of children removed from the
19 custody of a parent, guardian, custodian or other person and
20 the reasons for removals;

21 (7) the number of children returned to a
22 household from which they were removed;

23 (8) the number of children placed in the
24 custody of the department who have run away while in custody;

25 (9) the number of cases in which families

underscoring material = new
~~[bracketed material] = delete~~

1 subject to court-ordered treatment plans or voluntary placement
2 agreements have absconded with children placed in the custody
3 of the department;

4 (10) the number of adoptions and the number of
5 adoptions for which funding was terminated prior to the child
6 reaching the age of eighteen;

7 (11) the number of children and cases
8 transferred to the jurisdiction of Indian nations, tribes and
9 pueblos pursuant to the Indian Family Protection Act; and

10 (12) any other information the department
11 considers of interest to the public.

12 C. Data shall be disaggregated by age, race,
13 ethnicity, gender, disability status and geographic location.

14 D. The report shall be published on the
15 department's website."

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