

1 HOUSE BILL 5
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO FAMILIES; ENACTING THE OFFICE OF CHILD ADVOCATE
12 ACT; PROVIDING FOR THE STATE CHILD ADVOCATE; CREATING THE
13 OFFICE OF CHILD ADVOCATE AND ESTABLISHING THE POWERS AND DUTIES
14 OF THAT OFFICE; PROVIDING FOR THE ESTABLISHMENT OF THE STATE
15 CHILD ADVOCATE SELECTION COMMITTEE; AMENDING AND ENACTING
16 SECTIONS OF THE NMSA 1978.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. A new section of the Children's Code is
20 enacted to read:

21 "[NEW MATERIAL] SHORT TITLE.--Sections 1 through 15 of
22 this act may be cited as the "Office of Child Advocate Act"."

23 SECTION 2. A new section of the Children's Code is
24 enacted to read:

25 "[NEW MATERIAL] DEFINITIONS.--As used in the Office of

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1 Child Advocate Act:

2 A. "child in custody" means a minor who is placed
3 by the department in custodial or residential care, including
4 foster care, kinship care or care within a group home, a
5 residential treatment center, a juvenile justice facility, a
6 semi-independent living program or an emergency shelter,
7 pursuant to a court order or otherwise sanctioned by the court
8 and does not live with either of the child's birth parents;

9 B. "committee" means the state child advocate
10 selection committee;

11 C. "department" means the children, youth and
12 families department;

13 D. "near fatality" means an injury or condition
14 caused by abuse or neglect that results in a child:

15 (1) being placed in serious or critical
16 condition, as certified by a licensed physician; and

17 (2) receiving critical care for at least
18 twenty-four hours following the child's admission to a critical
19 care unit; and

20 E. "office" means the office of child advocate."

21 SECTION 3. A new section of the Children's Code is
22 enacted to read:

23 "[NEW MATERIAL] OFFICE OF CHILD ADVOCATE--CREATED.--The
24 "office of child advocate" is created and is administratively
25 attached to the state department of justice pursuant to Section
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1 9-1-7 NMSA 1978. The office shall maintain autonomy over the
2 office's budget and any decisions the office may take."

3 SECTION 4. A new section of the Children's Code is
4 enacted to read:

5 "[NEW MATERIAL] STATE CHILD ADVOCATE--APPOINTMENT--
6 DUTIES.--The head of the office is the "state child advocate",
7 who shall be appointed for a term of six years, except that the
8 initial term shall begin on July 1, 2025 and shall end on
9 December 31, 2025. At the time of appointment, the state child
10 advocate shall have, at a minimum, five years of documented
11 professional experience working in child protective or juvenile
12 justice services and be licensed in good standing as an
13 attorney, a psychologist, a social worker or a marriage and
14 family therapist. The state child advocate may be reappointed
15 to successive terms. An appointed state child advocate shall
16 serve and have all of the duties, responsibilities and
17 authority of that office during the period of time in which the
18 state child advocate is appointed. The governor may remove the
19 state child advocate only for malfeasance, misfeasance or abuse
20 of office. The state child advocate shall oversee the office
21 and assign and distribute the work of the state child
22 advocate."

23 SECTION 5. A new section of the Children's Code is
24 enacted to read:

25 "[NEW MATERIAL] STATE CHILD ADVOCATE SELECTION COMMITTEE--

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1 DUTIES.--

2 A. The "state child advocate selection committee"
3 is created and consists of nine members, including:

4 (1) one member who shall be selected by the
5 president pro tempore of the senate;

6 (2) one member who shall be selected by the
7 minority floor leader of the senate;

8 (3) one member who shall be selected by the
9 speaker of the house of representatives;

10 (4) one member who shall be selected by the
11 minority floor leader of the house of representatives;

12 (5) one member who shall be selected by the
13 governor, who shall have specialized expertise in the federal
14 Indian Child Welfare Act of 1978 and the Indian Family
15 Protection Act and who shall have lived experience in the
16 foster care or juvenile justice system;

17 (6) one member who shall be selected by the
18 attorney general;

19 (7) two members who shall be selected by the
20 chief justice of the supreme court; and

21 (8) a committee chair, whom a majority of the
22 other eight members select and who is:

23 (a) not a candidate for the position of
24 state child advocate; and

25 (b) a person with extensive knowledge of

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1 child protective or juvenile justice services.

2 B. The committee shall meet exclusively for the
3 purpose of nominating persons to fill a current or impending
4 vacancy in the position of state child advocate. The committee
5 shall actively solicit, accept and evaluate applications for
6 the position of state child advocate and may require applicants
7 to submit any information that the committee deems relevant to
8 the consideration of applications. Within ninety days before
9 the date on which the term of a state child advocate ends or no
10 later than thirty days after the occurrence of a vacancy in the
11 state child advocate position, the committee shall convene and,
12 within thirty days after convening, submit to the governor and
13 the attorney general the names of persons who are recommended
14 for appointment to the position by a majority of the committee
15 members.

16 C. Immediately after receiving nominations for the
17 state child advocate, the governor or the attorney general may
18 make one request of the committee for submission of additional
19 names. The committee shall promptly submit those additional
20 names if a majority of the committee members find that
21 additional persons would be qualified and recommends those
22 persons for appointment as state child advocate. The governor
23 shall fill a vacancy or appoint a successor to fill an
24 impending vacancy in the office of state child advocate within
25 thirty days after receiving final nominations from the

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1 committee by appointing one of the persons nominated by the
2 committee.

3 D. The committee is administratively attached to
4 the state department of justice pursuant to the provisions of
5 Section 9-1-7 NMSA 1978.

6 E. After the initial meeting of the committee, the
7 governor or a majority of the committee members may call
8 subsequent meetings of the committee to nominate persons to
9 fill a current or impending vacancy in the position of state
10 child advocate.

11 F. The members of the committee shall receive per
12 diem and mileage as provided in the Per Diem and Mileage Act
13 and shall receive no other compensation, perquisite or
14 allowance."

15 SECTION 6. A new section of the Children's Code is
16 enacted to read:

17 "[NEW MATERIAL] OFFICE OF CHILD ADVOCATE--POWERS--
18 DUTIES.--The office:

19 A. shall:

20 (1) review the department's provision of
21 services to children and families, receive complaints
22 concerning the actions of the department or of any entity or
23 person that provides services to children and families through
24 funds provided by the department and make appropriate referrals
25 when the state child advocate determines that a child or family

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1 may be in need of assistance;

2 (2) determine the extent to which the
3 department's policies and procedures protect and enhance
4 children's personal dignity, right to privacy, appropriate
5 health care and education in accordance with state and federal
6 law;

7 (3) adopt and promulgate rules in accordance
8 with the State Rules Act as are deemed necessary to carry out
9 the provisions of the Office of Child Advocate Act;

10 (4) operate a toll-free hotline and electronic
11 communication portal to receive complaints pursuant to this
12 section;

13 (5) investigate and attempt to resolve
14 complaints made by or on behalf of a child in custody,
15 receiving services under the supervision of the department,
16 subject to a referral to the department or whose parent,
17 guardian or custodian is under investigation by the department;

18 (6) decide, in its discretion, whether to
19 investigate a complaint or refer complaints to another agency
20 for investigation;

21 (7) upon rendering a decision to investigate a
22 complaint, notify the complainant of the intention to
23 investigate and, if the office declines to investigate a
24 complaint or continue an investigation, notify the complainant
25 that no further action will be taken by the office;

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1 (8) update the complainant on the progress of
2 the investigation within thirty days;

3 (9) work in collaboration with relevant
4 parties to strengthen the department's services for children
5 and families;

6 (10) analyze and monitor the development and
7 implementation of federal, state and local laws, regulations
8 and policies relating to child and family welfare and recommend
9 changes when appropriate;

10 (11) support children and families by
11 providing information about the children's and families' rights
12 and responsibilities related to departmental services;

13 (12) upon request, provide comprehensive
14 information concerning child and family welfare to the
15 governor, state agencies and legislators;

16 (13) compile an annual report pursuant to
17 Section 7 of the Office of Child Advocate Act;

18 (14) subpoena witnesses to provide testimony
19 in cases in which a fatality or near fatality of a child in
20 custody has occurred;

21 (15) access information or records that are
22 necessary for carrying out the provisions of the Office of
23 Child Advocate Act;

24 (16) in the course of investigating a
25 complaint, have authority to request, access and review

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1 information, records or documents, including records of third
2 parties, that the office deems necessary to conduct a thorough
3 and independent review of a complaint so long as the department
4 would be entitled to access or receive such information,
5 records or documents;

6 (17) in the course of investigating a
7 complaint, determine whether the department or a department
8 employee has violated a child's federal or state constitutional
9 rights, acted with reckless disregard to a child's health and
10 safety or engaged in a pattern of conduct or repeated incidents
11 of violating laws and rules relating to child and family
12 welfare; and

13 (18) refer any finding of a violation of
14 federal or state constitutional rights, reckless disregard for
15 the health and safety of a child or a pattern of conduct or
16 repeated incidents of violating laws and rules relating to
17 child and family welfare to the attorney general; and

18 B. may:

19 (1) adopt and promulgate rules pertaining to
20 the administration of the office and, subject to appropriation,
21 hire and contract for such professional, technical and support
22 staff as needed to carry out the functions of the office;
23 provided that such hiring and contracting shall be without
24 regard to party affiliation and solely on the grounds of
25 competence and fitness to perform the duties of the position.

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1 Employees of the office, except the state child advocate, are
2 subject to the provisions of the Personnel Act; and

3 (2) meet or communicate with any child in
4 custody, receiving services under the supervision of the
5 department, subject to a referral to the department or under
6 investigation by the department."

7 SECTION 7. A new section of the Children's Code is
8 enacted to read:

9 "[NEW MATERIAL] ANNUAL REPORT--REPORT CONTENTS--CREATION
10 AND MAINTENANCE OF WEBSITE CONTAINING REPORT INFORMATION.--

11 A. Each year, the office shall submit to the
12 legislative finance committee, the department, the supreme
13 court and the governor on or before September 1 a report
14 addressing services provided by the department, including:

15 (1) the quality of services provided to
16 children and families;

17 (2) the conditions of placements for New
18 Mexico's children, the number of out-of-state placements and an
19 assessment of each active congregate care and juvenile justice
20 facility in which children in custody are placed;

21 (3) the number of children removed from the
22 household of a parent, foster parent or guardian;

23 (4) the number of children returned to a
24 household from which they were removed;

25 (5) the number of children placed in a

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1 juvenile justice facility;

2 (6) the number of children in custody who have
3 run away from a department placement, the number of children in
4 custody who have been found after running away and the number
5 of children in custody who are currently missing;

6 (7) the number of cases in which families
7 subject to court-ordered treatment plans or voluntary placement
8 agreements have absconded with children in custody;

9 (8) a review of systemic issues related to
10 services for assistance to children and families within the
11 child protection and juvenile justice systems;

12 (9) findings and recommendations related to
13 the implementation of the federal Indian Child Welfare Act of
14 1978 and the Indian Family Protection Act;

15 (10) recommendations related to improving
16 department services for children and families;

17 (11) data disaggregated by race, ethnicity,
18 gender, geographic location, sexual identity, disability status
19 and any other categories that the office deems necessary; and

20 (12) an outline of the training and
21 certification process for the state child advocate and office
22 staff.

23 B. To the extent possible, the office shall use
24 methodology that is consistent with the system used by federal
25 government agencies for calculating and reporting the data

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1 required for the office's annual report.

2 C. The office shall create and maintain a web page
3 on which the data contained in Subsection A shall be provided
4 in an accessible manner and updated quarterly.

5 D. Each year, the annual report shall be posted to
6 the web page created pursuant to Subsection C of this section."

7 SECTION 8. A new section of the Children's Code is
8 enacted to read:

9 "[NEW MATERIAL] TRAINING AND CERTIFICATION.--

10 A. The state child advocate shall ensure that
11 office staff are trained in:

12 (1) federal, state, local and tribal laws,
13 regulations and policies with respect to child protection and
14 juvenile justice services in the state;

15 (2) investigative techniques, including
16 trauma-informed care and questioning;

17 (3) the federal Indian Child Welfare Act of
18 1978, the Indian Family Protection Act, tribal culture, tribal
19 relations and sovereign nation status;

20 (4) department policies and procedures,
21 including policies and procedures related to abuse and neglect,
22 out-of-home placement and safety and risk assessments; and

23 (5) such other matters as the office deems
24 appropriate.

25 B. The state child advocate shall develop

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1 procedures for the training and certification of appropriate
2 staff.

3 C. An officer, employee or other representative of
4 the office shall not investigate any complaint filed with the
5 office unless that person is certified by the office."

6 SECTION 9. A new section of the Children's Code is
7 enacted to read:

8 "[NEW MATERIAL] CONFLICT OF INTEREST.--Persons who are
9 employees of the office or who have contracts with the office
10 shall not have a conflict of interest with the department or
11 with an entity that provides services to children and families
12 through funds provided by the department relating to the
13 performance of their responsibilities pursuant to the
14 Children's Code. For the purposes of this section, a conflict
15 of interest exists whenever the state child advocate, an
16 employee of the office or a person having a contract with the
17 office:

18 A. has direct involvement in the licensing,
19 certification or accreditation of a provider or facility
20 delivering services to children and families;

21 B. has a direct ownership interest in a provider or
22 facility delivering services to children and families;

23 C. is employed by or participates in the management
24 of a provider or facility delivering services to children and
25 families; or

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1 D. receives or has the right to receive, directly
2 or indirectly, remuneration pursuant to a compensation
3 arrangement with a provider or facility delivering services to
4 children and families."

5 **SECTION 10.** A new section of the Children's Code is
6 enacted to read:

7 "[NEW MATERIAL] INCIDENTS, FATALITIES AND NEAR
8 FATALITIES.--

9 A. The department shall provide the office with a
10 copy of all reports related to actual physical injury to a
11 child in custody or at a significant risk of such an injury.

12 B. The department shall provide the office with a
13 written notification within seventy-two hours of:

14 (1) a fatality or near fatality of a child in
15 custody or referred or receiving services under the supervision
16 of the department; and

17 (2) the restraint or seclusion of a child in
18 custody."

19 **SECTION 11.** A new section of the Children's Code is
20 enacted to read:

21 "[NEW MATERIAL] LAW ENFORCEMENT REPORTS.--Upon request by
22 the office, law enforcement agencies shall share with the
23 office all law enforcement reports involving a child in
24 custody, receiving services under the supervision of the
25 department, subject to a referral to the department or under

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1 investigation by the department."

2 SECTION 12. A new section of the Children's Code is
3 enacted to read:

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

5 A. The office shall maintain the confidentiality of
6 all case records, third-party records and court records, as
7 well as any information gathered in the course of
8 investigations and system monitoring duties. These records are
9 exempt from public inspection and copying pursuant to the
10 Inspection of Public Records Act and shall be kept confidential
11 unless disclosure is:

- 12 (1) ordered by the court;
- 13 (2) necessary to prevent imminent harm and the
14 imminent harm is communicated directly to the state child
15 advocate or staff of the office;
- 16 (3) necessary to the department in order for
17 the department to determine the appropriateness of initiating
18 an investigation regarding potential abuse or neglect or other
19 emergency circumstances; or
- 20 (4) necessary to the department in order for
21 the department to determine the appropriateness of initiating
22 an investigation to determine facility compliance with
23 applicable rules of licensure or certification or both.

24 B. Notwithstanding Subsection A of this section,
25 the office may publicly report any patterns of conduct or

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1 repeated incidents identified by the office in carrying out the
2 provisions of the Office of Child Advocate Act; provided that
3 the office shall not publicly disclose either of the following:

4 (1) individually identifiable information
5 about a child unless the information is already known to the
6 public; and

7 (2) investigation findings when there is a
8 pending law enforcement investigation or prosecution."

9 SECTION 13. A new section of the Children's Code is
10 enacted to read:

11 "[NEW MATERIAL] OTHER REMEDIES.--An individual who pursues
12 remedies pursuant to the Office of Child Advocate Act is not
13 precluded from pursuing other legal or equitable remedies."

14 SECTION 14. A new section of the Children's Code is
15 enacted to read:

16 "[NEW MATERIAL] NOTIFICATION OF OFFICE OF CHILD
17 ADVOCATE.--The department shall notify all children in custody,
18 receiving services under the supervision of the department,
19 subject to a referral to the department or under investigation
20 by the department and their parents, guardians, foster parents
21 and fictive kin of the existence of the office, its purpose and
22 function and its toll-free hotline and electronic communication
23 portal with instructions for access."

24 SECTION 15. A new section of the Children's Code is
25 enacted to read:

1 "[NEW MATERIAL] ACTION BY THE ATTORNEY GENERAL.--

2 A. The attorney general may bring a civil cause of
3 action for declaratory or injunctive relief against the
4 department or a department employee based on a finding by the
5 office of a violation of federal or state constitutional
6 rights, reckless disregard of the health and safety of a child
7 or a pattern of conduct or repeated incidents of violating laws
8 and rules relating to child and family welfare.

9 B. The authority provided in this section is in
10 addition to the other powers and duties of the attorney general
11 and does not prevent prosecution for a violation of the
12 Criminal Code."

13 SECTION 16. Section 32A-2-32 NMSA 1978 (being Laws 1993,
14 Chapter 77, Section 61, as amended) is amended to read:

15 "32A-2-32. CONFIDENTIALITY--RECORDS.--

16 A. All records pertaining to the child, including
17 all related social records, behavioral health screenings,
18 diagnostic evaluations, psychiatric reports, medical reports,
19 social studies reports, records from local detention
20 facilities, client-identifying records from facilities for the
21 care and rehabilitation of delinquent children, pre-parole or
22 supervised release reports and supervision histories obtained
23 by the juvenile probation office, parole officers and the
24 juvenile public safety advisory board or in possession of the
25 department, are confidential and shall not be disclosed

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1 directly or indirectly to the public.

2 B. The disclosure of all mental health and
3 developmental disability records shall be made pursuant to the
4 Children's Mental Health and Developmental Disabilities Act.

5 C. The records described in Subsection A of this
6 section, other than mental health and developmental disability
7 records, shall be disclosed only to any of the following,
8 provided that the agency, person or institution receiving
9 information shall not re-release the information without proper
10 consent or as otherwise provided by law:

- 11 (1) court personnel;
- 12 (2) the child's court appointed special
13 advocates;
- 14 (3) the child's attorney or guardian ad litem
15 representing the child in any matter;
- 16 (4) department personnel;
- 17 (5) corrections department personnel;
- 18 (6) law enforcement officials when the request
19 is related to the investigation of a crime;
- 20 (7) district attorneys or children's court
21 attorneys;
- 22 (8) a state government social services agency
23 in any state;
- 24 (9) those persons or entities of a child's
25 Indian tribe specifically authorized to inspect such records

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1 pursuant to the federal Indian Child Welfare Act of 1978, the
2 Indian Family Protection Act or any regulations promulgated
3 under ~~[that act]~~ those acts;

4 (10) tribal juvenile justice system and social
5 service representatives;

6 (11) a foster parent, if the records are those
7 of a child currently placed with that foster parent or of a
8 child being considered for placement with that foster parent,
9 when the disclosure of the information is necessary for the
10 child's treatment or care and shall include only that
11 information necessary to provide for treatment and care of the
12 child;

13 (12) school personnel involved with the child
14 if the records concern the child's educational needs, but shall
15 only include that information necessary to provide for the
16 child's educational planning and needs;

17 (13) a health care or mental health
18 professional involved in the evaluation or treatment of the
19 child, the child's parents, guardians or custodian or other
20 family members;

21 (14) representatives of the protection and
22 advocacy system;

23 (15) the child's parent, guardian or legal
24 custodian when the disclosure of the information is necessary
25 for the child's treatment or care and shall include only that

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1 information necessary to provide for the treatment or care of
2 the child;

3 (16) any other person or entity, by order of
4 the court, having a legitimate interest in the case or the work
5 of the court who agrees not to otherwise release the records;
6 [~~and~~]

7 (17) the child, if fourteen years of age or
8 older; and

9 (18) the attorney general and the office of
10 child advocate and its employees and contractors, pursuant to
11 the requirements of the Office of Child Advocate Act, if the
12 records are needed for the purpose of implementing that act.

13 D. If disclosure of otherwise confidential records
14 is made to the child or any other person or entity pursuant to
15 a valid release of information signed by the child, all victim
16 or witness identifying information shall be redacted or
17 otherwise deleted.

18 E. Whoever intentionally and unlawfully releases
19 any information or records closed to the public pursuant to
20 this section or releases or makes other unlawful use of records
21 in violation of this section is guilty of a petty misdemeanor.

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

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1 SECTION 17. Section 32A-4-33 NMSA 1978 (being Laws 1993,
2 Chapter 77, Section 127, as amended) is amended to read:

3 "32A-4-33. CONFIDENTIALITY--RECORDS--PENALTY.--

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

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

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

19 (2) court-appointed special advocates
20 appointed to the neglect or abuse proceeding;

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

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

25 (5) department personnel and persons or

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1 entities authorized by contract with the department to review,
2 inspect or otherwise have access to records or information in
3 the department's possession;

4 (6) any local substitute care review board or
5 any agency contracted to implement local substitute care review
6 boards;

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

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

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

15 (10) a foster parent, if the records are those
16 of a child currently placed with that foster parent or of a
17 child being considered for placement with that foster parent
18 and the records concern the social, medical, psychological or
19 educational needs of the child;

20 (11) school personnel involved with the child
21 if the records concern the child's social or educational needs;

22 (12) a grandparent, parent of a sibling,
23 relative or fictive kin, if the records or information pertain
24 to a child being considered for placement with that
25 grandparent, parent of a sibling, relative or fictive kin and

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1 the records or information concern the social, medical,
2 psychological or educational needs of the child;

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

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

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

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

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

24 (18) any other person or entity, by order of
25 the court, having a legitimate interest in the case or the work

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1 of the court; and

2 (19) the attorney general and the office of
3 child advocate and its employees and contractors, pursuant to
4 the requirements of the Office of Child Advocate Act, if the
5 records are needed for the purpose of implementing that act.

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

20 D. Whoever intentionally and unlawfully releases
21 any information or records closed to the public pursuant to the
22 Abuse and Neglect Act or releases or makes other unlawful use
23 of records in violation of that act is guilty of a petty
24 misdemeanor and shall be sentenced pursuant to the provisions
25 of Section 31-19-1 NMSA 1978.

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