1	HOUSE BILL 232					
2	44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999					
3	INTRODUCED BY					
4	R. David Pederson					
5						
6						
7	FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE AND					
8	THE INDIAN AFFAIRS COMMITTEE					
9						
10	AN ACT					
11	RELATING TO CHILDREN; CLARIFYING THAT INDIAN CHILDREN HAVE THE					
12	SAME RIGHT TO SERVICES THAT ARE AVAILABLE TO OTHER CHILDREN IN					
13	THE STATE; AMENDING A SECTION OF THE NMSA 1978.					
14						
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:					
16	Section 1. Section 32A-1-8 NMSA 1978 (being Laws 1993,					
17	Chapter 77, Section 17, as amended) is amended to read:					
18	"32A-1-8. JURISDICTION OF THE COURTTRIBAL COURT					
19	JURI SDI CTI ON					
20	A. The court has exclusive original jurisdiction					
21	of all proceedings under the Children's Code in which a person					
22	is eighteen years of age or older and was a child at the time					
23	the alleged act in question was committed or is a child					
24	alleged to be:					
25	(1) a delinquent child;					
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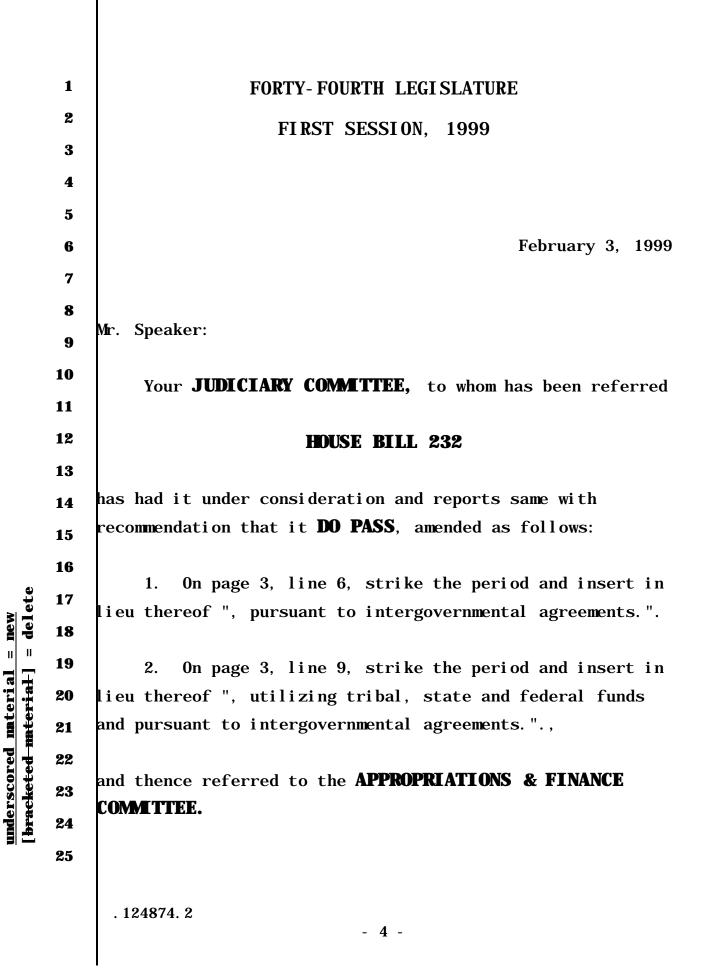
1	(2) a child of a family in need of services;					
2	(3) a neglected child;					
3	(4) an abused child;					
4	(5) a child subject to adoption; or					
5	(6) a child subject to placement for a					
6	developmental disability or a mental disorder.					
7	B. The court has exclusive original jurisdiction					
8	to emancipate a minor.					
9	C. During abuse or neglect proceedings in which					
10	New Mexico is the home state, pursuant to the provisions of					
11	the Child Custody Jurisdiction Act, the court shall have					
12	jurisdiction over both parents to determine the best interest					
13	of the child and to decide all matters incident to the court					
14	proceedi ngs.					
15	D. Nothing in this section shall be construed to					
16	in any way abridge the rights of any Indian tribe to exercise					
17	jurisdiction over child custody matters as defined by and in					
18	accordance with the federal Indian Child Welfare Act of 1978.					
19	E. A tribal court order pertaining to an Indian					
20	child in an action under the Children's Code shall be					
21	recognized and enforced by the district court for the judicial					
22	district in which the tribal court is located. A tribal court					
23	order pertaining to an Indian child [that is not subject to					
24	the provisions of the Children's Mental Health and					
25	Developmental Disabilities Act and] that accesses state					
	. 124874. 2					

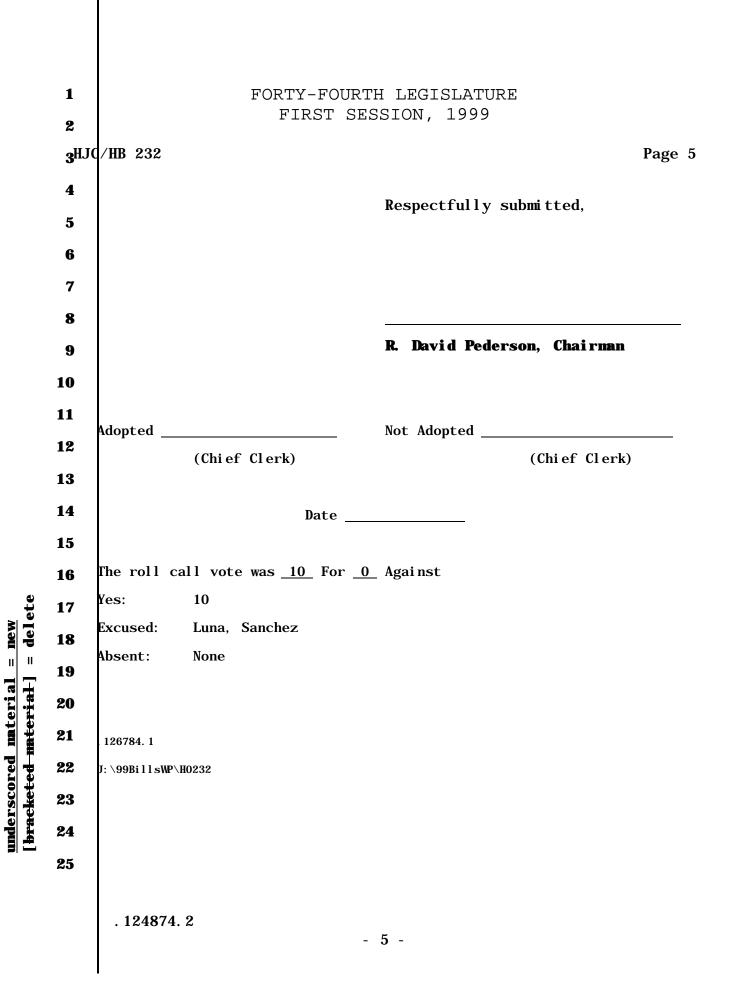
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1	resources shall be recognized and enforced pursuant to the				
2	provisions of intergovernmental agreements entered into by the				
3	Indian child's tribe and the department or another state				
4	agency. <u>An Indian child residing on or off a reservation, as</u>				
5	<u>a citizen of this state, shall have the same right to services</u>				
6	that are available to other children of the state. The cost				
7	of the services provided to an Indian child shall be				
8	determined and provided for in the same manner as services are				
9	made available to other children of the state. The tribal				
10	court, as the court of original jurisdiction, shall retain				
11	jurisdiction and authority over the Indian child."				
12	Section 2. EFFECTIVE DATEThe effective date of the				
13	provisions of this act is July 1, 1999.				
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		1	FORTY- FOURTH LEGI SLATURE				
		2	FIRST SESSION, 1999				
		3					
		4					
		5	February 20, 1999				
		6					
		7	Mr. Speaker:				
		8	Ĩ				
		9	Your APPROPRIATIONS AND FINANCE COMMITTEE, to				
		10	whom has been referred				
		11					
		12	HOUSE BILL 232, as anended				
		13	has had it under consideration and reports same with				
			recommendation that it DO PASS.				
		15					
	ete	16	Respectfully submitted,				
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	5	Adopted _	Not Ado	pted
	6		(Chief Clerk)	(Chief Clerk)
	7			
	8		Date	
	9			
	10	The roll	call vote was <u>11</u> For <u>0</u> Against	
	11	Yes:	11	
	12		Buffett, Parsons, Pearce, Picra	ux, Townsend, Varela
	13	Absent:	None	
	14			
	15	J: \99BillsV	₽\H0232	
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