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SENATE BILL 752

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO AGENCIES; CLARIFYING THE DUTIES OF THE CHILDREN,
YOUTH AND FAMILIES DEPARTMENT; AMENDING SECTIONS OF THE NMSA
1978.

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

Section 1. Section 9-2A-2 NMSA 1978 (being Laws 1992,
Chapter 57, Section 2) is amended to read:

"9-2A-2. PURPOSE. --The purpose of the Children, Youth and
Families Department Act is to establish a department of state
government that shall:

A. administer all laws and exercise all functions
formerly administered and exercised by the youth authority, as
well as administering certain functions related to children,
youth and families that were formerly administered by other
departments or agencies of the state;

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1 B. assist in the development of state policies and
2 plans for services to children, youth and families, including
3 policies and plans that endeavor to strengthen client self-
4 sufficiency and that emphasize prevention without jeopardizing
5 the necessary provision of essential treatment and early
6 intervention services; ~~[and]~~

7 C. advocate for services for children, youth and
8 families as an enduring priority in New Mexico; and

9 D. provide leadership to other agencies that serve
10 children, youth and families to ensure a coordinated and
11 integrated system of care and services for children, youth and
12 families. "

13 Section 2. Section 9-2A-4 NMSA 1978 (being Laws 1992,
14 Chapter 57, Section 4) is amended to read:

15 "9-2A-4. DEPARTMENT CREATED-- DIVISIONS. --

16 A. The "children, youth and families department" is
17 created. The department is a cabinet department and consists
18 of, but is not limited to, ~~[six]~~ five divisions as follows:

- 19 ~~[(1) the administrative services division;~~
20 ~~(2) the preventive services division;~~
21 ~~(3) the risk reduction services division;~~
22 ~~(4) the moderate intervention services~~
23 ~~division;~~
24 ~~(5) the community residential services~~
25 ~~division;~~

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1 ~~(6) the juvenile justice services division,~~
2 ~~until July 1, 1993; and~~
3 ~~(7) the institutional care division, beginning~~
4 ~~July 1, 1993]~~

- 5 (1) the protective services division;
- 6 (2) the juvenile justice division;
- 7 (3) the prevention and intervention division;
- 8 (4) the financial services division; and
- 9 (5) the employee support division.

10 B. The secretary is empowered to organize the
11 department and the divisions specified in Subsection A of this
12 section and may transfer or merge functions between divisions
13 in the interest of efficiency and economy.

14 C. The governor is empowered to merge divisions and
15 to abolish or create divisions of the department by executive
16 order in the interest of efficiency and economy. "

17 Section 3. Section 9-2A-8 NMSA 1978 (being Laws 1992,
18 Chapter 57, Section 8, as amended) is amended to read:

19 "9-2A-8. DEPARTMENT--ADDITIONAL DUTIES.--In addition to
20 other duties provided by law or assigned to the department by
21 the governor, the department shall:

22 A. develop priorities for [state] department
23 services and resources [~~arising out of~~] based on state policy
24 and [~~local planning processes~~] national best-practice standards
25 and local considerations and priorities;

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1 B. strengthen collaboration and coordination in
2 state and local services for children, youth and families by
3 integrating critical functions as appropriate, including
4 service delivery and contracting for services across divisions
5 and related agencies;

6 C. develop and maintain a statewide database,
7 including client tracking of services for children, youth and
8 families;

9 ~~D. develop and disseminate a readily accessible~~
10 ~~resource database;~~

11 ~~E. develop and use community or regional councils~~
12 ~~to establish community priorities and service strategies in~~
13 ~~order to enhance community-level decision-making and creative~~
14 ~~solutions;~~

15 ~~F.]~~ D. develop standards of service within the
16 department that focus on [~~coordination~~] prevention, monitoring
17 and [~~accountability including the development of a plan for~~
18 ~~both process and outcome assessment and evaluation;~~

19 ~~G. review and comment on] outcomes;~~

20 E. analyze policies of other departments that
21 affect children, youth and families [~~including assisting in the~~
22 ~~development of]~~ to encourage common contracting procedures,
23 [~~and]~~ common service definitions and a uniform system of
24 access;

25 ~~H. develop a uniform system of access to services~~

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1 ~~for children, youth and families;~~

2 ~~I.]~~ F. enact regulations to control disposition and
3 placement of children under the Children's Code, including
4 regulations to limit or prohibit the out-of-state placement of
5 children, including those who ~~[are developmentally disabled or~~
6 ~~mentally disordered]~~ have developmental disabilities or
7 emotional, neurobiological or behavioral disorders, when in-
8 state alternatives are available; ~~[and~~

9 ~~J.]~~ G. develop reimbursement criteria for licensed
10 child care centers and licensed home providers establishing
11 that accreditation by a department-approved national
12 accrediting body is sufficient qualification for the child care
13 center or home provider to receive the highest reimbursement
14 rate paid by the department;

15 H. assume and implement the lead responsibility
16 among all departments for children's mental health and
17 substance abuse treatment in the state, coordinating with the
18 human services department and the department of health;

19 I. assume and implement the lead responsibility
20 among all departments for domestic violence services;

21 J. implement prevention and early intervention as a
22 departmental focus; and

23 K. conduct biennial assessments of service gaps and
24 needs and establish outcome measurements to address those
25 service gaps and needs, including recommendations from the

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1 governor's children's cabinet and the children, youth and
2 families advisory committee. "

3 Section 4. Section 9-2A-12 NMSA 1978 (being Laws 1992,
4 Chapter 57, Section 12) is amended to read:

5 "9-2A-12. CHILDREN, YOUTH AND FAMILIES ADVISORY COMMITTEE
6 CREATED- - MEMBERS- - PURPOSE. - -

7 A. The "children, youth and families advisory
8 committee" is created. The committee shall be composed of
9 eleven members appointed by the governor. The governor shall
10 appoint persons with demonstrated interest and involvement in
11 children, youth and family services, particularly those
12 services and programs administered or funded by the department.
13 Members shall be appointed so as to provide adequate
14 representation of ethnic groups and geographic areas of the
15 state. At least two members shall be parents who are
16 recipients of services provided by the department, [and] at
17 least two members shall be youths between the ages of sixteen
18 and twenty-one and at least one member shall be on the
19 governor's youth council.

20 B. The committee shall assist in the development of
21 policies and procedures for the department.

22 C. The members of the children, youth and families
23 advisory committee shall be reimbursed for their services as
24 provided in the Per Diem and Mileage Act and shall receive no
25 other compensation, perquisite or allowance. "

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