

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 223

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

James Roger Madalena

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO INDIAN CHILDREN; REQUIRING CONSIDERATION OF  
CULTURAL NEEDS IN INDIAN CHILD PLACEMENT; ENACTING A NEW  
SECTION OF THE NMSA 1978.

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

Section 1. A new section of Chapter 32A, Article 18 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] CULTURALLY APPROPRIATE PLACEMENTS. -- When a  
court removes an Indian child from the child's family and  
places the child outside the family home, the department shall  
consider the child's cultural needs. Upon determining that a  
placement out of the home is medically necessary for an Indian  
child, the department shall make reasonable efforts to place  
the child in a licensed facility that provides culturally  
competent care and access to appropriate cultural practices,

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 including traditional treatment, as determined in consultation  
2 with the child's tribe. "

3 - 2 -

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25