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AN ACT
RELATING TO THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT;
PROVIDING AUTHORITY TO OBTAIN NATIONWIDE CRIMINAL HISTORY
RECORDS FOR EMPLOYMENT PURPOSES.

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

Section 1. Section 9-2A-8 NMSA 1978 (being Laws 1992,
Chapter 57, Section 8, as amended) is amended to read:

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

A. develop priorities for department services and
resources based on state policy and national best-practice
standards and local considerations and priorities;

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

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

D. develop standards of service within the
department that focus on prevention, monitoring and outcomes;

E. analyze policies of other departments that

1 affect children, youth and families to encourage common
2 contracting procedures, common service definitions and a
3 uniform system of access;

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

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

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

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

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

24 K. conduct biennial assessments of service gaps
25 and needs and establish outcome measurements to address those

1 service gaps and needs, including recommendations from the
2 governor's children's cabinet and the children, youth and
3 families advisory committee;

4 L. ensure that behavioral health services
5 provided, including mental health and substance abuse
6 services for children, adolescents and their families, shall
7 be in compliance with requirements of Section 9-7-6.4 NMSA
8 1978; and

9 M. fingerprint and conduct nationwide criminal
10 history record searches on all department employees whose
11 jobs involve direct contact with department clients,
12 including prospective employees and employees who are
13 promoted, transferred or hired into new positions."

14 Section 2. A new section of the Children, Youth and
15 Families Department Act is enacted to read:

16 "CRIMINAL HISTORY RECORD INVESTIGATIONS--PROCEDURE--
17 CONFIDENTIALITY--VIOLATION--PENALTY.--

18 A. The department shall submit fingerprints for
19 each individual required to be fingerprinted pursuant to the
20 Children, Youth and Families Department Act to the department
21 of public safety and the federal bureau of investigation.

22 B. Criminal histories obtained are confidential
23 and shall be used only for the purpose of determining the
24 suitability of an employee or prospective employee for
25 employment by the department; except that criminal histories

