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SENATE BILL 574

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Nancy Rodriguez

AN ACT

RELATING TO THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT;  
REQUIRING ALL EMPLOYEES, STAFF MEMBERS AND VOLUNTEERS AT THE  
CHILDREN, YOUTH AND FAMILIES DEPARTMENT, INCLUDING PROSPECTIVE  
EMPLOYEES, WHO HAVE DIRECT UNSUPERVISED CONTACT WITH DEPARTMENT  
CLIENTS AND THEIR SUPERIORS TO BE OF GOOD MORAL CHARACTER;  
PROHIBITING ALL PERSONS WHO HAVE BEEN CONVICTED OF A FELONY  
OFFENSE FROM BEING EMPLOYEES, STAFF MEMBERS OR VOLUNTEERS AT  
THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT WHO HAVE DIRECT  
UNSUPERVISED CONTACT WITH DEPARTMENT CLIENTS AND THEIR  
SUPERIORS.

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

**SECTION 1.** A new section of the Children, Youth and  
Families Department Act is enacted to read:

"[NEW MATERIAL] MORAL CHARACTER REQUIREMENT--PROHIBITION

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1 ON CONVICTED FELONS.--

2 A. All employees, staff members and volunteers at  
3 the department, including prospective employees, who have  
4 direct unsupervised contact with department clients and the  
5 superiors of all employees, staff members and volunteers at the  
6 department who have direct unsupervised contact with department  
7 clients, shall be of good moral character.

8 B. No employee, staff member or volunteer at the  
9 department who has direct unsupervised contact with department  
10 clients or the superiors of an employee, staff member or  
11 volunteer at the department who has direct unsupervised contact  
12 with department clients shall have been convicted of a felony  
13 offense by a court of this state, any other state or the United  
14 States."

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

17 "9-2A-8. DEPARTMENT--ADDITIONAL DUTIES.--In addition to  
18 other duties provided by law or assigned to the department by  
19 the governor, the department shall:

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

23 B. strengthen collaboration and coordination in  
24 state and local services for children, youth and families by  
25 integrating critical functions as appropriate, including

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1 service delivery, and contracting for services across divisions  
2 and related agencies;

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

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

8 E. analyze policies of other departments that  
9 affect children, youth and families to encourage common  
10 contracting procedures, common service definitions and a  
11 uniform system of access;

12 F. enact regulations to control disposition and  
13 placement of children under the Children's Code, including  
14 regulations to limit or prohibit the out-of-state placement of  
15 children, including those who have developmental disabilities  
16 or emotional, neurobiological or behavioral disorders, when in-  
17 state alternatives are available;

18 G. develop reimbursement criteria for licensed  
19 child care centers and licensed home providers establishing  
20 that accreditation by a department-approved national  
21 accrediting body is sufficient qualification for the child care  
22 center or home provider to receive the highest reimbursement  
23 rate paid by the department;

24 H. assume and implement responsibility for  
25 children's mental health and substance abuse services in the

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1 state, coordinating with the human services department and the  
2 department of health;

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

5 J. implement prevention and early intervention as a  
6 departmental focus;

7 K. conduct biennial assessments of service gaps and  
8 needs and establish outcome measurements to address those  
9 service gaps and needs, including recommendations from the  
10 governor's children's cabinet and the children, youth and  
11 families advisory committee;

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

16 M. fingerprint and conduct nationwide criminal  
17 history record searches on all department employees, staff  
18 members and volunteers whose jobs involve direct contact with  
19 department clients, including prospective employees and  
20 employees who are promoted, transferred or hired into new  
21 positions, and the superiors of all department employees, staff  
22 members and volunteers who have direct unsupervised contact  
23 with department clients."