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AN ACT

RELATING TO CITIZEN SUBSTITUTE CARE REVIEW BOARDS; PROVIDING FOR THE ADMINISTRATIVE OFFICE OF THE COURTS TO ADMINISTER THE SUBSTITUTE CARE REVIEW BOARD SYSTEM; REVISING THE STATE ADVISORY COMMITTEE COMPOSITION.

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

SECTION 1. Section 32A-8-3 NMSA 1978 (being Laws 1993, Chapter 77, Section 205) is amended to read:

"32A-8-3. ADMINISTRATION--IMPLEMENTATION OF ACT.--The administrative office of the courts shall administer the substitute care review board system using the office's staff or through a contract with a nonprofit organization that has a demonstrated knowledge of the problem of children in substitute care and the issues in permanency planning to operate a statewide system of substitute care review boards."

SECTION 2. Section 32A-8-4 NMSA 1978 (being Laws 1993, Chapter 77, Section 206) is amended to read:

"32A-8-4. STATE ADVISORY COMMITTEE--MEMBERS--  
COMPENSATION--RESPONSIBILITIES.--

A. A state advisory committee shall be composed of eleven persons, including:

(1) the secretary of children, youth and families;

(2) the director of the protective services

1 division of the department;

2 (3) the attorney general;

3 (4) the following members, whom the chief  
4 justice shall appoint:

5 (a) a justice of the supreme court;

6 (b) three children's court judges; and

7 (c) two individuals who are between  
8 seventeen and thirty years of age and who formerly received  
9 foster care in the state; and

10 (5) two public members with expertise in the  
11 area of substitute care, whom the governor shall appoint.

12 B. On July 1, 2015, the chief justice of the  
13 supreme court and the governor shall appoint those state  
14 advisory committee members specified in Paragraphs (4) and  
15 (5) of Subsection A of this section, who shall serve terms of  
16 three years and who may be reappointed. In the event that a  
17 vacancy occurs among appointed members of the state advisory  
18 committee, the original appointing authority shall appoint  
19 another person to serve the unexpired portion of the term.

20 C. The chief justice of the supreme court shall  
21 select a chairperson, a vice chairperson and other officers  
22 as the chief justice deems necessary.

23 D. The state advisory committee shall meet no less  
24 than twice annually and more frequently upon the call of the  
25 chairperson. The state advisory committee shall review and

1 study the purpose, structure, functions and oversight of the  
2 substitute care review boards. The state advisory committee  
3 is authorized to adopt rules relating to the functions and  
4 procedures of the substitute care review boards and the state  
5 advisory committee in accordance with the duties of the  
6 boards as provided in the Citizen Substitute Care Review Act.  
7 The state advisory committee shall make a report with its  
8 recommendations to the department, the courts and the  
9 appropriate interim legislative committees, on or before  
10 November 1 of each year, regarding statutes, policies and  
11 procedures relating to substitute care. This report shall  
12 include recommendations regarding any changes to the local  
13 substitute care review boards.

14 E. The administrative office of the courts shall  
15 report to the legislative health and human services committee  
16 in 2018 and every four years thereafter as to the  
17 effectiveness and functions of the Citizen Substitute Care  
18 Review Act.

19 F. State advisory committee members shall receive  
20 per diem and mileage as provided for nonsalaried public  
21 officers in the Per Diem and Mileage Act, unless a different  
22 provision of that act applies to a specific member, in which  
23 case that member shall be paid pursuant to the applicable  
24 provision. Members shall receive no other compensation,  
25 perquisite or allowance."

1 SECTION 3. Section 32A-8-5 NMSA 1978 (being Laws 1993,  
2 Chapter 77, Section 207) is amended to read:

3 "32A-8-5. APPOINTMENTS--EXCLUSION--TERMS--TRAINING--  
4 COMPENSATION--MEETINGS.--

5 A. The state advisory committee shall establish no  
6 fewer than three substitute care review boards. The  
7 administrative office of the courts or a contractor that is  
8 selected by the administrative office of the courts pursuant  
9 to the provisions of Section 32A-8-3 NMSA 1978 shall  
10 administer substitute care review boards as provided in the  
11 Citizen Substitute Care Review Act. The composition of each  
12 board shall, to the maximum extent feasible, represent the  
13 various socioeconomic, racial and ethnic groups of the  
14 community that each board serves.

15 B. Criteria for membership and tenure on  
16 substitute care review boards shall be determined by the  
17 state advisory committee. No person employed by the  
18 administrative office of the courts, the department or a  
19 district court may serve on a substitute care review board.

20 C. The state advisory committee shall determine  
21 the structure for each substitute care review board. In  
22 consultation with local children's court judges, the chief  
23 justice of the supreme court shall appoint the members and  
24 officers of each substitute care review board.

25 D. Substitute care review board members may

1 receive per diem and mileage as provided for nonsalaried  
2 public officers in the Per Diem and Mileage Act and shall  
3 receive no other compensation, perquisite or allowance."

4 SECTION 4. Section 32A-8-6 NMSA 1978 (being Laws 1993,  
5 Chapter 77, Section 208) is repealed and a new  
6 Section 32A-8-6 NMSA 1978 is enacted to read:

7 "32A-8-6. SUBSTITUTE CARE REVIEW BOARDS.--

8 A. The state advisory committee shall establish  
9 substitute care review boards that provide opportunities for  
10 citizens to play an integral role in furthering the purposes  
11 of the Citizen Substitute Care Review Act. The state  
12 advisory committee shall identify focus areas and case  
13 selection criteria for the substitute care review boards.

14 B. Upon request of the state advisory committee, a  
15 substitute care review board shall prepare a report that  
16 summarizes the activities of that board and provides  
17 recommendations to the state advisory committee."

18 SECTION 5. Section 32A-8-7 NMSA 1978 (being Laws 1993,  
19 Chapter 77, Section 209) is amended to read:

20 "32A-8-7. CITIZEN SUBSTITUTE CARE REVIEW--TRANSFER--  
21 FUNDS--CONTRACTS.--

22 A. On July 1, 2015, all records, money, property,  
23 equipment and supplies of the department of finance and  
24 administration relating to the Citizen Substitute Care Review  
25 Act shall be transferred to the administrative office of the

1 courts.

2 B. On July 1, 2015, all appropriations, contract  
3 funds and funds for contract administration and staff, the  
4 cost of advisory committee per diem and travel, training and  
5 all other costs relating to the Citizen Substitute Care  
6 Review Act shall be transferred from the department of  
7 finance and administration to the administrative office of  
8 the courts.

9 C. On July 1, 2015, all existing rules and  
10 regulations and contracts in effect as of January 1, 2015  
11 with the department of finance and administration for  
12 providing a statewide system of substitute care review boards  
13 shall be binding and effective on the administrative office  
14 of the courts."

15 SECTION 6. Section 32A-1-7 NMSA 1978 (being Laws 1993,  
16 Chapter 77, Section 16, as amended) is amended to read:

17 "32A-1-7. GUARDIAN AD LITEM--POWERS AND DUTIES.--

18 A. A guardian ad litem shall zealously represent  
19 the child's best interests in the proceeding for which the  
20 guardian ad litem has been appointed and in any subsequent  
21 appeals.

22 B. Unless excused by a court, a guardian ad litem  
23 appointed to represent a child's best interests shall  
24 continue the representation in any subsequent appeals.

25 C. Any party may petition the court for an order

1 to remove a guardian ad litem on the grounds that the  
2 guardian ad litem has a conflict of interest or is unwilling  
3 or unable to zealously represent the child's best interests.

4 D. After consultation with the child, a guardian  
5 ad litem shall convey the child's declared position to the  
6 court at every hearing.

7 E. Unless a child's circumstances render the  
8 following duties and responsibilities unreasonable, a  
9 guardian ad litem shall:

10 (1) meet with and interview the child prior  
11 to custody hearings, adjudicatory hearings, dispositional  
12 hearings, judicial reviews and any other hearings scheduled  
13 in accordance with the provisions of the Children's Code;

14 (2) communicate with health care, mental  
15 health care and other professionals involved with the child's  
16 case;

17 (3) review medical and psychological reports  
18 relating to the child and the respondents;

19 (4) contact the child prior to any proposed  
20 change in the child's placement;

21 (5) contact the child after changes in the  
22 child's placement;

23 (6) report to the court on the child's  
24 adjustment to placement, the department's and respondent's  
25 compliance with prior court orders and treatment plans and

1 the child's degree of participation during visitations; and

2 (7) represent and protect the cultural needs  
3 of the child.

4 F. A guardian ad litem may retain separate counsel  
5 to represent the child in a tort action on a contingency fee  
6 basis or any other cause of action in proceedings that are  
7 outside the jurisdiction of the children's court. When a  
8 guardian ad litem retains separate counsel to represent the  
9 child, the guardian ad litem shall provide the court with  
10 written notice within ten days of retaining the separate  
11 counsel. A guardian ad litem shall not retain or  
12 subsequently obtain any pecuniary interest in an action filed  
13 on behalf of the child outside of the jurisdiction of the  
14 children's court.

15 G. In the event of a change of venue, the  
16 originating guardian ad litem shall remain on the case until  
17 a new guardian ad litem is appointed by the court in the new  
18 venue and the new guardian ad litem has communicated with and  
19 received all pertinent information from the former guardian  
20 ad litem.

21 H. A guardian ad litem shall receive notices,  
22 pleadings or other documents required to be provided to or  
23 served upon a party. A guardian ad litem may file motions  
24 and other pleadings and take other actions consistent with  
25 the guardian ad litem's powers and duties.

1 I. A guardian ad litem shall not serve  
2 concurrently as both the child's delinquency attorney and  
3 guardian ad litem."

4 SECTION 7. Section 32A-3B-22 NMSA 1978 (being Laws  
5 1993, Chapter 77, Section 94, as amended) is amended to read:

6 "32A-3B-22. CONFIDENTIALITY--RECORDS--PENALTY.--

7 A. All records or information concerning a family  
8 in need of court-ordered services, including social records,  
9 diagnostic evaluation, psychiatric or psychological reports,  
10 videotapes, transcripts and audio recordings of a child's  
11 statement of abuse or medical reports, obtained as a result  
12 of an investigation in anticipation of or incident to a  
13 family in need of court-ordered services proceeding shall be  
14 confidential and closed to the public.

15 B. The records described in Subsection A of this  
16 section shall be disclosed only to the parties and to:

- 17 (1) court personnel;
- 18 (2) court appointed special advocates;
- 19 (3) the child's guardian ad litem or  
20 attorney;
- 21 (4) the child's attorney representing the  
22 child in an abuse or neglect action, a delinquency action or  
23 any other action, including a public defender;
- 24 (5) department personnel;
- 25 (6) any substitute care review board or any

1 agency contracted to implement substitute care review boards;

2 (7) law enforcement officials;

3 (8) district attorneys;

4 (9) a state or tribal government social  
5 services agency of any state;

6 (10) those persons or entities of an Indian  
7 tribe specifically authorized to inspect the records pursuant  
8 to the federal Indian Child Welfare Act of 1978 or any  
9 regulations promulgated thereunder;

10 (11) tribal juvenile justice system and  
11 social service representatives;

12 (12) a foster parent, if the records are  
13 those of a child currently placed with that foster parent or  
14 of a child being considered for placement with that foster  
15 parent and the records concern the social, medical,  
16 psychological or educational needs of the child;

17 (13) school personnel involved with the  
18 child, if the records concern the child's social or  
19 educational needs;

20 (14) health care or mental health  
21 professionals involved in the evaluation or treatment of the  
22 child, the child's parents, guardian or custodian or other  
23 family members;

24 (15) protection and advocacy  
25 representatives, pursuant to the federal Developmental

1 Disabilities Assistance and Bill of Rights Act and the  
2 federal Protection and Advocacy for Mentally Ill Individuals  
3 Amendments Act of 1991; and

4 (16) any other person or entity, by order of  
5 the court, having a legitimate interest in the case or the  
6 work of the court.

7 C. Whoever intentionally and unlawfully releases  
8 any information or records that are closed to the public  
9 pursuant to the provisions of the Children's Code or releases  
10 or makes other unlawful use of records in violation of that  
11 code is guilty of a petty misdemeanor.

12 D. The department shall promulgate rules for  
13 implementing disclosure of records pursuant to this section  
14 and in compliance with state and federal law and the  
15 Children's Court Rules."

16 SECTION 8. Section 32A-4-25 NMSA 1978 (being Laws 1993,  
17 Chapter 77, Section 119, as amended) is amended to read:

18 "32A-4-25. PERIODIC REVIEW OF DISPOSITIONAL  
19 JUDGMENTS.--

20 A. The initial judicial review shall be held  
21 within sixty days of the disposition. At the initial review,  
22 the parties shall demonstrate to the court efforts made to  
23 implement the treatment plan approved by the court in its  
24 dispositional order. The court shall determine the extent to  
25 which the treatment plan has been implemented and make

1 supplemental orders as necessary to ensure compliance with  
2 the treatment plan and the safety of the child.

3 B. Subsequent periodic reviews of dispositional  
4 orders shall be held within six months of the conclusion of  
5 the permanency hearing or, if a motion has been filed for  
6 termination of parental rights or permanent guardianship,  
7 within six months of the decision on that motion and every  
8 six months thereafter. The review may be carried out by  
9 either of the following:

10 (1) a judicial review hearing conducted by  
11 the court; or

12 (2) a judicial review hearing conducted by a  
13 special master appointed by the court; provided, however,  
14 that the court approve any findings made by the special  
15 master.

16 C. The children's court attorney shall give notice  
17 to all parties, including the child by and through the  
18 child's guardian ad litem or attorney, the child's CASA and  
19 the child's foster parent or substitute care provider of the  
20 time, place and purpose of any judicial review hearing held  
21 pursuant to Subsection A or B of this section.

22 D. At any judicial review hearing held pursuant to  
23 Subsection B of this section, the department, the child's  
24 guardian ad litem or attorney and all parties given notice  
25 pursuant to Subsection C of this section shall have the

1 opportunity to present evidence and to cross-examine  
2 witnesses. At the hearing, the department shall show that it  
3 has made reasonable effort to implement any treatment plan  
4 approved by the court in its dispositional order and shall  
5 present a treatment plan consistent with the purposes of the  
6 Children's Code for any period of extension of the  
7 dispositional order. The respondent shall demonstrate to the  
8 court that efforts to comply with the treatment plan approved  
9 by the court in its dispositional order and efforts to  
10 maintain contact with the child were diligent and made in  
11 good faith. The court shall determine the extent of  
12 compliance with the treatment plan and whether progress is  
13 being made toward establishing a stable and permanent  
14 placement for the child.

15 E. The Rules of Evidence shall not apply to  
16 hearings held pursuant to this section. The court may admit  
17 testimony by any person given notice of the hearing who has  
18 information about the status of the child or the status of  
19 the treatment plan.

20 F. At the conclusion of any hearing held pursuant  
21 to this section, the court shall make findings of fact and  
22 conclusions of law.

23 G. When the child is an Indian child, the court  
24 shall determine during review of a dispositional order  
25 whether the placement preferences set forth in the federal

1 Indian Child Welfare Act of 1978 or the placement preferences  
2 of the child's Indian tribe were followed and whether the  
3 child's treatment plan provides for maintaining the child's  
4 cultural ties. When placement preferences have not been  
5 followed, good cause for noncompliance shall be clearly  
6 stated and supported.

7 H. Based on its findings at a judicial review  
8 hearing held pursuant to Subsection B of this section, the  
9 court shall order one of the following dispositions:

10 (1) dismiss the action and return the child  
11 to the child's parent without supervision if the court finds  
12 that conditions in the home that led to abuse have been  
13 corrected and it is now safe for the return of the abused  
14 child;

15 (2) permit the child to remain with the  
16 child's parent, guardian or custodian subject to those  
17 conditions and limitations the court may prescribe, including  
18 protective supervision of the child by the department;

19 (3) return the child to the child's parent  
20 and place the child under the protective supervision of the  
21 department;

22 (4) transfer or continue legal custody of  
23 the child to:

24 (a) the noncustodial parent, if that is  
25 found to be in the child's best interests;

1 (b) a relative or other individual who,  
2 after study by the department or other agency designated by  
3 the court, is found by the court to be qualified to receive  
4 and care for the child and is appointed as a permanent  
5 guardian of the child; or

6 (c) the department, subject to the  
7 provisions of Paragraph (6) of this subsection;

8 (5) continue the child in the legal custody  
9 of the department with or without any required parental  
10 involvement in a treatment plan. Reasonable efforts shall be  
11 made to preserve and reunify the family, with the paramount  
12 concern being the child's health and safety unless the court  
13 finds that such efforts are not required. The court may  
14 determine that reasonable efforts are not required to be made  
15 when the court finds that:

16 (a) the efforts would be futile; or

17 (b) the parent, guardian or custodian  
18 has subjected the child to aggravated circumstances;

19 (6) make additional orders regarding the  
20 treatment plan or placement of the child to protect the  
21 child's best interests if the court determines the department  
22 has failed in implementing any material provision of the  
23 treatment plan or abused its discretion in the placement or  
24 proposed placement of the child; or

25 (7) if during a judicial review the court

1 finds that the child's parent, guardian or custodian has not  
2 complied with the court-ordered treatment plan, the court may  
3 order:

4 (a) the child's parent, guardian or  
5 custodian to show cause why the parent, guardian or custodian  
6 should not be held in contempt of court; or

7 (b) a hearing on the merits of  
8 terminating parental rights.

9 I. Dispositional orders entered pursuant to this  
10 section shall remain in force for a period of six months,  
11 except for orders that provide for transfer of the child to  
12 the child's noncustodial parent or to a permanent guardian.

13 J. When the court determines, pursuant to  
14 Paragraph (5) of Subsection H of this section, that no  
15 reasonable efforts at reunification are required, the court  
16 shall conduct, within thirty days, a permanency hearing as  
17 described in Section 32A-4-25.1 NMSA 1978. Reasonable  
18 efforts shall be made to place the child in a timely manner  
19 in accordance with the permanency plan and to complete  
20 whatever steps are necessary to finalize the permanent  
21 placement of the child."

22 SECTION 9. Section 32A-4-25.1 NMSA 1978 (being Laws  
23 1997, Chapter 34, Section 8, as amended) is amended to read:

24 "32A-4-25.1. PERMANENCY HEARINGS--PERMANENCY REVIEW  
25 HEARINGS.--

1           A. A permanency hearing shall be commenced within  
2 six months of the initial judicial review of a child's  
3 dispositional order or within twelve months of a child  
4 entering foster care pursuant to Subsection D of this  
5 section, whichever occurs first. Prior to the initial  
6 permanency hearing, all parties to the hearing shall attend a  
7 mandatory meeting and attempt to settle issues attendant to  
8 the permanency hearing and develop a proposed treatment plan  
9 that serves the child's best interest.

10           B. At the permanency hearing, all parties shall  
11 have the opportunity to present evidence and to cross-examine  
12 witnesses. At the conclusion of the permanency hearing, the  
13 court shall order one of the following permanency plans for  
14 the child:

15                   (1) reunification;

16                   (2) placement for adoption after the  
17 parents' rights have been relinquished or terminated or after  
18 a motion has been filed to terminate parental rights;

19                   (3) placement with a person who will be the  
20 child's permanent guardian;

21                   (4) placement in the legal custody of the  
22 department with the child placed in the home of a fit and  
23 willing relative; or

24                   (5) placement in the legal custody of the  
25 department under a planned permanent living arrangement,

1 provided that there is substantial evidence that none of the  
2 above plans is appropriate for the child.

3 C. If the court adopts a permanency plan of  
4 reunification, the court shall adopt a plan for transitioning  
5 the child home and schedule a permanency review hearing  
6 within three months. If the child is reunified, the  
7 subsequent hearing may be vacated.

8 D. If the court adopts a permanency plan other  
9 than reunification, the court shall determine whether the  
10 department has made reasonable efforts to identify and locate  
11 all grandparents and other relatives. The court shall also  
12 determine whether the department has made reasonable efforts  
13 to conduct home studies on any appropriate relative  
14 expressing an interest in providing permanency for the child.  
15 The court must ensure the consideration has been given to the  
16 child's familial identity and connections. If the court  
17 finds that reasonable efforts have not been made to identify  
18 or locate grandparents and other relatives or to conduct home  
19 studies on appropriate and willing relatives, the court shall  
20 schedule a permanency review within sixty days to determine  
21 whether an appropriate relative placement has been made. If  
22 a relative placement is made, the subsequent hearing may be  
23 vacated.

24 E. At the permanency review hearing, all parties  
25 and the child's guardian ad litem or attorney shall have the

1 opportunity to present evidence and cross-examine witnesses.

2 Based on the evidence, the court shall:

3 (1) change the plan from reunification to  
4 one of the alternative plans provided in Subsection B of this  
5 section;

6 (2) dismiss the case and return custody of  
7 the child to the child's parent, guardian or custodian; or

8 (3) return the child to the custody of the  
9 child's parent, guardian or custodian, subject to any  
10 conditions or limitations as the court may prescribe,  
11 including protective supervision of the child by the  
12 department and continuation of the treatment plan for not  
13 more than six months, after which the case shall be  
14 dismissed. The department may seek removal of a child from  
15 the home by obtaining an order in the pending case or by  
16 seeking emergency removal under Section 32A-4-6 NMSA 1978  
17 during the period of protective supervision if the child's  
18 best interest requires such action. When a child is removed  
19 in this situation, a permanency hearing shall be scheduled  
20 within thirty days of the child coming back into the  
21 department's legal custody.

22 F. The court shall hold a permanency hearing and  
23 adopt a permanency plan for a child within twelve months of  
24 the child entering foster care. For purposes of this  
25 section, a child shall be considered to have entered foster

1 care on the earlier of:

2 (1) the date of the first judicial finding  
3 that the child has been abused or neglected; or

4 (2) sixty days after the date on which the  
5 child was removed from the home.

6 G. The court shall hold permanency hearings every  
7 twelve months when a child is in the legal custody of the  
8 department.

9 H. The children's court attorney shall give notice  
10 to all parties, including the child by and through the  
11 child's guardian ad litem or attorney, the child's CASA and  
12 the child's foster parent or substitute care provider of the  
13 time, place and purpose of any permanency hearing or  
14 permanency review hearing held pursuant to this section.

15 I. The Rules of Evidence shall not apply to  
16 permanency hearings. The court may admit testimony by any  
17 person given notice of the permanency hearing who has  
18 information about the status of the child or the status of  
19 the treatment plan. All testimony shall be subject to  
20 cross-examination."

21 SECTION 10. Section 32A-4-33 NMSA 1978 (being Laws  
22 1993, Chapter 77, Section 127, as amended) is amended to  
23 read:

24 "32A-4-33. CONFIDENTIALITY--RECORDS--PENALTY.--

25 A. All records or information concerning a party

1 to a neglect or abuse proceeding, including social records,  
2 diagnostic evaluations, psychiatric or psychological reports,  
3 videotapes, transcripts and audio recordings of a child's  
4 statement of abuse or medical reports incident to or obtained  
5 as a result of a neglect or abuse proceeding or that were  
6 produced or obtained during an investigation in anticipation  
7 of or incident to a neglect or abuse proceeding shall be  
8 confidential and closed to the public.

9 B. The records described in Subsection A of this  
10 section shall be disclosed only to the parties and:

- 11 (1) court personnel;
- 12 (2) court-appointed special advocates;
- 13 (3) the child's guardian ad litem;
- 14 (4) the attorney representing the child in  
15 an abuse or neglect action, a delinquency action or any other  
16 action under the Children's Code;
- 17 (5) department personnel;
- 18 (6) any substitute care review board or any  
19 agency contracted to implement substitute care review boards;
- 20 (7) law enforcement officials, except when  
21 use immunity is granted pursuant to Section 32A-4-11  
22 NMSA 1978;
- 23 (8) district attorneys, except when use  
24 immunity is granted pursuant to Section 32A-4-11 NMSA 1978;
- 25 (9) any state government social services

1 agency in any state or when, in the opinion of the department  
2 it is in the best interest of the child, a governmental  
3 social services agency of another country;

4 (10) those persons or entities of an Indian  
5 tribe specifically authorized to inspect the records pursuant  
6 to the federal Indian Child Welfare Act of 1978 or any  
7 regulations promulgated thereunder;

8 (11) a foster parent, if the records are  
9 those of a child currently placed with that foster parent or  
10 of a child being considered for placement with that foster  
11 parent and the records concern the social, medical,  
12 psychological or educational needs of the child;

13 (12) school personnel involved with the  
14 child if the records concern the child's social or  
15 educational needs;

16 (13) health care or mental health  
17 professionals involved in the evaluation or treatment of the  
18 child or of the child's parents, guardian, custodian or other  
19 family members;

20 (14) protection and advocacy representatives  
21 pursuant to the federal Developmental Disabilities Assistance  
22 and Bill of Rights Act and the federal Protection and  
23 Advocacy for Mentally Ill Individuals Amendments Act of 1991;

24 (15) children's safehouse organizations  
25 conducting investigatory interviews of children on behalf of

1 a law enforcement agency or the department; and

2 (16) any other person or entity, by order of  
3 the court, having a legitimate interest in the case or the  
4 work of the court.

5 C. A parent, guardian or legal custodian whose  
6 child has been the subject of an investigation of abuse or  
7 neglect where no petition has been filed shall have the right  
8 to inspect any medical report, psychological evaluation, law  
9 enforcement reports or other investigative or diagnostic  
10 evaluation; provided that any identifying information related  
11 to the reporting party or any other party providing  
12 information shall be deleted. The parent, guardian or legal  
13 custodian shall also have the right to the results of the  
14 investigation and the right to petition the court for full  
15 access to all department records and information except those  
16 records and information the department finds would be likely  
17 to endanger the life or safety of any person providing  
18 information to the department.

19 D. Whoever intentionally and unlawfully releases  
20 any information or records closed to the public pursuant to  
21 the Abuse and Neglect Act or releases or makes other unlawful  
22 use of records in violation of that act is guilty of a petty  
23 misdemeanor and shall be sentenced pursuant to the provisions  
24 of Section 31-19-1 NMSA 1978.

25 E. The department shall promulgate rules for

1 implementing disclosure of records pursuant to this section  
2 and in compliance with state and federal law and the  
3 Children's Court Rules."

4 SECTION 11. EFFECTIVE DATE.--The effective date of the  
5 provisions of this act is July 1, 2015. \_\_\_\_\_

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