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AN ACT

RELATING TO EMERGENCY PLACEMENT OF CHILDREN; REQUIRING IMMEDIATE REMOVAL OF CHILDREN FROM EMERGENCY PLACEMENT HOMES UNDER CERTAIN CIRCUMSTANCES; ALLOWING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO PERFORM CRIMINAL HISTORY RECORD CHECKS; DECLARING AN EMERGENCY.

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

SECTION 1. Section 32A-3A-11 NMSA 1978 (being Laws 2013, Chapter 50, Section 1) is amended to read:

"32A-3A-11. EMERGENCY PLACEMENT--CRIMINAL HISTORY RECORD CHECK.--

A. In an emergency placement situation, when a child must be placed in a home due to the absence of parents or custodians, the department or a criminal justice agency shall perform a federal name-based criminal history record check of each adult residing in the home. The results of the name-based check shall be provided to the department, and, within fifteen days from the date that the name-based check was conducted, the department shall provide a complete set of each adult resident's fingerprints to the department of public safety for immediate submission to the federal bureau of investigation. The department of public safety shall positively identify the fingerprint subject, if possible, and forward the fingerprints to the federal bureau of

1 investigation within fifteen calendar days from the date that
2 the name-based search was conducted. The child shall be
3 removed from the home immediately if any adult resident fails
4 to provide fingerprints or written permission to perform a
5 federal criminal history record check when requested to do
6 so.

7 B. When placement of a child in a home is denied
8 as a result of a name-based criminal history record check of
9 a resident and the resident contests that denial, the
10 resident shall, within five business days, submit to the
11 department a complete set of the resident's fingerprints with
12 written permission allowing the department to forward the
13 fingerprints to the department of public safety for
14 submission to the federal bureau of investigation. The
15 resident shall be entitled to review the information obtained
16 from the resident's criminal history record check if that
17 check was performed using the resident's fingerprints
18 submitted pursuant to this subsection.

19 C. The department may charge the federal fee for
20 processing a fingerprint-based criminal history record check
21 pursuant to this section. The department of public safety
22 shall not charge a state fee for processing a
23 fingerprint-based criminal history record check pursuant to
24 this section.

25 D. As used in this section, "emergency placement"

1 refers to those limited instances when the department is
2 placing a child in the home of private individuals, including
3 neighbors, friends or relatives, as a result of sudden
4 unavailability of the child's primary caretaker."

5 SECTION 2. EMERGENCY.--It is necessary for the public
6 peace, health and safety that this act take effect
7 immediately. _____

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