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AN ACT

RELATING TO JUVENILE DELINQUENCY; REQUIRING NOTICE TO NATIVE AMERICAN NATIONS, TRIBES AND PUEBLOS IN CERTAIN PROCEEDINGS CONCERNING NATIVE AMERICAN MINORS.

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

SECTION 1. Section 32A-1-14 NMSA 1978 (being Laws 1993, Chapter 77, Section 23, as amended) is amended to read:

"32A-1-14. NOTICE TO INDIAN TRIBES.--

A. In a case involving a family in need of court-ordered services, if the child is an Indian child, the Indian child's tribe shall be notified when the petition is filed. The form of the notice shall comply with the provisions of the federal Indian Child Welfare Act of 1978.

B. In abuse, neglect or adoption proceedings, if the child is an Indian child, the Indian child's tribe shall be notified. The form of the notice shall comply with the provisions of the federal Indian Child Welfare Act of 1978.

C. In a delinquency proceeding, if the child is an Indian child, the Indian child's tribe shall be notified of the filing of the petition via certified mail."

SECTION 2. Section 32A-2-5 NMSA 1978 (being Laws 1993, Chapter 77, Section 34, as amended) is amended to read:

"32A-2-5. JUVENILE PROBATION AND PAROLE SERVICES-- ESTABLISHMENT--JUVENILE PROBATION AND PAROLE OFFICERS--POWERS

1 AND DUTIES.--

2 A. Juvenile probation and parole services shall be
3 provided by the department.

4 B. To carry out the objectives and provisions of
5 the Delinquency Act, but subject to its limitations, the
6 department has the power and duty to:

7 (1) receive and examine complaints and
8 allegations that a child is a delinquent child for the
9 purpose of considering beginning a proceeding pursuant to the
10 provisions of the Delinquency Act;

11 (2) make case referrals for services as
12 appear appropriate or desirable;

13 (3) make predisposition studies and
14 assessments and submit reports and recommendations to the
15 court;

16 (4) supervise and assist a child placed on
17 probation or supervised release or under supervision by court
18 order or by the department;

19 (5) give notice to any individual who has
20 been the subject of a petition filed pursuant to the
21 provisions of the Delinquency Act of the sealing of that
22 individual's records in accordance with that act;

23 (6) informally dispose of up to three
24 misdemeanor charges brought against a child within two years;

25 (7) give notice to the children's court

1 attorney of the receipt of any felony complaint and of any
2 recommended adjustment of such felony complaint;

3 (8) identify an Indian child for the purpose
4 of contacting the Indian child's tribe in delinquency cases;
5 and

6 (9) upon receipt of a referral, contact an
7 Indian child's tribe to consult and exchange information for
8 the purpose of collaborating on appropriate referrals for
9 services along with case planning throughout the period of
10 involvement with juvenile justice services.

11 C. A juvenile probation and parole officer does
12 not have the powers of a law enforcement officer. A juvenile
13 probation and parole officer may take into physical custody
14 and place in detention, subject to application of a detention
15 risk assessment instrument, a child who is under supervision
16 as a delinquent child or as a youthful offender when there is
17 reasonable cause to believe that the child has violated the
18 conditions of the child's probation or that the child may
19 leave the jurisdiction of the court. Taking a child into
20 custody under this subsection is subject to and shall proceed
21 in accordance with the provisions of the Delinquency Act
22 relating to custody and detention procedures and criteria."_____