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SENATE BILL 1207

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

L. SKIP VERNON

AN ACT

RELATING TO CHILDREN; PROVIDING THAT LAW ENFORCEMENT AGENCIES
HAVE THE RESPONSIBILITY TO INVESTIGATE CERTAIN REPORTS OF
ALLEGED CHILD ABUSE OR NEGLECT; AMENDING A SECTION OF THE
CHILDREN' S CODE.

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

Section 1. Section 32A-4-3 NMSA 1978 (being Laws 1993,
Chapter 77, Section 97) is amended to read:

"32A-4-3. DUTY TO REPORT CHILD ABUSE AND CHILD NEGLECT--
PENALTY. --

A. Every person, including but not limited to a
licensed physician, a resident or an intern examining, attending
or treating a child, a law enforcement officer, a judge
presiding during any proceeding, a registered nurse, a visiting
nurse, a schoolteacher or a school official or social worker

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1 acting in an official capacity who knows or has a reasonable
2 suspicion that a child is an abused or a neglected child shall
3 report the matter immediately to:

- 4 (1) a local law enforcement agency;
- 5 (2) the department office in the county where
6 the child resides; or
- 7 (3) tribal law enforcement or social services
8 agencies for any Indian child residing in Indian country.

9 B. Any law enforcement agency receiving the report
10 shall immediately transmit the facts of the report and the name,
11 address and phone number of the reporter by telephone to the
12 department office in the county where the child resides and
13 shall transmit the same information in writing within
14 forty-eight hours. Any office of the department receiving a
15 report shall immediately transmit the facts of the report and
16 the name, address and phone number of the reporter by telephone
17 to a local law enforcement agency and shall transmit the same
18 information in writing within forty-eight hours. The written
19 report shall contain the names and addresses of the child and
20 the child's parents, guardian or custodian, the child's age, the
21 nature and extent of the child's injuries, including any
22 evidence of previous injuries, and other information that the
23 maker of the report believes might be helpful in establishing
24 the cause of the injuries and the identity of the person [~~or~~
25 ~~persons~~] responsible for the injuries. The written report shall

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1 be submitted upon a standardized form agreed to by the law
2 enforcement agency and the department.

3 C. The recipient of the report under Subsection A of
4 this section shall take immediate steps to ensure prompt
5 investigation of the report. The investigation shall ensure
6 that immediate steps are taken to protect the health or welfare
7 of the alleged abused or neglected child, as well as that of any
8 other child under the same care who may be in danger of abuse or
9 neglect.

10 D. Upon a determination by the department that any
11 child may have suffered or is in imminent danger of suffering
12 abuse or neglect while in the care or control of or in a child
13 care facility or family day-care home, the department shall
14 immediately notify the parents of the child and the agency
15 responsible for licensing the child care facility or family
16 day-care home. No determination shall be made prior to
17 consultation with the facility.

18 E. If the child alleged to be abused or neglected is
19 in the care or control of or in a facility administratively
20 connected to the department, the report shall be investigated
21 [~~through the office of the district attorney~~] by a local law
22 enforcement agency. The investigation shall ensure that
23 immediate steps are taken to protect the health or welfare of
24 the alleged abused or neglected child, as well as that of any
25 other child under the same care who may be in danger of abuse or

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1 neglect.

2 F. A law enforcement agency or the department shall
3 have access to any of the records pertaining to a child abuse or
4 neglect case maintained by any of the persons enumerated in
5 Subsection A of this section, except as otherwise provided in
6 the Abuse and Neglect Act.

7 G. Any person who violates the provisions of
8 Subsection A of this section is guilty of a misdemeanor and
9 shall be sentenced pursuant to the provisions of Section 31-19-1
10 NMSA 1978. "

11 Section 2. EFFECTIVE DATE. -- The effective date of the
12 provisions of this act is July 1, 1997.

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