

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 651

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Joe Thompson

AN ACT

RELATING TO CHILDREN'S COURT PROCEEDINGS; CLARIFYING
PROVISIONS REGARDING TRANSFER OF A PROCEEDING; AMENDING A
SECTION OF THE CHILDREN'S CODE.

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

Section 1. Section 32A-1-9 NMSA 1978 (being Laws 1993,
Chapter 77, Section 18) is amended to read:

"32A-1-9. VENUE AND TRANSFER. --

A. Proceedings in the court under the provisions
of the Children's Code shall begin in the county where the
child resides. If delinquency is alleged, the proceeding may
also be begun in the county where the act constituting the
alleged delinquent act occurred or in the county in which the
child is detained. Neglect, abuse, family in need of court-
ordered services or mental health proceedings may also begin

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = del ete

1 in the county where the child is present when the proceeding
2 is commenced.

3 B. The venue for proceedings under other laws will
4 be determined by the venue provisions of the other laws. If
5 the other laws contain no venue provisions, then the venue and
6 transfer provisions of Subsections A and C of this section
7 apply.

8 C. If a proceeding is begun in a court for a
9 county other than the county in which the child resides, that
10 court, on its own motion or on the motion of a party made at
11 any time prior to disposition of the proceeding, may transfer
12 the proceeding to the court for the county of the child's
13 residence for such further proceedings as the receiving court
14 deems proper. A like transfer may be made if the residence of
15 the child changes during or after the proceeding. Certified
16 copies of all legal and social records pertaining to the
17 proceeding shall accompany the case on transfer.

18 D. In neglect, abuse, family in need of court-
19 ordered services or adoption proceedings for the placement of
20 an Indian child, the court shall, in the absence of good cause
21 to the contrary, transfer the proceeding to the jurisdiction
22 of the Indian child's tribe upon the petition of the Indian
23 child's parent, the Indian child's custodian or the Indian
24 child's tribe. The transfer shall be barred if there is an
25 objection to the transfer by a parent of the Indian child or

1 the Indian child's tribe. "

2 Section 2. EFFECTIVE DATE. --The effective date of the
3 provisions of this act is July 1, 1999.

4 - 3 -

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

underscored material = new
[bracketed material] = delete

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
4
5

6 March 9, 1999
7

8 Mr. Speaker:
9

10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 HOUSE BILL 651
13

14 has had it under consideration and reports same with
15 recommendation that it DO PASS.
16

17 Respectfully submitted,
18

19
20 _____
21 R. David Pederson, Chairman
22
23
24
25

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/HB 651

Page 5

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

Excused: Godbey, Luna, Martinez, Rios, Vaughn, Sanchez

Absent: None

J: \99BillsWP\H0651

underscored material = new
[bracketed material] = delete

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

1 HJC/HB 651

Page 6

2

3

4

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

5

6

7

8

March 16, 1999

9

Mr. President:

10

11

Your JUDICIARY COMMITTEE, to whom has been referred

12

13

HOUSE BILL 651

14

15

has had it under consideration and reports same with
recommendation that it DO PASS.

16

17

Respectfully submitted,

18

19

20

21

22

Michael S. Sanchez, Chairman

23

24

25

. 125393. 1

underscored material = new
[bracketed material] = delete

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

1 HJC/HB 651

Page 7

2

Adopted _____ Not

3

Adopted _____

4

(Chief Clerk)

(Chief Clerk)

5

6

7

8

Date _____

9

10

The roll call vote was 8 For 0 Against

11

Yes: 8

12

No: 0

13

Excused: None

14

Absent: None

15

16

H0651JU1

17

18

19

20

21

22

23

24

25

. 125393. 1

underscored material = new
[bracketed material] = delete