HOUSE BILL 298

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Kelly K. Fajardo

AN ACT

RELATING TO THE CHILDREN'S CODE; EXPANDING THE DEFINITION OF "FAMILY IN NEED OF COURT-ORDERED SERVICES".

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

SECTION 1. Section 32A-3B-2 NMSA 1978 (being Laws 1993, Chapter 77, Section 74, as amended) is amended to read:

"32A-3B-2. DEFINITIONS.--As used in Chapter 32A, Article 3B NMSA 1978, "family in need of court-ordered services" means the child or the family has refused family services or the department has exhausted appropriate and available family services and court intervention is necessary to provide family services to the child or family and the following circumstances exist:

A. it is a family whose child, subject to compulsory school attendance, is absent from school without an

1 authorized excuse more than ten days during a school year;

2 B. it is a family whose child is absent from the

3 child's place of residence for a time period of twelve hours or

4 more without consent of the child's parent, guardian or

5 custodian;

6 C. it is a family whose child refuses to return

7 home and there is good cause to believe that the child will run

8 away from home if forced to return to the parent, guardian or

9 custodian; [or]

10 D. it is a family in which the child's parent,

11 guardian or custodian refuses to allow the child to return home

12 and a petition alleging neglect of the child is not in the

13 child's best interests; or

14 E. it is a family in which the child's parent,

15 guardian or custodian has been the subject of an investigation

16 by the department that found credible evidence that the child

17 has been abused or neglected as defined in the Abuse and

18 Neglect Act."

19 **SECTION 2.** EFFECTIVE DATE.--The effective date of the

20 provisions of this act is July 1, 2014.

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