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HOUSE BILL 333

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

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO CHILDREN; REQUIRING THE CHILDREN, YOUTH AND  
FAMILIES DEPARTMENT TO IMMEDIATELY TAKE CUSTODY OF CHILDREN  
SHOWING CERTAIN SIGNS OF ABUSE; REQUIRING PARENTS, GUARDIANS OR  
CUSTODIANS TO COMPLETE COUNSELING BEFORE TAKING CUSTODY OF A  
CHILD IN CERTAIN CIRCUMSTANCES; DECLARING AN EMERGENCY.

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

SECTION 1. A new section of the Children's Code is  
enacted to read:

"[NEW MATERIAL] EVIDENCE OF ABUSE--MANDATORY REMOVAL--  
CONDITIONS FOR RETURN.--

A. Notwithstanding any other provision of the  
Children's Code, upon a report of abuse, the presence of any of  
the following injuries on a child's body shall constitute prima  
facie evidence of abuse of the child and shall require the

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1 department to take custody of the child immediately upon  
2 receipt of report of the injuries:

3 (1) burns, including cigarette burns,  
4 blistering or scalds;

5 (2) bruises that evidence the shape of a body  
6 part or an object that caused the bruise;

7 (3) multiple bruises, simultaneously present  
8 on the face, head, neck or other body part;

9 (4) repeated appearance of similar bruises,  
10 lacerations, welts or bone fractures;

11 (5) adult-sized bite marks;

12 (6) injuries apparently caused by ligatures;

13 (7) multiple types of injuries, simultaneously  
14 present on a child's body;

15 (8) multiple similar injuries or bruises,  
16 simultaneously present on a child's body, that are in various  
17 stages of healing; and

18 (9) any other injury that evidences injuries  
19 that can be reasonably believed to be caused by abuse.

20 B. The department shall hold a child who is taken  
21 into custody pursuant to Subsection A of this section, and a  
22 hearing on the evidence of abuse shall be held within forty-  
23 eight hours.

24 C. Following a court's finding of abuse, a child  
25 who was taken into custody by the department pursuant to

.196030.2

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1 Subsection A of this section shall not be returned to the  
2 custody of the child's parent, guardian or custodian against  
3 whom two substantiated claims of abuse or neglect have been  
4 made before that parent, guardian or custodian receives  
5 professional counseling addressing anger management, parenting  
6 skills, child abuse or other relevant topics."

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