

1 SENATE BILL 150

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Gay G. Kernan

5
6
7
8
9
10 AN ACT

11 RELATING TO CHILDREN; REQUIRING THE CHILDREN, YOUTH AND
12 FAMILIES DEPARTMENT TO CONDUCT ASSESSMENTS, PROVIDE SERVICES
13 AND CONDUCT AN INVESTIGATION UPON A FAILURE TO COMPLY WITH A
14 PLAN OF CARE.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 32A-3A-14 NMSA 1978 (being Laws 2019,
18 Chapter 190, Section 4) is amended to read:

19 "32A-3A-14. NOTIFICATION TO THE DEPARTMENT OF
20 NONCOMPLIANCE WITH A PLAN OF CARE.--

21 A. If the parents, relatives, guardians or
22 caretakers of a child released from a hospital or freestanding
23 birthing center pursuant to a plan of care fail to comply with
24 that plan, the department shall be notified and the department
25 [~~may~~] shall conduct a family assessment. Based on the results

.223220.1

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 of the family assessment, the department [~~may~~] shall offer or
2 provide referrals for counseling, training or other services
3 aimed at addressing the underlying causative factors that may
4 jeopardize the safety or well-being of the child. The child's
5 parents, relatives, guardians or caretakers may choose to
6 accept or decline any service or program offered subsequent to
7 the family assessment; provided that if the child's parents,
8 relatives, guardians or caretakers decline those services or
9 programs, the department [~~may~~] shall proceed with an
10 investigation.

11 B. As used in this section, "family assessment"
12 means a comprehensive assessment prepared by the department at
13 the time the department receives notification of failure to
14 comply with the plan of care to determine the needs of a child
15 and the child's parents, relatives, guardians or caretakers,
16 including an assessment of the likelihood of:

- 17 (1) imminent danger to a child's well-being;
18 (2) the child becoming an abused child or
19 neglected child; and
20 (3) the strengths and needs of the child's
21 family members, including parents, relatives, guardians or
22 caretakers, with respect to providing for the health and safety
23 of the child."