

1 SENATE JOINT MEMORIAL 51

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING A STEERING COMMITTEE TO DEVELOP A SPECIFIC PLAN FOR
12 IMPLEMENTING ITS RECOMMENDATIONS FOR REALIZING CERTAIN AIMS OF
13 THE CHILDREN'S CODE AND FOR ENSURING THAT ACCESS TO CHILDREN'S
14 SERVICES IS UNIFORM ACROSS GEOGRAPHIC BOUNDARIES.

15
16 WHEREAS, the fiftieth legislature in its second session
17 was concerned about juvenile delinquency, which increases
18 threats to and costs of public safety; and

19 WHEREAS, that legislature acknowledged that the Children's
20 Code, which was enacted with the intention of applying equally
21 to all children in the state, aims to provide for a continuum
22 of prevention, diversion, early intervention and treatment
23 services and to reduce the disproportionate representation of
24 minority youths in the juvenile justice, family services and
25 abuse and neglect systems; and

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1 WHEREAS, the legislature recognized that services treating
2 juvenile delinquency were not accessible equally by youths in
3 rural areas versus those in urban areas; and

4 WHEREAS, to address its concerns, the legislature passed
5 House Joint Memorial 21, which requested that the children,
6 youth and families department convene a steering committee to
7 study the issues of truancy, school suspensions, referrals to
8 the juvenile justice system, statewide equality of access to
9 juvenile services and rural youths' access to mental health and
10 substance abuse services; and

11 WHEREAS, the steering committee formed, made its findings
12 and issued its recommendations to the legislative finance
13 committee; and

14 WHEREAS, the steering committee found that:

15 A. the aim of the Children's Code was not being
16 met, in that access to relevant services is neither guaranteed
17 nor equal across geographic boundaries;

18 B. school-related issues, like academic failure,
19 truancy and suspension, often automatically result in arrest
20 and referral to the juvenile justice system;

21 C. diversion programs and early intervention,
22 especially in the schools, increase public safety while holding
23 children accountable for their actions; and

24 D. tribes need support in handling new juvenile
25 justice issues and in implementing specific provisions of the

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1 Children's Code; and

2 WHEREAS, the steering committee recommended that:

3 A. schools, to promote safe and supportive learning
4 environments, exercise alternatives to suspension, expulsion
5 and referral to law enforcement agencies;

6 B. the legislature attempt to standardize
7 guidelines for responding to misbehavior, curtail the use of
8 school zero-tolerance policies and impose minimum training and
9 certification requirements for school resource officers;

10 C. every youth be screened as early as possible for
11 risk factors related to mental, emotional and behavioral
12 disorders, that school-based health centers participate in
13 screening and that state youth services agencies partner with
14 local juvenile justice boards to develop an intake screening
15 process for first-time offenders who exhibit high behavioral
16 health needs;

17 D. more community-based supervision alternatives
18 that focus on improving behavioral health be available to
19 children's court judges in responding to juvenile delinquency
20 and that county and city administrators collaborate with
21 behavioral health services providers, juvenile justice boards
22 and OptumHealth New Mexico to develop those alternatives;

23 E. the New Mexico gang task force's community-based
24 programs receive more funding;

25 F. there be more training and resources for tribes

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1 to address juvenile delinquency issues and that the state and
2 tribes enter into intergovernmental agreements that create a
3 user-friendly process for families and youths to access
4 behavioral health services and state programs; and

5 G. the legislature support the reinstatement of
6 appropriations to the family and youth resource fund and the
7 juvenile continuum grant fund for the provision of
8 cost-effective services, especially in rural areas; and

9 WHEREAS, recent national tragedies resulting from violence
10 in schools reinforce the need to increase safety and peaceful
11 conduct in the schools;

12 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
13 STATE OF NEW MEXICO that the secretary of children, youth and
14 families be requested to reconvene the steering committee
15 created pursuant to House Joint Memorial 21 of the second
16 session of the fiftieth legislature to develop a detailed plan
17 to accomplish the goals of the Children's Code identified in
18 this memorial and have those goals be met equally across the
19 state; and

20 BE IT FURTHER RESOLVED that the state youth services
21 agencies be requested to partner with local juvenile justice
22 boards and OptumHealth New Mexico to develop an intake
23 screening process for first-time offenders who exhibit high
24 behavioral health needs and be further requested to provide
25 children's courts with community-based supervision alternatives

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1 that emphasize improving behavioral health; and

2 BE IT FURTHER RESOLVED that, in order to provide
3 cost-effective services, especially in rural areas, the
4 legislature consider funding the New Mexico gang task force and
5 reinstating appropriations to the family and youth resource
6 fund and the juvenile continuum grant fund; and

7 BE IT FURTHER RESOLVED that the steering committee be
8 requested to develop a detailed plan for implementing its
9 recommendations and report the plan to the appropriate interim
10 legislative committees by December 1, 2013; and

11 BE IT FURTHER RESOLVED that copies of this memorial be
12 transmitted to the children, youth and families department, the
13 legislative council service, the administrative office of the
14 courts, the New Mexico supreme court, the New Mexico attorney
15 general, the public education department, the department of
16 health, the human services department, the department of public
17 safety, the New Mexico association of counties, the juvenile
18 justice advisory committee, the interagency behavioral health
19 purchasing collaborative, the behavioral health statewide
20 entity, the New Mexico district attorney's association and the
21 public defender department.