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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

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

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

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

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

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

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

underscored 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."