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SENATE BILL 413

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

INTRODUCED BY

Steven P. Neville

AN ACT

RELATING TO CHILDREN IN THE CUSTODY OF THE CHILDREN, YOUTH AND
FAMILIES DEPARTMENT; AMENDING SECTIONS OF THE CITIZEN
SUBSTITUTE CARE REVIEW ACT; AUTHORIZING THE DEPARTMENT OF
FINANCE AND ADMINISTRATION TO CONTRACT WITH A QUALIFIED
ORGANIZATION TO OPERATE A STATEWIDE SYSTEM OF LOCAL SUBSTITUTE
CARE REVIEW BOARDS; REQUIRING TIMELY SUBMISSION OF REPORTS FOR
LOCAL SUBSTITUTE CARE REVIEW BOARD REVIEW; AUTHORIZING THE
DEPARTMENT OF FINANCE AND ADMINISTRATION TO USE UP TO ONE
PERCENT FOR ADMINISTRATIVE EXPENSES AND TO PAY PER DIEM AND
MILEAGE TO LOCAL SUBSTITUTE CARE REVIEW BOARD MEMBERS OUT OF
FUNDS APPROPRIATED TO IMPLEMENT THE CITIZEN SUBSTITUTE CARE
REVIEW ACT; PRESCRIBING APPOINTMENTS TO, THE COMPOSITION OF AND
PERSONS EXCLUDED FROM SERVING ON LOCAL SUBSTITUTE CARE REVIEW
BOARDS.

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

2 SECTION 1. Section 32A-8-3 NMSA 1978 (being Laws 1993,
3 Chapter 77, Section 205) is amended to read:

4 "32A-8-3. [~~IMPLEMENTATION OF~~] AUTHORITY TO CONTRACT FOR
5 SERVICES TO IMPLEMENT ACT--SERVICE REQUIREMENTS--CAP ON
6 ADMINISTRATIVE EXPENSES.--

7 A. The department of finance and administration
8 shall maintain and fund a contract with [~~a nonprofit~~] an
9 organization having a demonstrated knowledge of the problem of
10 children in substitute care and the issues in permanency
11 planning to [~~operate~~] provide services to a statewide system of
12 local substitute care review boards.

13 B. An organization that provides services to local
14 substitute care review boards under this section shall provide
15 each local substitute care review board's members and staff
16 with all necessary reports and information at least seven
17 calendar days before the local substitute care review board's
18 scheduled case review. In no event shall such material be
19 provided to the local substitute care review board less than
20 ten calendar days before a scheduled court hearing for which
21 the reports and information will be made part of the official
22 court record.

23 C. The department of finance and administration
24 shall be authorized to use up to one percent of funds
25 appropriated for implementation of the Citizen Substitute Care

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1 Review Act for administrative expenses."

2 SECTION 2. Section 32A-8-4 NMSA 1978 (being Laws 1993,
3 Chapter 77, Section 206) is amended to read:

4 "32A-8-4. STATE ADVISORY COMMITTEE--MEMBERS--
5 COMPENSATION--RESPONSIBILITIES.--

6 A. A state advisory committee shall be composed of
7 three persons with expertise in the area of substitute care,
8 appointed by the secretary of finance and administration, and
9 [also] one representative of each local substitute care review
10 board. Each local board shall select its representative to the
11 state advisory committee in accordance with procedures
12 established by that committee. No person employed by the
13 department or a district court may serve on the state advisory
14 committee.

15 B. Terms of office of local substitute care review
16 board members of the state advisory committee shall be
17 coterminous with their terms as members of the local boards.
18 Terms of office of members who are appointed by the secretary
19 of finance and administration shall be for three years;
20 provided, however, that appointment of the first state advisory
21 committee members shall be to staggered terms so that one
22 member shall serve for a term of three years, one member shall
23 serve for a term of two years and one member shall serve for a
24 term of one year. The term of each member shall expire on June
25 30 of the appropriate year. In the event that a vacancy occurs

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1 among the members of the state advisory committee appointed by
2 the secretary of finance and administration, the secretary
3 shall appoint another person to serve the unexpired portion of
4 the term.

5 C. The state advisory committee shall select a
6 chairperson, a vice chairperson, an executive committee and
7 other officers as it deems necessary.

8 D. The state advisory committee shall meet no less
9 than twice annually and more frequently upon the call of the
10 chairperson or as the executive committee may determine. The
11 state advisory committee is authorized to adopt reasonable
12 rules relating to the functions and procedures of the local
13 substitute care review boards and the state advisory committee
14 in accordance with the duties of the boards as provided in the
15 Citizen Substitute Care Review Act. These rules shall include
16 guidelines for the determination of the appropriate type of
17 review and the information needed for all cases to be monitored
18 by the local substitute care review boards. The state advisory
19 committee shall review ~~[and coordinate]~~ the activities of the
20 local substitute care review boards and make recommendations to
21 the department, the courts and the legislature, on or before
22 January 1 of each year, regarding statutes, policies and
23 procedures relating to substitute care.

24 E. State advisory committee members shall receive
25 per diem and mileage as provided for nonsalaried public

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1 officers in the Per Diem and Mileage Act and shall receive no
2 other compensation, perquisite or allowance. The department of
3 finance and administration shall have the authority to pay per
4 diem and mileage from funds appropriated for the purpose of
5 implementing the Citizen Substitute Care Review Act."

6 SECTION 3. Section 32A-8-5 NMSA 1978 (being Laws 1993,
7 Chapter 77, Section 207) is amended to read:

8 "32A-8-5. LOCAL BOARDS--APPOINTMENTS--COMPOSITION--
9 EXCLUSION--[~~TERMS--TRAINING~~] COMPENSATION [~~MEETINGS~~].--

10 A. [~~The contractor, selected by the department of~~
11 ~~finance and administration pursuant to the provisions of~~
12 ~~Section 32-8-3 NMSA 1978, shall establish and maintain local~~]
13 There shall be one local substitute care review board for each
14 county unless:

15 (1) the board of county commissioners of two
16 or more counties agree, with the consent of the secretary of
17 finance and administration and the director of the
18 administrative office of the courts, to merge their local
19 substitute care review boards by memorandum of understanding;
20 or

21 (2) a board of county commissioners
22 determines, with the consent of the secretary of finance and
23 administration and the director of the administrative office of
24 the courts, that the volume of cases requires the creation of
25 one or more additional boards.

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1 B. Local substitute care review boards shall
2 consist of five members, each of whom shall be appointed by the
3 board of county commissioners for a term of three years. The
4 board of county commissioners may remove an appointee at will
5 by a majority vote. In the event that two or more local
6 substitute care review boards have agreed pursuant to
7 Subsection A of this section to merge their local substitute
8 care review boards, the members shall be appointed or removed
9 by the boards of county commissioners pursuant to the
10 memorandum of understanding.

11 C. Each board shall, to the maximum extent
12 feasible, represent the various socioeconomic, racial and
13 ethnic groups of the community that it serves.

14 D. No person employed by the department of finance
15 and administration, the children, youth and families department
16 or a district court may serve on a local substitute care review
17 board.

18 E. Local substitute care review boards [to] shall
19 review, as provided in the Citizen Substitute Care Review Act,
20 the disposition of children in the custody of the department
21 prior to judicial review. [~~Each board shall, to the maximum~~
22 ~~extent feasible, represent the various socioeconomic, racial~~
23 ~~and ethnic groups of the community that they serve.~~

24 ~~B. Criteria for membership and tenure on local~~
25 ~~substitute care review boards shall be determined by the state~~

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1 ~~advisory committee, after consultation with the department of~~
2 ~~finance and administration and the contractor. No person~~
3 ~~employed by the department of finance and administration, the~~
4 ~~department or a district court may serve on a local substitute~~
5 ~~care review board.~~

6 G.] F. Each local substitute care review board
7 shall elect a chairperson, a vice chairperson and other
8 officers as it deems necessary.

9 [D.] G. Local substitute care review board members
10 may receive per diem and mileage as provided for nonsalaried
11 public officers in the Per Diem and Mileage Act and shall
12 receive no other compensation, perquisite or allowance."