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HOUSE MEMORIAL 93

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

INTRODUCED BY

Don L. Tripp

A MEMORIAL

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

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

WHEREAS, that legislature acknowledged that the Children's Code, which was enacted with the intention of applying equally to all children in the state, aims to provide for a continuum of prevention, diversion, early intervention and treatment services and to reduce the disproportionate representation of minority youths in the juvenile justice, family services and 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 HOUSE OF  
13 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the secretary  
14 of children, youth and families be requested to reconvene the  
15 steering committee created pursuant to House Joint Memorial 21  
16 of the second session of the fiftieth legislature to develop a  
17 detailed plan to accomplish the goals of the Children's Code  
18 identified in this memorial and have those goals be met equally  
19 across the 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.