

1 HOUSE BILL 118

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Kelly K. Fajardo

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10 AN ACT

11 RELATING TO THE CHILDREN'S CODE; EXPANDING THE DEFINITION OF
12 "FAMILY IN NEED OF COURT-ORDERED SERVICES".

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

15 SECTION 1. Section 32A-3B-2 NMSA 1978 (being Laws 1993,
16 Chapter 77, Section 74, as amended) is amended to read:

17 "32A-3B-2. DEFINITIONS.--As used in [~~Chapter 32A, Article~~
18 ~~3B-NMSA 1978~~] the Family in Need of Court-Ordered Services Act,
19 "family in need of court-ordered services" means the child or
20 the family has refused family services or the department has
21 exhausted appropriate and available family services and court
22 intervention is necessary to provide family services to the
23 child or family and the following circumstances exist:

24 A. it is a family whose child, subject to
25 compulsory school attendance, is absent from school without an

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

1 authorized excuse more than ten days during a school year;
2 B. it is a family whose child is absent from the
3 child's place of residence for a time period of twelve hours or
4 more without consent of the child's parent, guardian or
5 custodian;

6 C. it is a family whose child refuses to return
7 home and there is good cause to believe that the child will run
8 away from home if forced to return to the parent, guardian or
9 custodian; [✗]

10 D. it is a family in which the child's parent,
11 guardian or custodian refuses to allow the child to return home
12 and a petition alleging neglect of the child is not in the
13 child's best interests; or

14 E. it is a family in which the child's parent,
15 guardian or custodian has been the subject of an investigation
16 by the department that found credible evidence that the child
17 has been abused or neglected as defined in the Abuse and
18 Neglect Act."

19 SECTION 2. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2015.