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HOUSE BILL 161

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Deborah A. Armstrong

AN ACT

RELATING TO PUBLIC ASSISTANCE; ENACTING A NEW SECTION OF THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT ACT TO REQUIRE THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO ESTABLISH CERTAIN PROTOCOLS AND STAFF TRAINING FOR PROTECTING VICTIMS OF DOMESTIC VIOLENCE IN THE PROVISION OF CHILD CARE ASSISTANCE; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of the Children, Youth and Families Department Act is enacted to read:

"[NEW MATERIAL] CHILD CARE ASSISTANCE--PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE--STAFF TRAINING--APPLICATION FORMS.--

A. By September 1, 2016, the secretary shall establish the following measures to protect individuals who

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1 have been victims of domestic violence:

2 (1) a requirement that forms for application
3 or reapplication for child care assistance that the department
4 administers include the following statement in English and in
5 Spanish and a means for an applicant to indicate a "yes" or
6 "no" answer, with a box for indicating any explanation that the
7 applicant wishes to make:

8 "If you think cooperating to collect child support will
9 harm you or your child, you may not have to cooperate with
10 child support enforcement in order to be eligible for child
11 care assistance. Are you or a member of your household a
12 victim of domestic violence? Domestic violence can occur when
13 someone in your household has physically, emotionally or
14 psychologically hurt you or a household member on purpose or
15 has threatened to physically, emotionally or psychologically
16 harm you or a household member.

17 Si usted cree que su cooperación en la colecta de
18 manutención de hijos (child support) puede dañarlo a usted o un
19 miembro de su familia, es posible que usted no tendrá que
20 cooperar con la agencia de ejecución de la manutención de hijos
21 (child support enforcement) para cumplir los requisitos del
22 programa del cuidado infantil. ¿Es usted o algún miembro de su
23 familia víctima de la violencia doméstica? La violencia
24 doméstica puede ocurrir cuando alguien en su casa,
25 intencionalmente o bajo amenaza haya dañado físicamente,

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1 emocionalmente o psicológicamente a usted o a algún otro
2 miembro de su casa.";

3 (2) protocols for removing any requirement
4 that applicants who indicate that they are victims of domestic
5 violence cooperate with child support enforcement relating to a
6 claim against an alleged abuser for at least two years;

7 (3) protocols for ensuring that an individual
8 who indicates that the individual or a member of the
9 individual's household is a victim of domestic violence does
10 not have child care assistance terminated on the basis of a
11 refusal or failure to cooperate with child support enforcement
12 with respect to an alleged abuser; and

13 (4) training department staff in the protocols
14 established pursuant to this section to ensure that any
15 applicant who indicates that the applicant is a victim of
16 domestic violence does not have an application denied on the
17 basis of failure or refusal to cooperate with child support
18 enforcement.

19 B. As used in this section:

20 (1) "alleged abuser" means an individual who
21 an applicant for or participant in child care assistance
22 indicates is the source of physical, emotional or psychological
23 harm or who poses a threat of physical, emotional or
24 psychological harm that is the basis for the applicant's or
25 participant's claim that the applicant or participant, or a

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~~[bracketed material] = delete~~

1 member of that applicant's or participant's household, is the
2 victim of domestic violence;

3 (2) "applicant" means an individual who makes
4 a first-time application or who seeks to renew an application
5 for child care assistance; and

6 (3) "domestic violence" means a circumstance
7 in which a member of a family or of a household causes or
8 threatens physical harm or imminent fear of physical, emotional
9 or psychological harm to another member of the family or the
10 household."

11 SECTION 2. APPROPRIATION.--One hundred thousand dollars
12 (\$100,000) is appropriated from the general fund to the
13 children, youth and families department for expenditure in
14 fiscal year 2017 to implement the provisions of Section 1 of
15 this act. Any unexpended or unencumbered balance remaining at
16 the end of fiscal year 2017 shall revert to the general fund.