

1 HOUSE BILL 211

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 John Block and D. Wonda Johnson

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10 AN ACT

11 RELATING TO CHILDREN; REQUIRING THE CHILDREN, YOUTH AND
12 FAMILIES DEPARTMENT TO RECRUIT, SUPPORT AND RETAIN INDIAN
13 FOSTER FAMILIES; PROVIDING REPORTING REQUIREMENTS; PROVIDING
14 TECHNICAL CLEANUP.

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

17 SECTION 1. A new section of the Children's Code is
18 enacted to read:

19 "[NEW MATERIAL] DEPARTMENT RECRUITING EFFORTS--INDIAN
20 FOSTER FAMILIES.--The department shall make active and
21 continual efforts to recruit, support and retain Indian foster
22 families. As used in this section, an "Indian foster family"
23 means a department-licensed foster family in which at least one
24 parent is Indian."

25 SECTION 2. A new section of the Indian Family Protection

.223826.3

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1 Act is enacted to read:

2 "[NEW MATERIAL] ANNUAL REPORT--CONTENTS.--

3 A. The department shall provide a report by no
4 later than October 1 of each year to the legislature through
5 appropriate interim committees and to the governor.

6 B. The report shall contain the following
7 information:

8 (1) the active efforts the department has made
9 to increase Indian foster families, specifying the county and
10 Indian nation, tribe or pueblo represented;

11 (2) how many current foster homes licensed by
12 the department have one or more foster parents who are an
13 Indian;

14 (3) the active number of foster placements
15 each Indian foster family has, and:

16 (a) if an Indian foster family has more
17 than six foster placements, a detailed explanation shall
18 accompany the report; and

19 (b) if the Indian child being placed and
20 the Indian foster family are not from the same tribe, an
21 explanation shall accompany the report;

22 (4) how many Indian foster families are
23 currently accepting new placements;

24 (5) how many Indian children are in foster
25 care through the department and the permanency goals the

.223826.3

1 department has for those children;

2 (6) how many Indian children were removed in a
3 twelve-month period for a forty-eight-hour hold;

4 (7) how many Indian children were victims of
5 repeated maltreatment in a twelve-month period;

6 (8) how many Indian children are not in
7 preferred placements or with an Indian foster family and an
8 explanation of why those children are in non-preferred
9 placements, including any active efforts made by the department
10 to place the children in preferred placement settings;

11 (9) the number of non-relative foster families
12 with an Indian child and length of each placement; and

13 (10) if there are any Indian child sibling
14 groups in department care and if they are placed together or
15 separately, and if they are separated, an explanation of why
16 they were separated.

17 C. A copy of the report shall be provided to the
18 legislature and maintained in the legislative council service
19 library. The report shall be posted on the department's
20 website.

21 D. As used in this section, "Indian foster family"
22 means a department-licensed foster family in which at least one
23 parent is Indian."

24 **SECTION 3.** Section 32A-28-1 NMSA 1978 (being Laws 2022,
25 Chapter 41, Section 1) is amended to read:

.223826.3

underscored material = new
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1 "32A-28-1. SHORT TITLE.--~~[Sections 1 through 42 of this~~
2 ~~act]~~ Chapter 32A, Article 28 NMSA 1978 may be cited as the
3 "Indian Family Protection Act"."

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