

1 HOUSE BILL 284

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

3 INTRODUCED BY

4 Stefani Lord and Jason C. Harper

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10 AN ACT

11 RELATING TO CHILDREN; SPECIFYING SPECIFIC STEPS THE CHILDREN,
12 YOUTH AND FAMILIES DEPARTMENT MUST TAKE IN ITS DILIGENT SEARCH
13 FOR ADULT RELATIVES OR FICTIVE KIN OF A CHILD WHO HAS BEEN
14 TAKEN INTO DEPARTMENT CUSTODY; PROVIDING FOR THE ESTABLISHMENT
15 OF A FAMILY-FINDING TEAM IN THE DEPARTMENT; PROVIDING DUTIES.

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

18 SECTION 1. Section 32A-4-17.1 NMSA 1978 (being Laws 2016,
19 Chapter 54, Section 3) is repealed and a new Section 32A-4-17.1
20 NMSA 1978 is enacted to read:

21 "32A-4-17.1. [NEW MATERIAL] ADULT RELATIVE OR FICTIVE KIN
22 SEARCH WHEN CHILD TAKEN INTO CUSTODY OF DEPARTMENT.--

23 A. Within thirty days after a child is taken into
24 department custody, the department shall conduct a diligent
25 search for adult relatives or fictive kin of the child. A

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1 diligent search includes, at a minimum:

2 (1) interviews with the child's parent during
3 the course of an investigation, while child protective services
4 are provided and while the child is in care;

5 (2) interviews with the child;

6 (3) interviews with identified adult relatives
7 throughout the case;

8 (4) interviews with any other person who is
9 likely to have information about the identity or location of an
10 adult relative or fictive kin of the child;

11 (5) exhaustive searches of databases available
12 to the department, the human services department or the
13 department of health, including searches of employment,
14 residence, utilities, vehicle registrations, child support
15 enforcement, law enforcement, corrections records, social media
16 and other records likely to result in identifying and locating
17 an adult relative or fictive kin of the child;

18 (6) appropriate inquiry during the course of
19 hearings in the case; and

20 (7) any other reasonable means likely to
21 identify adult relatives or fictive kin of the child.

22 B. The department shall establish a "family-finding
23 team" to identify one or more adult relatives or fictive kin
24 for child placement as soon as possible after a child has been
25 taken into department custody. The team shall develop and

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1 maintain kinship navigator programs that provide information,
2 referral and follow-up services to grandparents and other
3 relatives raising children to link them to critical benefits
4 and services, including prevention services, for children
5 diverted from foster care to an adult relative or fictive kin.

6 The team shall:

7 (1) use family-finding tools to locate adult
8 relatives or fictive kin;

9 (2) make initial contacts with potential adult
10 relatives or fictive kin;

11 (3) establish plans and processes for staying
12 in touch with adult relatives or fictive kin;

13 (4) continue searching for other adult
14 relatives or fictive kin; and

15 (5) prioritize relative searches for children
16 who are currently placed with non-relatives.

17 C. The department shall file with the children's
18 court information regarding attempts made pursuant to
19 Subsection A of this section within the time limit established
20 in that subsection or as otherwise required by the court and at
21 each periodic review hearing.

22 D. All adult relatives or fictive kin of the child
23 identified in a diligent search required by this section,
24 subject to exceptions due to family or domestic violence or
25 other safety concerns, shall be provided with a notice:

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1 (1) specifying that the child has been or is
2 being removed from parental custody;

3 (2) explaining the options an adult relative
4 or fictive kin has to participate in the care and placement of
5 the child and any options that may be lost by failing to
6 respond to the notice;

7 (3) describing the process for becoming a
8 licensed foster family home and the additional services and
9 supports available for children placed in approved foster
10 homes; and

11 (4) describing any financial assistance for
12 which an adult relative or fictive kin of the child may be
13 eligible.

14 E. After the completion of the diligent search
15 required by this section, the department has a continuing duty
16 to search for adult relatives or fictive kin of the child with
17 whom it may be appropriate to place the child until such
18 relatives or fictive kin are found or until the child is placed
19 for adoption, unless the court excuses the department from
20 continuing the search.

21 F. Within six months from the date an adult
22 relative or fictive kin of the child receives the notice
23 required by this section, if the adult relative or fictive kin
24 fails to demonstrate an interest in and willingness to provide
25 a permanent home for the child, the court may excuse the

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1 department from considering the adult relative or fictive kin
2 as a placement."

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