

1 SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
2 SENATE BILL 207

3 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

4  
5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO CHILDREN; REQUIRING A BEST INTERESTS OF THE CHILD  
12 DETERMINATION IN ALL ABUSE AND NEGLECT PROCEEDINGS; PROVIDING A  
13 BEST INTERESTS OF THE CHILD STANDARD IN ABUSE AND NEGLECT  
14 PROCEEDINGS.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. A new section of the Abuse and Neglect Act is  
18 enacted to read:

19 "[NEW MATERIAL] BEST INTERESTS OF THE CHILD DETERMINATION  
20 REQUIREMENT--BEST INTERESTS OF THE CHILD STANDARD.--

21 A. The best interests of the child standard  
22 reflects the protection of a child from abuse and neglect. In  
23 proceedings to terminate parental rights and for permanent  
24 guardianship, the following factors shall be considered in  
25 determining the best interests of the child:

.225148.2

underscored material = new  
[bracketed material] = delete

1 (1) the child's age and physical and mental  
2 vulnerabilities;

3 (2) the frequency and nature of any out-of-  
4 home placements for the child;

5 (3) the frequency, magnitude and other  
6 circumstances of the harm to the child;

7 (4) any repeated harm suffered by the child;

8 (5) any fear by the child of living in or  
9 returning to the home from which the child was removed, current  
10 placement or potential placement;

11 (6) the results of psychiatric, psychological  
12 or developmental evaluations of the child, the child's parents  
13 or other family members;

14 (7) any history of abusive conduct by the  
15 child's family or others who have access to the child's home;

16 (8) any history of substantiated claims of  
17 substance abuse by the child's family or others who have access  
18 to the child's home;

19 (9) whether the perpetrator of the harm to the  
20 child is identified;

21 (10) whether an identified perpetrator has or  
22 may have continued access to the child;

23 (11) the circumstances under which a parent  
24 voluntarily relinquished parental rights to the child;

25 (12) the willingness and ability of the

1 child's family to:

2 (a) seek, accept and complete family  
3 services, including services that address specific needs of the  
4 child or family;

5 (b) cooperate with and facilitate close  
6 supervision by an appropriate agency; and

7 (c) complete psychological, domestic  
8 violence and substance abuse assessments;

9 (13) the willingness and ability of the  
10 child's family to effect positive environmental and personal  
11 changes within a reasonable period of time;

12 (14) a demonstration by the child's family of  
13 adequate parenting skills, including providing the child and  
14 other children under the family's care with:

15 (a) minimally adequate health and  
16 nutritional care;

17 (b) nurture, care and appropriate  
18 discipline consistent with the child's physical and  
19 psychological development;

20 (c) guidance and supervision consistent  
21 with the child's safety;

22 (d) a safe home environment;

23 (e) protection from repeated exposure to  
24 violence even though the violence may not be directed at the  
25 child; and

.225148.2

underscoring material = new  
~~[bracketed material] = delete~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(f) an understanding of the child's needs and capabilities; and

(15) the availability of an adequate social support system for the child consisting of an extended family and friends.

B. Nothing in Subsection A of this section shall apply to the Indian Family Protection Act."

underscoring material = new  
~~[bracketed material]~~ = delete