

HOUSE BILL 133

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO CHILDREN; REQUIRING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO OBTAIN IDENTIFICATION CARDS FOR CERTAIN CHILDREN FOURTEEN YEARS OF AGE OR OLDER IN THE DEPARTMENT'S CUSTODY FOR THIRTY OR MORE CONSECUTIVE DAYS.

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

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

"NEW MATERIAL] CHILDREN IN FOSTER CARE--IDENTIFICATION CARD.--

A. Except as provided in Subsection B of this section, the department shall provide a child an opportunity to obtain a standard identification card issued for the child pursuant to Section 66-5-401 NMSA 1978 no later than ninety days after the child was placed in the custody of the

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1 department.

2 B. If the department is unable to comply with the
3 provisions of Subsection A of this section due to the child's
4 incarceration, elopement, physical or mental disability or
5 specialized placement where the child cannot be transported, or
6 upon approval of the court, the department shall obtain the
7 identification card no later than ninety days from the date the
8 condition preventing compliance ceases to exist.

9 C. As used in this section, "child" means:

10 (1) an individual at least fourteen years of
11 age but under nineteen years of age; or

12 (2) an individual at least fourteen years of
13 age but under twenty-one years of age who is participating in
14 the fostering connections program pursuant to Section 32A-26-3
15 NMSA 1978; and

16 (3) an individual who has been placed in the
17 custody of the protective services division of the department
18 for thirty or more consecutive days."

19 SECTION 2. Section 66-5-401 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 328, as amended) is amended to read:

21 "66-5-401. IDENTIFICATION CARDS--APPLICATION.--

22 A. A person who does not have a valid New Mexico
23 driver's license may be issued an identification card by the
24 department. An application for an identification card or
25 renewal of an identification card shall be made upon a form

1 furnished by the department.

2 B. The department shall establish two distinct
3 identification cards as provided in Section 66-5-405 NMSA 1978:

4 (1) a REAL ID-compliant identification card;
5 and

6 (2) a standard identification card.

7 C. An application for a REAL ID-compliant
8 identification card shall contain the applicant's full legal
9 name; date of birth; sex; and current New Mexico residence
10 address and shall briefly describe the applicant.

11 D. An application for a standard identification
12 card shall bear the applicant's full name; date of birth; sex;
13 and current New Mexico residence address and shall briefly
14 describe the applicant.

15 E. The secretary shall establish by rule documents
16 that may be accepted as evidence of the residency of the
17 applicant.

18 F. A person applying for or renewing a REAL ID-
19 compliant identification card shall provide documentation
20 required by the federal government of the applicant's identity;
21 date of birth; social security number, if applicable; address
22 of current residence; and lawful status. The department shall
23 verify the applicant's lawful status and social security
24 number, if applicable, through a method approved by the federal
25 government. Pursuant to the federal REAL ID Act of 2005, the

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1 secretary shall establish a written, defined exception process
2 to allow a person to demonstrate the person's identity, age and
3 lawful status. The process shall allow a person to use a
4 certified letter of enrollment or a valid identification card
5 issued by a federally recognized Indian nation, tribe or pueblo
6 to demonstrate the person's identity or age or to demonstrate
7 the person's lawful status, if applicable. A person with
8 lawful status may apply for a REAL ID-compliant identification
9 card or a standard identification card. Every application for
10 an identification card shall be signed by the applicant or the
11 applicant's parent or guardian. The secretary may, for good
12 cause, revoke or deny the issuance of an identification card.

13 G. An application by a foreign national with lawful
14 status for a REAL ID-compliant identification card shall
15 contain the unique identifying number and expiration date, if
16 applicable, of the foreign national's valid passport, valid
17 visa, employment authorization card issued under the
18 applicant's approved deferred action status or other
19 arrival-departure record or document issued by the federal
20 government that conveys lawful status. The department may
21 issue to an eligible foreign national applicant a REAL ID-
22 compliant identification card that is valid for a period not to
23 exceed the duration of the applicant's lawful status; provided
24 that if that date cannot be determined by the department and
25 the applicant is not a legal permanent resident, the

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1 identification card shall expire one year after the effective
2 date of the identification card.

3 H. The department shall issue a standard
4 identification card to an applicant who is otherwise eligible
5 but who does not provide proof of lawful status and who
6 affirmatively acknowledges that the applicant understands that
7 a standard identification card may not be valid for federal
8 purposes. An applicant who does not provide proof of lawful
9 status shall only apply for a standard identification card. An
10 application for a standard identification card shall include
11 proof of the applicant's identity and age.

12 I. The secretary may adopt rules providing for the
13 proration of fees due to shortened validity periods authorized
14 pursuant to the provisions of this section.

15 J. Within the forms prescribed by the department
16 for identification card applications, a space shall be provided
17 to show whether the applicant is a donor as provided in the
18 Jonathan Spradling Revised Uniform Anatomical Gift Act. A
19 person applying for an identification card may indicate that
20 person's status on the space provided on the application. The
21 donor status indicated by the applicant shall be displayed on
22 the identification card. The form and identification card
23 shall be signed by the donor in the presence of a witness who
24 shall also sign the form in the donor's presence.

25 K. The children, youth and families department may

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1 apply for and receive a standard identification card on behalf
2 of a child fourteen years of age or older who has been placed
3 in the custody of the protective services division of that
4 department for thirty or more consecutive days."

5 SECTION 3. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is January 1, 2026.

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