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AN ACT

RELATING TO FAMILIES; ENACTING THE OFFICE OF CHILD ADVOCATE  
ACT; PROVIDING FOR THE STATE CHILD ADVOCATE; CREATING THE  
OFFICE OF CHILD ADVOCATE AND ESTABLISHING THE POWERS AND  
DUTIES OF THAT OFFICE; PROVIDING FOR THE ESTABLISHMENT OF THE  
STATE CHILD ADVOCATE SELECTION COMMITTEE; AMENDING AND  
ENACTING SECTIONS OF THE NMSA 1978.

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:

"SHORT TITLE.--Sections 1 through 15 of this act may be  
cited as the "Office of Child Advocate Act"."

SECTION 2. A new section of the Children's Code is  
enacted to read:

"DEFINITIONS.--As used in the Office of Child Advocate  
Act:

A. "child in custody" means a minor who is placed  
by the department in custodial or residential care, including  
foster care, kinship care or care within a group home, a  
residential treatment center, a juvenile justice facility, a  
semi-independent living program or an emergency shelter,  
pursuant to a court order or otherwise sanctioned by the  
court and does not live with either of the child's birth  
parents;

1           B. "committee" means the state child advocate  
2 selection committee;

3           C. "department" means the children, youth and  
4 families department;

5           D. "near fatality" means an injury or condition  
6 caused by abuse or neglect that results in a child:

7                 (1) being placed in serious or critical  
8 condition, as certified by a licensed physician; and

9                 (2) receiving critical care for at least  
10 twenty-four hours following the child's admission to a  
11 critical care unit; and

12           E. "office" means the office of child advocate."

13           **SECTION 3.** A new section of the Children's Code is  
14 enacted to read:

15           "OFFICE OF CHILD ADVOCATE--CREATED.--The "office of  
16 child advocate" is created and is administratively attached  
17 to the office of the attorney general pursuant to Section  
18 9-1-7 NMSA 1978. The office shall maintain autonomy over the  
19 office's budget and any decisions the office may take."

20           **SECTION 4.** A new section of the Children's Code is  
21 enacted to read:

22           "STATE CHILD ADVOCATE--APPOINTMENT--DUTIES.--The head of  
23 the office is the "state child advocate", who shall be  
24 appointed by the governor with the advice and consent of the  
25 senate for a term of six years. The advocate shall be

1 appointed as soon as practicable. The initial term shall end  
2 December 31, 2031. At the time of appointment, the state  
3 child advocate shall have, at a minimum, five years of  
4 documented professional experience working in child  
5 protective or juvenile justice services and be licensed in  
6 good standing as an attorney, a psychologist or social  
7 worker. The state child advocate may be reappointed to two  
8 successive terms. An appointed state child advocate shall  
9 serve and have all of the duties, responsibilities and  
10 authority of that office during the period of time in which  
11 the state child advocate is appointed. The attorney general  
12 may remove the state child advocate only for malfeasance,  
13 misfeasance or abuse of office. The state child advocate  
14 shall oversee the office and assign and distribute the work  
15 of the state child advocate."

16 SECTION 5. A new section of the Children's Code is  
17 enacted to read:

18 "STATE CHILD ADVOCATE SELECTION COMMITTEE--DUTIES.--

19 A. The "state child advocate selection committee"  
20 is created and consists of seven members, including:

21 (1) one member who shall be selected by the  
22 president pro tempore of the senate;

23 (2) one member who shall be selected by the  
24 minority floor leader of the senate;

25 (3) one member who shall be selected by the

1 speaker of the house of representatives;

2 (4) one member who shall be selected by the  
3 minority floor leader of the house of representatives;

4 (5) one member who shall be selected by the  
5 governor; and

6 (6) two members who shall be selected by the  
7 chief justice of the supreme court.

8 B. The committee shall elect a chair from the  
9 committee's membership.

10 C. The committee shall meet by September 1, 2025  
11 exclusively for the purpose of nominating persons to fill the  
12 position of state child advocate. The committee shall  
13 actively solicit, accept and evaluate applications for the  
14 position of state child advocate and may require applicants  
15 to submit any information that the committee deems relevant  
16 to the consideration of applications. Within ninety days  
17 before the date on which the term of a state child advocate  
18 ends or no later than thirty days after the occurrence of a  
19 vacancy in the state child advocate position, the committee  
20 shall convene and, within thirty days after convening, submit  
21 to the governor the names of persons who are recommended for  
22 appointment to the position by a majority of the committee  
23 members.

24 D. The governor shall fill a vacancy or appoint a  
25 successor to fill an impending vacancy in the office of state

1 child advocate within thirty days after receiving final  
2 nominations from the committee by appointing one of the  
3 persons nominated by the committee.

4 E. The committee is administratively attached to  
5 the office of the attorney general pursuant to the provisions  
6 of Section 9-1-7 NMSA 1978.

7 F. After the initial meeting of the committee, the  
8 governor or a majority of the committee members may call a  
9 subsequent meeting of the committee to nominate persons to  
10 fill a current or impending vacancy in the position of state  
11 child advocate.

12 G. The members of the committee shall receive per  
13 diem and mileage as provided in the Per Diem and Mileage Act  
14 and shall receive no other compensation, perquisite or  
15 allowance."

16 **SECTION 6.** A new section of the Children's Code is  
17 enacted to read:

18 "OFFICE OF CHILD ADVOCATE--POWERS--DUTIES.--The office:

19 A. shall:

20 (1) review the department's provision of  
21 services to children and families, receive complaints  
22 concerning the actions of the department or of any entity or  
23 person that provides services to children and families  
24 through funds provided by the department and make appropriate  
25 referrals when the state child advocate determines that a

1 child or family may be in need of assistance;

2 (2) determine the extent to which the  
3 department's policies and procedures protect and enhance  
4 children's personal dignity, right to privacy, appropriate  
5 health care and education in accordance with state and  
6 federal law;

7 (3) adopt and promulgate rules in accordance  
8 with the State Rules Act as are deemed necessary to carry out  
9 the provisions of the Office of Child Advocate Act;

10 (4) operate a toll-free hotline and  
11 electronic communication portal to receive complaints  
12 pursuant to this section;

13 (5) investigate and attempt to resolve  
14 complaints made by or on behalf of a child in custody,  
15 receiving services under the supervision of the department,  
16 subject to a referral to the department or whose parent,  
17 guardian or custodian is under investigation by the  
18 department;

19 (6) upon rendering a decision to investigate  
20 a complaint, notify the complainant of the intention to  
21 investigate and, if the office declines to investigate a  
22 complaint or continue an investigation, notify the  
23 complainant that no further action will be taken by the  
24 office;

25 (7) update the complainant on the progress

1 of the investigation within thirty days and notify the  
2 complainant and the subjects of the complaint of the final  
3 outcome within ninety days of the completion of the  
4 investigation;

5 (8) analyze and monitor the development and  
6 implementation of federal, state and local laws, regulations  
7 and policies relating to child and family welfare and  
8 recommend changes when appropriate;

9 (9) provide information about the children's  
10 and families' rights and responsibilities related to  
11 departmental services;

12 (10) provide comprehensive information  
13 concerning child and family welfare to the governor, state  
14 agencies and legislators;

15 (11) compile an annual report pursuant to  
16 Section 7 of the Office of Child Advocate Act;

17 (12) access information or records that the  
18 department would be entitled to access or receive and that  
19 are necessary for carrying out the provisions of the Office  
20 of Child Advocate Act;

21 (13) access and review information, records  
22 or documents that the department would be entitled to access  
23 or receive, including records of third parties, that the  
24 office deems necessary to conduct a thorough and independent  
25 review of a complaint; and

1 (14) refer any finding of a violation of  
2 federal or state constitutional rights, reckless disregard  
3 for the health and safety of a child or a pattern of conduct  
4 or repeated incidents of violating laws and rules relating to  
5 child and family welfare to the attorney general; and

6 B. may:

7 (1) hire and contract for such professional,  
8 technical and support staff as needed to carry out the  
9 functions of the office; provided that employees of the  
10 office, except the state child advocate, are subject to the  
11 provisions of the Personnel Act;

12 (2) meet or communicate with any child in  
13 custody, receiving services under the supervision of the  
14 department or under investigation by the department; and

15 (3) refer a complaint to another agency for  
16 investigation."

17 SECTION 7. A new section of the Children's Code is  
18 enacted to read:

19 "ANNUAL REPORT--REPORT CONTENTS--CREATION AND  
20 MAINTENANCE OF WEBSITE CONTAINING REPORT INFORMATION.--

21 A. Each year, the office shall submit to the  
22 legislative finance committee, legislative health and human  
23 services committee, nations, tribes and pueblos of New  
24 Mexico, the department, the supreme court and the governor on  
25 or before September 1 a report addressing services provided



1 by the department, including:

2 (1) the quality of services provided to  
3 children and families;

4 (2) the conditions of placements for New  
5 Mexico's children, the number of out-of-state placements and  
6 an assessment of each active congregate care and juvenile  
7 justice facility in which children in custody are placed;

8 (3) the number of children removed from the  
9 household of a parent, foster parent or guardian;

10 (4) the number of children returned to a  
11 household from which they were removed;

12 (5) the number of children removed from a  
13 household subsequent to being returned to a household from  
14 which they were removed;

15 (6) the number of children placed in a  
16 juvenile justice facility;

17 (7) the number of children in custody who  
18 have run away from a department placement, the number of  
19 children in custody who have been found after running away  
20 and the number of children in custody who are currently  
21 missing;

22 (8) the number of cases in which families  
23 subject to court-ordered treatment plans or voluntary  
24 placement agreements have absconded with children in custody;

25 (9) a review of systemic issues related to

1 services for assistance to children and families within the  
2 child protection and juvenile justice systems;

3 (10) findings and recommendations related to  
4 the implementation of the federal Indian Child Welfare Act of  
5 1978 and the Indian Family Protection Act;

6 (11) recommendations related to improving  
7 department services for children and families;

8 (12) data disaggregated by race, ethnicity,  
9 gender, geographic location, sexual identity, disability  
10 status, tribal affiliation and any other categories that the  
11 office deems necessary; and

12 (13) an outline of the training and  
13 certification process for the state child advocate and office  
14 staff.

15 B. To the extent possible, the office shall use  
16 methodology that is consistent with the system used by  
17 federal government agencies for calculating and reporting the  
18 data required for the office's annual report.

19 C. The office shall create and maintain a web page  
20 on which the data contained in Subsection A of this section  
21 shall be provided in an accessible manner and updated  
22 quarterly.

23 D. Each year, the annual report shall be posted to  
24 the web page created pursuant to Subsection C of this  
25 section."

1           SECTION 8. A new section of the Children's Code is  
2 enacted to read:

3           "TRAINING AND CERTIFICATION.--

4           A. The state child advocate shall ensure that  
5 office staff are trained in:

6                   (1) federal, state, local and tribal laws,  
7 regulations and policies with respect to child protection and  
8 juvenile justice services in the state;

9                   (2) investigative techniques, including  
10 trauma-informed care and questioning;

11                   (3) the federal Indian Child Welfare Act of  
12 1978, the Indian Family Protection Act, tribal culture,  
13 tribal relations and sovereign nation status;

14                   (4) department policies and procedures,  
15 including policies and procedures related to abuse and  
16 neglect, out-of-home placement and safety and risk  
17 assessments; and

18                   (5) such other matters as the office deems  
19 appropriate.

20           B. The state child advocate shall develop  
21 procedures for the training and certification of appropriate  
22 staff.

23           C. An officer, employee or other representative of  
24 the office shall not investigate any complaint filed with the  
25 office unless that person is certified by the office."

1           SECTION 9. A new section of the Children's Code is  
2 enacted to read:

3           "CONFLICT OF INTEREST.--Persons who are employees of the  
4 office or who have contracts with the office shall not have a  
5 conflict of interest with the department or with an entity  
6 that provides services to children and families through funds  
7 provided by the department relating to the performance of  
8 their responsibilities pursuant to the Children's Code. For  
9 the purposes of this section, a conflict of interest exists  
10 whenever the state child advocate, an employee of the office  
11 or a person having a contract with the office:

12           A. has direct involvement in the licensing,  
13 certification or accreditation of a provider or facility  
14 delivering services to children and families;

15           B. has an ownership interest in a provider or  
16 facility delivering services to children and families;

17           C. is employed by or participates in the  
18 management of a provider or facility delivering services to  
19 children and families; or

20           D. receives or has the right to receive, directly  
21 or indirectly, remuneration pursuant to a compensation  
22 arrangement with a provider or facility delivering services  
23 to children and families."

24           SECTION 10. A new section of the Children's Code is  
25 enacted to read:

1 "INCIDENTS, FATALITIES AND NEAR FATALITIES.--

2 A. The department shall provide the office with a  
3 copy of all reports related to actual physical injury to a  
4 child in custody.

5 B. The department shall provide the office with a  
6 written notification within seventy-two hours of:

7 (1) a fatality or near fatality of a child  
8 in custody or referred or receiving services under the  
9 supervision of the department; and

10 (2) the restraint or seclusion of a child in  
11 custody."

12 SECTION 11. A new section of the Children's Code is  
13 enacted to read:

14 "LAW ENFORCEMENT REPORTS.--Upon request by the office,  
15 law enforcement agencies shall share with the office all law  
16 enforcement reports involving a child in custody, receiving  
17 services under the supervision of the department or whose  
18 parent, guardian or custodian is under investigation by the  
19 department."

20 SECTION 12. A new section of the Children's Code is  
21 enacted to read:

22 "CONFIDENTIALITY OF INFORMATION.--

23 A. Except as provided in Subsection B of this  
24 section, the office shall maintain the confidentiality of all  
25 case records, third-party records and court records, as well

1 as any information gathered in the course of investigations  
2 and system monitoring duties. These records are exempt from  
3 public inspection and copying pursuant to the Inspection of  
4 Public Records Act and shall be kept confidential unless  
5 disclosure is:

6 (1) ordered by the court;

7 (2) necessary to prevent imminent harm and  
8 the imminent harm is communicated directly to the state child  
9 advocate or staff of the office;

10 (3) necessary to the department for the  
11 department to determine the appropriateness of initiating an  
12 investigation regarding potential abuse or neglect or other  
13 emergency circumstances; or

14 (4) necessary to the department for the  
15 department to determine the appropriateness of initiating an  
16 investigation to determine facility compliance with  
17 applicable rules of licensure or certification or both.

18 B. The office may publicly report any patterns of  
19 conduct or repeated incidents identified by the office in  
20 carrying out the provisions of the Office of Child Advocate  
21 Act; provided that the office shall not publicly disclose  
22 either of the following:

23 (1) individually identifiable information  
24 about a child; and

25 (2) investigation findings when there is a

1 pending law enforcement investigation or prosecution."

2 SECTION 13. A new section of the Children's Code is  
3 enacted to read:

4 "OTHER REMEDIES.--An individual who pursues remedies  
5 pursuant to the Office of Child Advocate Act is not precluded  
6 from pursuing other legal or equitable remedies."

7 SECTION 14. A new section of the Children's Code is  
8 enacted to read:

9 "NOTIFICATION OF OFFICE OF CHILD ADVOCATE.--The  
10 department shall notify all children in custody, receiving  
11 services under the supervision of the department or under  
12 investigation by the department and their parents, guardians,  
13 foster parents and fictive kin of the existence of the  
14 office, its purpose and function and its toll-free hotline  
15 and electronic communication portal with instructions for  
16 access."

17 SECTION 15. A new section of the Children's Code is  
18 enacted to read:

19 "ACTION BY THE ATTORNEY GENERAL.--

20 A. The attorney general may bring a civil cause of  
21 action for declaratory or injunctive relief against the  
22 department based on a finding by the office of a violation of  
23 federal or state constitutional rights, reckless disregard of  
24 the health and safety of a child or a pattern of conduct or  
25 repeated incidents of violating laws and rules relating to

1 child and family welfare.

2 B. The attorney general shall develop and  
3 implement procedures to prevent conflicts of interest in the  
4 investigation or prosecution of the department or an employee  
5 of the department, including procedures regarding segregation  
6 or sequestration of information related to such  
7 investigations or prosecutions.

8 C. The authority provided in this section is in  
9 addition to the other powers and duties of the attorney  
10 general and does not prevent prosecution for a violation of  
11 the Criminal Code."

12 SECTION 16. Section 32A-2-32 NMSA 1978 (being Laws  
13 1993, Chapter 77, Section 61, as amended) is amended to read:

14 "32A-2-32. CONFIDENTIALITY--RECORDS.--

15 A. All records pertaining to the child, including  
16 all related social records, behavioral health screenings,  
17 diagnostic evaluations, psychiatric reports, medical reports,  
18 social studies reports, records from local detention  
19 facilities, client-identifying records from facilities for  
20 the care and rehabilitation of delinquent children, pre-  
21 parole or supervised release reports and supervision  
22 histories obtained by the juvenile probation office, parole  
23 officers and the juvenile public safety advisory board or in  
24 possession of the department, are confidential and shall not  
25 be disclosed directly or indirectly to the public.



1           B. The disclosure of all mental health and  
2 developmental disability records shall be made pursuant to  
3 the Children's Mental Health and Developmental Disabilities  
4 Act.

5           C. The records described in Subsection A of this  
6 section, other than mental health and developmental  
7 disability records, shall be disclosed only to any of the  
8 following, provided that the agency, person or institution  
9 receiving information shall not re-release the information  
10 without proper consent or as otherwise provided by law:

- 11                   (1) court personnel;
- 12                   (2) the child's court appointed special  
13 advocates;
- 14                   (3) the child's attorney or guardian ad  
15 litem representing the child in any matter;
- 16                   (4) department personnel;
- 17                   (5) corrections department personnel;
- 18                   (6) law enforcement officials when the  
19 request is related to the investigation of a crime;
- 20                   (7) district attorneys or children's court  
21 attorneys;
- 22                   (8) a state government social services  
23 agency in any state;
- 24                   (9) those persons or entities of a child's  
25 Indian tribe specifically authorized to inspect such records

1 pursuant to the federal Indian Child Welfare Act of 1978, the  
2 Indian Family Protection Act or any regulations promulgated  
3 under those acts;

4 (10) tribal juvenile justice system and  
5 social service representatives;

6 (11) a foster parent, if the records are  
7 those of a child currently placed with that foster parent or  
8 of a child being considered for placement with that foster  
9 parent, when the disclosure of the information is necessary  
10 for the child's treatment or care and shall include only that  
11 information necessary to provide for treatment and care of  
12 the child;

13 (12) school personnel involved with the  
14 child if the records concern the child's educational needs,  
15 but shall only include that information necessary to provide  
16 for the child's educational planning and needs;

17 (13) a health care or mental health  
18 professional involved in the evaluation or treatment of the  
19 child, the child's parents, guardians or custodian or other  
20 family members;

21 (14) representatives of the protection and  
22 advocacy system;

23 (15) the child's parent, guardian or legal  
24 custodian when the disclosure of the information is necessary  
25 for the child's treatment or care and shall include only that

1 information necessary to provide for the treatment or care of  
2 the child;

3 (16) any other person or entity, by order of  
4 the court, having a legitimate interest in the case or the  
5 work of the court who agrees not to otherwise release the  
6 records;

7 (17) the child, if fourteen years of age or  
8 older; and

9 (18) the attorney general and the office of  
10 child advocate and its employees and contractors, pursuant to  
11 the requirements of the Office of Child Advocate Act, if the  
12 records are needed for the purpose of implementing that act.

13 D. If disclosure of otherwise confidential records  
14 is made to the child or any other person or entity pursuant  
15 to a valid release of information signed by the child, all  
16 victim or witness identifying information shall be redacted  
17 or otherwise deleted.

18 E. Whoever intentionally and unlawfully releases  
19 any information or records closed to the public pursuant to  
20 this section or releases or makes other unlawful use of  
21 records in violation of this section is guilty of a petty  
22 misdemeanor.

23 F. The department shall promulgate rules for  
24 implementing disclosure of records pursuant to this section  
25 and in compliance with state and federal law and the

1 Children's Court Rules."

2 SECTION 17. Section 32A-4-33 NMSA 1978 (being Laws  
3 1993, Chapter 77, Section 127, as amended) is amended to  
4 read:

5 "32A-4-33. CONFIDENTIALITY--RECORDS--PENALTY.--

6 A. All records or information concerning a party  
7 to a neglect or abuse proceeding, including social records,  
8 diagnostic evaluations, psychiatric or psychological reports,  
9 videotapes, transcripts and audio recordings of a child's  
10 statement of abuse or medical reports incident to or obtained  
11 as a result of a neglect or abuse proceeding or that were  
12 produced or obtained during an investigation in anticipation  
13 of or incident to a neglect or abuse proceeding shall be  
14 confidential and closed to the public.

15 B. The records described in Subsection A of this  
16 section shall be disclosed only to the parties and:

17 (1) court personnel and persons or entities  
18 authorized by contract with the court to review, inspect or  
19 otherwise have access to records or information in the  
20 court's possession;

21 (2) court-appointed special advocates  
22 appointed to the neglect or abuse proceeding;

23 (3) the child's guardian ad litem;

24 (4) the attorney representing the child in  
25 an abuse or neglect action, a delinquency action or any other

1 action under the Children's Code;

2 (5) department personnel and persons or  
3 entities authorized by contract with the department to  
4 review, inspect or otherwise have access to records or  
5 information in the department's possession;

6 (6) any local substitute care review board  
7 or any agency contracted to implement local substitute care  
8 review boards;

9 (7) law enforcement officials, except when  
10 use immunity is granted pursuant to Section 32A-4-11 NMSA  
11 1978;

12 (8) district attorneys, except when use  
13 immunity is granted pursuant to Section 32A-4-11 NMSA 1978;

14 (9) any state government or tribal  
15 government social services agency in any state or when, in  
16 the opinion of the department, it is in the best interest of  
17 the child, a governmental social services agency of another  
18 country;

19 (10) a foster parent, if the records are  
20 those of a child currently placed with that foster parent or  
21 of a child being considered for placement with that foster  
22 parent and the records concern the social, medical,  
23 psychological or educational needs of the child;

24 (11) school personnel involved with the  
25 child if the records concern the child's social or

1 educational needs;

2 (12) a grandparent, parent of a sibling,  
3 relative or fictive kin, if the records or information  
4 pertain to a child being considered for placement with that  
5 grandparent, parent of a sibling, relative or fictive kin and  
6 the records or information concern the social, medical,  
7 psychological or educational needs of the child;

8 (13) health care or mental health  
9 professionals involved in the evaluation or treatment of the  
10 child or of the child's parents, guardian, custodian or other  
11 family members;

12 (14) protection and advocacy representatives  
13 pursuant to the federal Developmental Disabilities Assistance  
14 and Bill of Rights Act and the federal Protection and  
15 Advocacy for Mentally Ill Individuals Amendments Act of 1991;

16 (15) children's safehouse organizations  
17 conducting investigatory interviews of children on behalf of  
18 a law enforcement agency or the department;

19 (16) representatives of the federal  
20 government or their contractors authorized by federal statute  
21 or regulation to review, inspect, audit or otherwise have  
22 access to records and information pertaining to neglect or  
23 abuse proceedings;

24 (17) any person or entity attending a  
25 meeting arranged by the department to discuss the safety,

1 well-being and permanency of a child, when the parent or  
2 child, or parent or legal custodian on behalf of a child  
3 younger than fourteen years of age, has consented to the  
4 disclosure;

5 (18) any other person or entity, by order of  
6 the court, having a legitimate interest in the case or the  
7 work of the court; and

8 (19) the attorney general and the office of  
9 child advocate and its employees and contractors, pursuant to  
10 the requirements of the Office of Child Advocate Act, if the  
11 records are needed for the purpose of implementing that act.

12 C. A parent, guardian or legal custodian whose  
13 child has been the subject of an investigation of abuse or  
14 neglect where no petition has been filed shall have the right  
15 to inspect any medical report, psychological evaluation, law  
16 enforcement reports or other investigative or diagnostic  
17 evaluation; provided that any identifying information related  
18 to the reporting party or any other party providing  
19 information shall be deleted. The parent, guardian or legal  
20 custodian shall also have the right to the results of the  
21 investigation and the right to petition the court for full  
22 access to all department records and information except those  
23 records and information the department finds would be likely  
24 to endanger the life or safety of any person providing  
25 information to the department.

1           D. Whoever intentionally and unlawfully releases  
2 any information or records closed to the public pursuant to  
3 the Abuse and Neglect Act or releases or makes other unlawful  
4 use of records in violation of that act is guilty of a petty  
5 misdemeanor and shall be sentenced pursuant to the provisions  
6 of Section 31-19-1 NMSA 1978.

7           E. The department shall promulgate rules for  
8 implementing disclosure of records pursuant to this section  
9 and in compliance with state and federal law and the  
10 Children's Court Rules."

11           **SECTION 18.** Section 14-2-1 NMSA 1978 (being Laws 1947,  
12 Chapter 130, Section 1, as amended) is amended to read:

13           "14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--  
14 Every person has a right to inspect public records of this  
15 state except:

16           A. records pertaining to physical or mental  
17 examinations and medical treatment of persons confined to an  
18 institution;

19           B. letters of reference concerning employment,  
20 licensing or permits;

21           C. letters or memoranda that are matters of  
22 opinion in personnel files or students' cumulative files;

23           D. portions of law enforcement records as provided  
24 in Section 14-2-1.2 NMSA 1978;

25           E. as provided by the Confidential Materials Act;



1 F. trade secrets;

2 G. attorney-client privileged information;

3 H. long-range or strategic business plans of  
4 public hospitals discussed in a properly closed meeting;

5 I. tactical response plans or procedures prepared  
6 for or by the state or a political subdivision of the state,  
7 the publication of which could reveal specific  
8 vulnerabilities, risk assessments or tactical emergency  
9 security procedures that could be used to facilitate the  
10 planning or execution of a terrorist attack;

11 J. information concerning information technology  
12 systems, the publication of which would reveal specific  
13 vulnerabilities that compromise or allow unlawful access to  
14 such systems; provided that this subsection shall not be used  
15 to restrict requests for:

16 (1) records stored or transmitted using  
17 information technology systems;

18 (2) internal and external audits of  
19 information technology systems, except for those portions  
20 that would reveal ongoing vulnerabilities that compromise or  
21 allow unlawful access to such systems; or

22 (3) information to authenticate or validate  
23 records received pursuant to a request fulfilled pursuant to  
24 the Inspection of Public Records Act;

25 K. submissions in response to a competitive grant, HB 5/a  
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