

1 HOUSE BILL 345
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY
4 Gail Armstrong and Nicole Chavez and Rebecca Dow
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10 AN ACT
11 RELATING TO CHILDREN; REQUIRING THAT A BEHAVIORAL HEALTH
12 ASSESSMENT BE CONDUCTED FOR A CHILD PRIOR TO THE CHILD ENTERING
13 FOSTER CARE; AMENDING A SECTION OF THE NMSA 1978.
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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 32A-3B-6 NMSA 1978 (being Laws 1993,
17 Chapter 77, Section 78, as amended) is amended to read:

18 "32A-3B-6. PLACE OF CUSTODY--FOSTER CARE--BEHAVIORAL
19 HEALTH ASSESSMENT REQUIRED.--

20 A. Unless a child from a family in need of services
21 who has been placed in department custody is also alleged or
22 adjudicated delinquent:

23 (1) the child shall not be held in a jail or
24 other facility intended or used for the incarceration of adults
25 charged with criminal offenses or for the detention of children

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1 alleged to be delinquent children; and

2 (2) there shall be a preference that the child
3 be placed in the home of a relative of the child when a
4 relative is available to provide foster care; provided that:

5 (a) placement with a relative is in the
6 best interest of the child;

7 (b) the relative signs a sworn statement
8 that the relative will not return the child to or allow
9 unsupervised visits with the parent, guardian or custodian who
10 is alleged to have committed the abuse or neglect until
11 otherwise directed by the department or the court; and

12 (c) within three days of accepting
13 custody of the child, the relative completes an application
14 form for licensure to operate a foster home pursuant to the
15 Children's Code.

16 B. The department shall make reasonable efforts to
17 locate a relative of the child to provide foster care. If a
18 relative is not available to provide foster care, the child may
19 be placed in:

20 (1) a licensed foster home or any home
21 authorized under the law for the provision of foster care or
22 group care or use as a protective residence;

23 (2) a facility operated by a licensed child
24 welfare services agency; or

25 (3) a facility provided for in the Children's

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Shelter Care Act.

C. Within forty-five days of placing a child into foster care, the department shall:

(1) provide for the child to receive a child and adolescent needs and strengths trauma assessment; and

(2) provide referrals to appropriate behavioral health services based on the child's assessment."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.