

1 SENATE BILL 362

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Michael Padilla

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10 AN ACT

11 RELATING TO CHILDREN; PROVIDING FOR COURT INTERVENTION OR OTHER
12 FAMILY SERVICES AFTER THE CHILDREN, YOUTH AND FAMILIES
13 DEPARTMENT'S DETERMINATION OF SUBSTANTIATED ABUSE OR NEGLECT OF
14 A CHILD.

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

17 SECTION 1. Section 32A-3B-2 NMSA 1978 (being Laws 1993,
18 Chapter 77, Section 74, as amended) is amended to read:

19 "32A-3B-2. [~~DEFINITIONS~~] DEFINITION.--As used in Chapter
20 32A, Article 3B NMSA 1978, "family in need of court-ordered
21 services" means the child or the family has refused family
22 services or has failed to follow through with family services
23 or the department has exhausted appropriate and available
24 family services and court intervention is necessary to provide
25 family services to the child or family and it is a family:

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

1 A. whose child, subject to compulsory school
2 attendance, is absent from school without an authorized excuse
3 more than ten days during a school year;

4 B. whose child is absent from the child's place of
5 residence for a time period of twelve hours or more without
6 consent of the child's parent, guardian or custodian;

7 C. whose child refuses to return home and there is
8 good cause to believe that the child will run away from home if
9 forced to return to the parent, guardian or custodian;

10 D. in which the child's parent, guardian or
11 custodian refuses to allow the child to return home and a
12 petition alleging neglect of the child is not in the child's
13 best interests; ~~[or]~~

14 E. whose child is:

15 (1) alleged to be engaged in an act that would
16 be designated as prostitution if committed by an adult; or

17 (2) a victim of human trafficking as defined
18 in Section 30-52-1 NMSA 1978; or

19 F. in which the allegations of child abuse or
20 neglect against the child's parent, guardian or legal custodian
21 have been investigated by the department and found to be
22 substantiated and it has been determined that court
23 intervention is necessary to ensure the safety and well-being
24 of the child or to facilitate access to services for the
25 family, but the department determined that filing an abuse or

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neglect petition was not in the child's best interest."

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