

1 SENATE BILL 489

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

3 INTRODUCED BY

4 Linda M. López

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10 AN ACT

11 RELATING TO CHILD WELFARE; AUTHORIZING THE CHILDREN'S COURT TO
12 REQUIRE ABUSED OR NEGLECTED CHILDREN OVER THE AGE OF FOURTEEN
13 TO PARTICIPATE IN COURT-ORDERED BEHAVIORAL HEALTH SERVICES OR
14 TREATMENT.

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

17 SECTION 1. Section 32A-6A-15 NMSA 1978 (being Laws 2007,
18 Chapter 162, Section 15) is amended to read:

19 "32A-6A-15. CONSENT FOR SERVICES--CHILDREN FOURTEEN YEARS
20 OF AGE OR OLDER.--

21 A. A child fourteen years of age or older is
22 presumed to have capacity to consent to treatment without
23 consent of the child's legal custodian, including consent for
24 individual psychotherapy, group psychotherapy, guidance
25 counseling, case management, behavioral therapy, family

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1 therapy, counseling, substance abuse treatment or other forms
2 of verbal treatment that do not include aversive interventions.
3 Nothing in this section shall be interpreted to provide a child
4 fourteen years of age or older with independent consent rights
5 for the purposes of the provision of special education and
6 related services as set forth in federal law.

7 B. Psychotropic medications may be administered to
8 a child fourteen years of age or older with the informed
9 consent of the child. When psychotropic medications are
10 administered to a child fourteen years of age or older, the
11 child's legal custodian shall be notified by the clinician.

12 C. A clinician or other mental health and
13 developmental disabilities professional shall promote the
14 healthy involvement of a child's legal custodians and family
15 members in developing and implementing the child's treatment
16 plan, including appropriate participation in treatment for
17 children fourteen years of age or older. However, nothing in
18 this section shall limit the rights of a child fourteen years
19 of age or older to consent to services and to consent to
20 disclosure of mental health records.

21 D. A child who has been adjudicated as abused or
22 neglected and who is under the jurisdiction of the children's
23 court may be required to participate in court-ordered
24 behavioral health services or treatment if the court determines
25 after a hearing and consideration of evidence that the proposed

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1 services or treatment is in the best interest of the child and
2 is necessary to promote the child's health, safety or welfare."

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