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SENATE BILL 242

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO CHILDREN; EXTENDING THE TIME FOR TEMPORARY
VOLUNTARY PLACEMENTS OF CHILDREN OUTSIDE THE HOME; DECLARING AN
EMERGENCY.

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

Section 1. Section 32A-3A-7 NMSA 1978 (being Laws 1993,
Chapter 77, Section 69) is amended to read:

"32A-3A-7. VOLUNTARY PLACEMENT--TIME LIMITATION. --

A. No child shall remain in voluntary placement for
longer than ~~[ninety]~~ one hundred eighty consecutive days or for
more than ~~[ninety]~~ one hundred eighty days in any calendar
year; provided that a child may remain in voluntary placement
up to an additional ~~[ninety]~~ one hundred eighty consecutive
days upon order of the ~~[children's]~~ court after the filing of a
petition by the department for extension of voluntary

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 placement, a hearing and a finding that additional voluntary
2 placement is in the best interests of the child.

3 B. In no event shall a child remain in voluntary
4 placement for a period in excess of [~~one hundred eighty~~
5 ~~consecutive days or for more than one hundred eighty days in~~
6 ~~any three hundred sixty-five day~~] three hundred sixty-five days
7 in any two-year period.

8 C. Any placement described in this section shall
9 not be considered abandonment by a parent, guardian or
10 custodian or other family member. "

11 Section 2. Section 32A-3A-8 NMSA 1978 (being Laws 1993,
12 Chapter 77, Section 70) is amended to read:

13 "32A-3A-8. DUTY TO FILE A PETITION. --If any child has
14 remained in voluntary placement for longer than [~~one hundred~~
15 ~~eighty consecutive days or for more than one hundred eighty~~
16 ~~days in any three hundred sixty-five day~~] three hundred sixty-
17 five days in any two-year period and the parent, guardian or
18 custodian of the child refuses to or cannot accept the child
19 back into the parent's, guardian's or custodian's custody, the
20 department shall immediately file a petition alleging that the
21 child is a neglected child or that the child's family needs
22 court-ordered family services. "

23 Section 3. EMERGENCY. --It is necessary for the public
24 peace, health and safety that this act take effect immediately.