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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 one hundred eighty consecutive days or for
more than one hundred eighty days in any calendar year;
provided that a child may remain in voluntary placement up to
an additional one hundred eighty consecutive days upon order
of the court after the filing of a petition by the department
for extension of voluntary placement, a hearing and a finding
that additional voluntary placement is in the best interests
of the child.

B. In no event shall a child remain in voluntary
placement for a period in excess of three hundred sixty-five
days in any two-year period.

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

Section 2. Section 32A-3A-8 NMSA 1978 (being Laws 1993,

1 Chapter 77, Section 70) is amended to read:

2 "32A-3A-8. DUTY TO FILE A PETITION.--If any child has
3 remained in voluntary placement for longer than three hundred
4 sixty-five days in any two-year period and the parent,
5 guardian or custodian of the child refuses to or cannot
6 accept the child back into the parent's, guardian's or
7 custodian's custody, the department shall immediately file a
8 petition alleging that the child is a neglected child or that
9 the child's family needs court-ordered family services."

10 Section 3. EMERGENCY.--It is necessary for the public
11 peace, health and safety that this act take effect
12 immediately. _____

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