

**FORTY-EIGHTH LEGISLATURE
FIRST SESSION, 2007**

March 5, 2007

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred
HOUSE BILL 1024

has had it under consideration and reports same with
recommendation that it **DO PASS**, amended as follows:

1. On page 1, lines 12 through 14, strike "ACCOMMODATING CHILDREN IN PROTECTIVE CUSTODY; AMENDING PROTECTIVE CUSTODY TIME LIMITATIONS" and insert in lieu thereof "AMENDING THE TIME PERIOD FOR RUNAWAYS TO RECEIVE FAMILY SERVICES".

2. On page 1, line 17, through page 8, line 24, strike Sections 1, 2 and 3 in their entirety and insert in lieu thereof:

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

"32A-3B-2. DEFINITIONS.--As used in Chapter [~~32~~] 32A, Article 3B NMSA 1978, "family in need of court-ordered services" means the child or the family has refused family services or the department has exhausted appropriate and available family services and court intervention is necessary to provide family services to the child or family and the following circumstances exist:

A. it is a family whose child, subject to compulsory school attendance, is absent from school without an authorized excuse more than ten days during a school semester;

B. it is a family whose child is absent from the child's place of residence for a time period of [~~twenty-four~~] twelve hours or more without consent of the child's parent, guardian or custodian;

C. it is a family whose child refuses to return home and there is good cause to believe that the child will run away from home if forced to return to [~~his~~] the parent, guardian or custodian; or

D. it is a family in which the child's parent, guardian or custodian refuses to allow the child to return home and a petition alleging neglect of the child is not in the child's best

**FORTY-EIGHTH LEGISLATURE
FIRST SESSION, 2007**

HJC/HB 1024

Page 2

interests."

Section 2. A new section of the Children's Code is enacted to read:

"[NEW MATERIAL] RUNAWAY CHILD--LAW ENFORCEMENT--PERMITTED ACTS.--Whenever a law enforcement agency receives a report from a parent, guardian or custodian that a child over whom the parent, guardian or custodian has custody has, without permission, left the home or residence lawfully prescribed for the child and the parent, guardian or custodian believes the child has run away, a law enforcement agent may help the parent, guardian or custodian locate the child and:

A. return the child to the parent, guardian or custodian unless safety concerns are present;

B. hold the child for up to six hours if the parent, guardian or custodian cannot be located; or

C. after the six hours has expired, follow the procedures outlined in Section 32A-3B-3 NMSA 1978."".

Respectfully submitted,

Al Park, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

**FORTY-EIGHTH LEGISLATURE
FIRST SESSION, 2007**

HJC/HB 1024

Page 3

The roll call vote was 9 For 0 Against
Yes: 9
No: 0
Excused: Cervantes, Foley, Maestas, Martinez
Absent: None

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