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SENATE BILL 157

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO THE EXECUTIVE DEPARTMENT; CHANGING THE NAME OF THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO THE INFANTS, CHILDREN, YOUTH AND FAMILIES DEPARTMENT; TRANSFERRING PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 9-2A-1 NMSA 1978 (being Laws 1992, Chapter 57, Section 1) is amended to read:

"9-2A-1. SHORT TITLE.--~~[Sections 1 through 16 of this act]~~ Chapter 9, Article 2A NMSA 1978 may be cited as the "Infants, Children, Youth and Families Department Act"."

Section 2. Section 9-2A-2 NMSA 1978 (being Laws 1992, Chapter 57, Section 2, as amended) is amended to read:

"9-2A-2. PURPOSE.--The purpose of the Infants, Children,
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1 Youth and Families Department Act is to establish a department
2 of state government that shall:

3 A. administer all laws and exercise all functions
4 formerly administered and exercised by the youth authority, as
5 well as administering certain functions related to infants,
6 children, youth and families that were formerly administered by
7 other departments or agencies of the state;

8 B. assist in the development of state policies and
9 plans for services to infants, children, youth and families,
10 including policies and plans that endeavor to strengthen client
11 self-sufficiency and that emphasize prevention without
12 jeopardizing the necessary provision of essential treatment and
13 early intervention services;

14 C. advocate for services for infants, children,
15 youth and families as an enduring priority in New Mexico; and

16 D. provide leadership to other agencies that serve
17 infants, children, youth and families to ensure a coordinated
18 and integrated system of care and services for Infants,
19 children, youth and families."

20 Section 3. Section 9-2A-3 NMSA 1978 (being Laws 1992,
21 Chapter 57, Section 3) is amended to read:

22 "9-2A-3. DEFINITIONS.--As used in the Infants, Children,
23 Youth and Families Department Act:

24 A. "department" means the infants, children, youth
25 and families department; and

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1 B. "secretary" means the secretary of infants,
2 children, youth and families."

3 Section 4. Section 9-2A-4 NMSA 1978 (being Laws 1992,
4 Chapter 57, Section 4, as amended) is amended to read:

5 "9-2A-4. DEPARTMENT CREATED--DIVISIONS.--

6 A. The "infants, children, youth and families
7 department" is created. The department is a cabinet department
8 and consists of, but is not limited to, six divisions as
9 follows:

- 10 (1) the protective services division;
- 11 (2) the juvenile justice division;
- 12 (3) the prevention and intervention division;
- 13 (4) the financial services division;
- 14 (5) the employee support division; and
- 15 (6) the information technology division.

16 B. The secretary is empowered to organize the
17 department and the divisions specified in Subsection A of this
18 section and may transfer or merge functions between divisions
19 in the interest of efficiency and economy.

20 C. The governor is empowered to merge divisions and
21 to abolish or create divisions of the department by executive
22 order in the interest of efficiency and economy."

23 Section 5. Section 9-2A-6 NMSA 1978 (being Laws 1992,
24 Chapter 57, Section 6) is amended to read:

25 "9-2A-6. SECRETARY OF INFANTS, CHILDREN, YOUTH AND

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1 FAMILIES--APPOINTMENT.--

2 A. The chief executive and administrative officer
3 of the department is the "secretary of infants, children, youth
4 and families". The secretary shall be appointed by the
5 governor with the consent of the senate. The secretary shall
6 hold office at the pleasure of the governor and shall serve in
7 the executive cabinet.

8 B. An appointed secretary shall serve and have all
9 the duties, responsibilities and authority of that office
10 during the period of time prior to final action by the senate
11 confirming or rejecting [~~his~~] the appointment."

12 Section 6. Section 9-2A-7 NMSA 1978 (being Laws 1992,
13 Chapter 57, Section 7, as amended) is amended to read:

14 "9-2A-7. SECRETARY--DUTIES AND GENERAL POWERS.--

15 A. The secretary is responsible to the governor for
16 the operation of the department. It is the secretary's duty to
17 manage all operations of the department and to administer and
18 enforce the laws with which [~~he~~] the secretary or the
19 department is charged.

20 B. To perform [~~his~~] the secretary's duties, the
21 secretary has every power expressly enumerated in the law,
22 whether granted to the secretary, the department or any
23 division of the department, except when any division is
24 explicitly exempted from the secretary's power by statute. In
25 accordance with these provisions, the secretary shall:

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1 (1) except as otherwise provided in the
2 Infants, Children, Youth and Families Department Act, exercise
3 general supervisory and appointing power over all department
4 employees, subject to applicable personnel laws and
5 regulations;

6 (2) delegate power to subordinates as [~~he~~] the
7 secretary deems necessary and appropriate, clearly delineating
8 such delegated power and the limitations to that power;

9 (3) organize the department into
10 organizational units as necessary to enable it to function most
11 efficiently, subject to any provisions of law requiring or
12 establishing specific organizational units;

13 (4) within the limitations of available
14 appropriations and applicable laws, employ and fix the
15 compensation of those persons necessary to discharge [~~his~~] the
16 secretary's duties;

17 (5) take administrative action by issuing
18 orders and instructions, not inconsistent with law, to [~~assure~~]
19 ensure implementation of and compliance with the provisions of
20 law for which administration or execution [~~he~~] the secretary is
21 responsible and to enforce those orders and instructions by
22 appropriate administrative action in the courts;

23 (6) conduct research and studies that will
24 improve the operation of the department and the provision of
25 services to the citizens of the state;

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1 (7) provide courses of instruction and
2 practical training for employees of the department and other
3 persons involved in the administration of programs with the
4 objectives of improving the operations and efficiency of
5 administration and of promoting comprehensive, coordinated,
6 culturally sensitive services that address the whole child;

7 (8) prepare an annual budget for the
8 department;

9 (9) provide cooperation, at the request of
10 administratively attached agencies and adjunct agencies, in
11 order to:

12 (a) minimize or eliminate duplication of
13 services and jurisdictional conflicts;

14 (b) coordinate activities and resolve
15 problems of mutual concern; and

16 (c) resolve by agreement the manner and
17 extent to which the department shall provide budgeting,
18 recordkeeping and related clerical assistance to
19 administratively attached agencies; and

20 (10) provide for surety bond coverage for all
21 employees of the department as provided in the Surety Bond Act.
22 The department shall pay the costs of [~~such~~] the bonds.

23 C. The secretary may apply for and receive, with
24 the governor's approval, in the name of the department, any
25 public or private funds, including United States government

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1 funds, available to the department to carry out its programs,
2 duties or services.

3 D. The secretary may make and adopt such reasonable
4 and procedural rules and regulations as may be necessary to
5 carry out the duties of the department and its divisions. No
6 rule or regulation promulgated by the director of any division
7 in carrying out the functions and duties of the division shall
8 be effective until approved by the secretary. Unless otherwise
9 provided by statute, no regulation affecting any person or
10 agency outside the department shall be adopted, amended or
11 repealed without a public hearing on the proposed action before
12 the secretary or a hearing officer designated by the secretary.
13 The public hearing shall be held in Santa Fe unless otherwise
14 permitted by statute. Notice of the subject matter of the
15 regulation, the action proposed to be taken, the time and place
16 of the hearing, the manner in which interested persons may
17 present their views and the method by which copies of the
18 proposed regulation or proposed amendment or repeal of an
19 existing regulation may be obtained shall be published once at
20 least thirty days prior to the hearing date in a newspaper of
21 general circulation and mailed at least thirty days prior to
22 the hearing date to all persons who have made a written request
23 for advance notice of hearing. All rules and regulations shall
24 be filed in accordance with the State Rules Act.

25 E. If the secretary certifies to the secretary of

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1 finance and administration and gives contemporaneous notice of
2 such certification through the human services register that the
3 department has insufficient state funds to operate any of the
4 programs it administers and that reductions in services or
5 benefit levels are necessary, the secretary may engage in
6 interim rulemaking. Notwithstanding any provision to the
7 contrary in the State Rules Act, interim rulemaking shall be
8 conducted pursuant to Subsection D of this section, except:

9 (1) the period of notice of public hearing
10 shall be fifteen days;

11 (2) the department shall send individual
12 notices of the interim rulemaking and of the public hearing to
13 affected providers and beneficiaries;

14 (3) rules and regulations promulgated [~~under~~]
15 pursuant to the provisions of this subsection shall be in
16 effect not less than five days after the public hearing;

17 (4) rules and regulations promulgated under
18 this subsection shall not be in effect for more than ninety
19 days; and

20 (5) if final rules and regulations are
21 necessary to replace the interim rules and regulations, the
22 department shall give notice of intent to promulgate final
23 rules and regulations at the time of notice herein. The final
24 rules and regulations shall be promulgated not more than forty-
25 five days after the public hearing and filed in accordance with

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1 the State Rules Act."

2 Section 7. Section 9-2A-8 NMSA 1978 (being Laws 1992,
3 Chapter 57, Section 8, as amended) is amended to read:

4 "9-2A-8. DEPARTMENT--ADDITIONAL DUTIES.--In addition to
5 other duties provided by law or assigned to the department by
6 the governor, the department shall:

7 A. develop priorities for department services and
8 resources based on state policy and national best-practice
9 standards and local considerations and priorities;

10 B. strengthen collaboration and coordination in
11 state and local services for infants, children, youth and
12 families by integrating critical functions as appropriate,
13 including service delivery, and contracting for services across
14 divisions and related agencies;

15 C. develop and maintain a statewide database,
16 including client tracking of services for infants, children,
17 youth and families;

18 D. develop standards of service within the
19 department that focus on prevention, monitoring and outcomes;

20 E. analyze policies of other departments that
21 affect infants, children, youth and families to encourage
22 common contracting procedures, common service definitions and a
23 uniform system of access;

24 F. enact regulations to control disposition and
25 placement of children under the Children's Code, including

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1 regulations to limit or prohibit the out-of-state placement of
2 children, including those who have developmental disabilities
3 or emotional, neurobiological or behavioral disorders, when in-
4 state alternatives are available;

5 G. develop reimbursement criteria for licensed
6 child care centers and licensed home providers establishing
7 that accreditation by a department-approved national
8 accrediting body is sufficient qualification for the child care
9 center or home provider to receive the highest reimbursement
10 rate paid by the department;

11 H. assume and implement responsibility for
12 children's mental health and substance abuse services in the
13 state, coordinating with the human services department and the
14 department of health;

15 I. assume and implement the lead responsibility
16 among all departments for domestic violence services;

17 J. implement prevention and early intervention as a
18 departmental focus;

19 K. conduct biennial assessments of service gaps and
20 needs and establish outcome measurements to address those
21 service gaps and needs, including recommendations from the
22 governor's children's cabinet and the infants, children, youth
23 and families advisory committee;

24 L. ensure that behavioral health services provided,
25 including mental health and substance abuse services for

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1 children, adolescents and their families, shall be in
2 compliance with requirements of Section 9-7-6.4 NMSA 1978; and

3 M. fingerprint and conduct nationwide criminal
4 history record searches on all department employees whose jobs
5 involve direct contact with department clients, including
6 prospective employees and employees who are promoted,
7 transferred or hired into new positions."

8 Section 8. Section 9-2A-8.1 NMSA 1978 (being Laws 2005,
9 Chapter 271, Section 2) is amended to read:

10 "9-2A-8.1. CRIMINAL HISTORY RECORD INVESTIGATIONS--
11 PROCEDURE--CONFIDENTIALITY--VIOLATION--PENALTY.--

12 A. The department shall submit fingerprints for
13 each individual required to be fingerprinted pursuant to the
14 Infants, Children, Youth and Families Department Act to the
15 department of public safety and the federal bureau of
16 investigation.

17 B. Criminal histories obtained are confidential and
18 shall be used only for the purpose of determining the
19 suitability of an employee or prospective employee for
20 employment by the department; except that criminal histories
21 may be released or disclosed to another agency or person only
22 upon court order or with the written consent of the person who
23 is the subject of the criminal history record.

24 C. A person who releases or discloses criminal
25 history records or information contained in those records in

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1 violation of the provisions of this section is guilty of a
2 misdemeanor and if convicted shall be sentenced pursuant to the
3 provisions of Section 31-19-1 NMSA 1978."

4 Section 9. Section 9-2A-11 NMSA 1978 (being Laws 1992,
5 Chapter 57, Section 11) is amended to read:

6 "9-2A-11. BUREAUS--CHIEFS.--The secretary may establish
7 within each division such "bureaus" as [~~he~~] the secretary deems
8 necessary to carry out the provisions of the Infants, Children,
9 Youth and Families Department Act. [~~He~~] The secretary shall
10 [~~appoint~~] employ a "chief" to be the administrative head of any
11 such bureau. The chief and all subsidiary employees of the
12 department shall be covered by the provisions of the Personnel
13 Act."

14 Section 10. Section 9-2A-12 NMSA 1978 (being Laws 1992,
15 Chapter 57, Section 12, as amended) is amended to read:

16 "9-2A-12. INFANTS, CHILDREN, YOUTH AND FAMILIES ADVISORY
17 COMMITTEE CREATED--MEMBERS--PURPOSE.--

18 A. The "infants, children, youth and families
19 advisory committee" is created. The committee shall be
20 composed of eleven members appointed by the governor. The
21 governor shall appoint persons with demonstrated interest and
22 involvement in infants, children, youth and family services,
23 particularly those services and programs administered or funded
24 by the department. Members shall be appointed so as to provide
25 adequate representation of ethnic groups and geographic areas

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1 of the state. At least two members shall be parents who are
2 recipients of services provided by the department, at least two
3 members shall be youths between the ages of sixteen and twenty-
4 one and at least one member shall be on the governor's youth
5 council.

6 B. The committee shall assist in the development of
7 policies and procedures for the department.

8 C. The members of the infants, children, youth and
9 families advisory committee shall be reimbursed for their
10 services as provided in the Per Diem and Mileage Act and shall
11 receive no other compensation, perquisite or allowance."

12 Section 11. Section 9-2A-13 NMSA 1978 (being Laws 1992,
13 Chapter 57, Section 13, as amended) is amended to read:

14 "9-2A-13. INTERAGENCY COORDINATING GROUP.--There is
15 created an "interagency coordinating group" consisting of the
16 secretary of finance and administration, the secretary of
17 health, the secretary of human services, the secretary of
18 labor, the ~~[superintendent of public instruction]~~ secretary of
19 public education, the ~~[chairman]~~ chair of the joint interim
20 legislative health and human services committee and a member of
21 the governor's office. The group shall assist the secretary of
22 infants, children, youth and families and the infants,
23 children, youth and families advisory committee in planning
24 coordination of services. If the governor creates a children's
25 cabinet through executive order, the children's cabinet shall

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1 assume the functions and duties of the interagency coordinating
2 group."

3 Section 12. Section 9-2A-17 NMSA 1978 (being Laws 1993,
4 Chapter 120, Section 1) is amended to read:

5 "9-2A-17. CORRECTIONAL OFFICERS--INFANTS, CHILDREN, YOUTH
6 AND FAMILIES DEPARTMENT--ACTING AS PEACE OFFICERS.--

7 A. Correctional officers of the infants, children,
8 youth and families department who have completed an appropriate
9 American correction association training course and who have at
10 the particular time the principal duty to hold in custody or
11 supervise any person accused or convicted of a delinquent act
12 or criminal offense shall have the power of a peace officer
13 with respect to arrests and enforcement of laws when:

14 (1) on the premises of [~~a~~] an infants,
15 children, youth and families department facility or while
16 transporting a person committed to or under the supervision of
17 the infants, children, youth and families department;

18 (2) supervising any person committed to or
19 under the supervision of the infants, children, youth and
20 families department anywhere within the state; or

21 (3) engaged in any effort to pursue or
22 apprehend any such person.

23 B. No correctional officer of the infants,
24 children, youth and families department shall be convicted or
25 held liable for any act performed pursuant to this section if a

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1 peace officer could lawfully have performed the same act in the
2 same circumstances.

3 C. Crimes against a correctional officer of the
4 infants, children, youth and families department while in the
5 lawful discharge of duties that confer peace officer status
6 pursuant to this section shall be deemed the same crimes and
7 shall bear the same penalties as crimes against a peace
8 officer."

9 Section 13. Section 9-2A-18 NMSA 1978 (being Laws 1997,
10 Chapter 110, Section 1) is amended to read:

11 "9-2A-18. CORRECTIONAL OFFICERS--INFANTS, CHILDREN, YOUTH
12 AND FAMILIES DEPARTMENT--QUALIFICATIONS.--Correctional officers
13 of the infants, children, youth and families department shall:

14 A. be citizens of the United States;

15 B. be eighteen years of age or older;

16 C. possess a high school education or its
17 equivalent;

18 D. be of good moral character and not have been
19 convicted of a felony offense by a court of this state, any
20 other state or the United States; and

21 E. successfully pass a physical examination and an
22 aptitude examination administered by the department."

23 Section 14. Section 24-1-2 NMSA 1978 (being Laws 1973,
24 Chapter 359, Section 2, as amended) is amended to read:

25 "24-1-2. DEFINITIONS.--As used in the Public Health Act:

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1 A. "department" or "division" means the infants,
2 children, youth and families department as to child care
3 centers, residential treatment centers that serve persons up to
4 twenty-one years of age, community mental health centers that
5 serve only persons up to twenty-one years of age and day
6 treatment centers that serve persons up to twenty-one years of
7 age, and the department of health as to all other health
8 facilities;

9 B. "director" means the secretary;

10 C. "person", when used without further
11 qualification, means an individual or any other form of entity
12 recognized by law;

13 D. "health facility" means a public hospital,
14 profit or nonprofit private hospital, general or special
15 hospital, outpatient facility, maternity home or shelter, adult
16 daycare facility, nursing home, intermediate care facility,
17 boarding home not under the control of an institution of higher
18 learning, child care center, shelter care home, diagnostic and
19 treatment center, rehabilitation center, infirmary, community
20 mental health center that serves both children and adults or
21 adults only, residential treatment center that serves persons
22 up to twenty-one years of age, community mental health center
23 that serves only persons up to twenty-one years of age and day
24 treatment center that serves persons up to twenty-one years of
25 age or a health service organization operating as a

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1 freestanding hospice or a home health agency. The designation
2 of these entities as health facilities is only for the purposes
3 of definition in the Public Health Act and does not imply that
4 a free-standing hospice or a home health agency is considered a
5 health facility for the purposes of other provisions of state
6 or federal laws. "Health facility" also includes those
7 facilities that, by federal regulation, must be licensed by the
8 state to obtain or maintain full or partial, permanent or
9 temporary federal funding. It does not include the offices and
10 treatment rooms of licensed private practitioners; and

11 E. "secretary" means the secretary of infants,
12 children, youth and families as to child care centers and
13 facilities and the secretary of health as to all other health
14 facilities."

15 Section 15. Section 24-19-3 NMSA 1978 (being Laws 1986,
16 Chapter 15, Section 3, as amended) is amended to read:

17 "24-19-3. DEFINITIONS.--As used in the Children's Trust
18 Fund Act:

19 A. "board" means the children's trust fund board of
20 trustees;

21 B. "children's projects" means projects that
22 provide services to children on a one-time, short-term
23 demonstration basis, including services to their families,
24 consistent with the purposes of the Children's Trust Fund Act;

25 C. "council" means the next generation council;

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1 D. "department" means the infants, children, youth
2 and families department;

3 E. "next generation fund projects" means projects
4 funded from the next generation fund that meet the requirements
5 for funding provided in Section [~~5 of this 2005 act~~] 24-19-10
6 NMSA 1978; and

7 F. "secretary" means the secretary of infants,
8 children, youth and families."

9 Section 16. Section 24-22-3 NMSA 1978 (being Laws 2001,
10 Chapter 31, Section 3 and Laws 2001, Chapter 132, Section 3, as
11 amended) is amended to read:

12 "24-22-3. LEAVING AN INFANT.-

13 A. A person may leave an infant with the staff of a
14 hospital without being subject to criminal prosecution for
15 abandonment or abuse if the infant was born within ninety days
16 of being left at the hospital, as determined within a
17 reasonable degree of medical certainty, and if the infant is
18 left in a condition that would not constitute abandonment or
19 abuse of a child pursuant to Section 30-6-1 NMSA 1978.

20 B. A hospital may ask the person leaving the infant
21 for the name of the infant's biological father or biological
22 mother, the infant's name and the infant's medical history, but
23 the person leaving the infant is not required to provide that
24 information to the hospital.

25 C. The hospital is deemed to have received consent

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1 for medical services provided to an infant left at a hospital
2 in accordance with the provisions of the Safe Haven for Infants
3 Act or in accordance with procedures developed between the
4 infants, children, youth and families department and the
5 hospital."

6 Section 17. Section 24-22-4 NMSA 1978 (being Laws 2001,
7 Chapter 31, Section 4 and Laws 2001, Chapter 132, Section 4, as
8 amended) is amended to read:

9 "24-22-4. HOSPITAL PROCEDURES.--

10 A. A hospital shall accept an infant who is left at
11 the hospital in accordance with the provisions of the Safe
12 Haven for Infants Act.

13 B. In conjunction with the infants, children, youth
14 and families department, a hospital shall develop procedures
15 for appropriate staff to accept and provide necessary medical
16 services to an infant left at the hospital and to the person
17 leaving the infant at the hospital, if necessary.

18 C. Upon receiving an infant who is left at a
19 hospital in accordance with the provisions of the Safe Haven
20 for Infants Act, the hospital may provide the person leaving
21 the infant with:

22 (1) information about adoption services,
23 including the availability of private adoption services;

24 (2) brochures or telephone numbers for
25 agencies that provide adoption services or counseling services;

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1 and

2 (3) written information regarding whom to
3 contact at the infants, children, youth and families department
4 if the parent decides to seek reunification with the infant.

5 D. A hospital shall ask the person leaving the
6 infant whether the infant has a parent who is either a member
7 of an Indian tribe or is eligible for membership in an Indian
8 tribe, but the person leaving the infant is not required to
9 provide that information to the hospital.

10 E. Immediately after receiving an infant in
11 accordance with the provisions of the Safe Haven for Infants
12 Act, a hospital shall inform the infants, children, youth and
13 families department that the infant has been left at the
14 hospital. The hospital shall provide the infants, children,
15 youth and families department with all available information
16 regarding the child and the parents, including the identity of
17 the child and the parents, the location of the parents and the
18 child's medical records."

19 Section 18. Section 24-22-5 NMSA 1978 (being Laws 2001,
20 Chapter 31, Section 5 and Laws 2001, Chapter 132, Section 5, as
21 amended) is amended to read:

22 "24-22-5. RESPONSIBILITIES OF THE INFANTS, CHILDREN,
23 YOUTH AND FAMILIES DEPARTMENT.--

24 A. The infants, children, youth and families
25 department shall be deemed to have emergency custody of an

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1 infant who has been left at a hospital according to the
2 provisions of the Safe Haven for Infants Act.

3 B. Upon receiving a report of an infant left at a
4 hospital pursuant to the provisions of the Safe Haven for
5 Infants Act, the infants, children, youth and families
6 department shall immediately conduct an investigation, pursuant
7 to the provisions of the Abuse and Neglect Act.

8 C. When an infant is taken into custody by the
9 infants, children, youth and families department, the
10 department shall make reasonable efforts to determine whether
11 the infant is an Indian child. If the infant is an Indian
12 child:

13 (1) the child's tribe shall be notified as
14 required by Section 32A-1-14 NMSA 1978 and the federal Indian
15 Child Welfare Act of 1978; and

16 (2) pre-adoptive placement and adoptive
17 placement of the Indian child shall be in accordance with the
18 provisions of Section 32A-5-5 NMSA 1978 regarding Indian child
19 placement preferences.

20 D. The infants, children, youth and families
21 department shall perform public outreach functions necessary to
22 educate the public about the Safe Haven for Infants Act,
23 including developing literature about that act and distributing
24 it to hospitals.

25 E. An infant left at a hospital in accordance with

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1 the provisions of the Safe Haven for Infants Act shall
2 presumptively be deemed eligible and enrolled for medicaid
3 benefits and services."

4 Section 19. Section 24-24-3 NMSA 1978 (being Laws 2003,
5 Chapter 316, Section 3) is amended to read:

6 "24-24-3. DEFINITIONS.--As used in the Child Care
7 Facility Loan Act:

8 A. "department" means the infants, children, youth
9 and families department;

10 B. "facility" means a child care facility operated
11 by a provider, including both family home-based and
12 center-based programs, licensed by the department to provide
13 care to infants, toddlers and children;

14 C. "fund" means the child care facility revolving
15 loan fund; and

16 D. "provider" means a person licensed by the
17 department to provide child care to infants, toddlers and
18 children pursuant to Section 9-2A-8 NMSA 1978."

19 Section 20. Section 27-7-16 NMSA 1978 (being Laws 1989,
20 Chapter 389, Section 3, as amended) is amended to read:

21 "27-7-16. DEFINITIONS.--As used in the Adult Protective
22 Services Act:

23 A. "abuse" means:

24 (1) knowingly, intentionally or negligently
25 and without justifiable cause inflicting physical pain, injury

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1 or mental anguish; or

2 (2) the intentional deprivation by a caretaker
3 or other person of services necessary to maintain the mental
4 and physical health of an adult;

5 B. "adult" means a person eighteen years of age or
6 older;

7 C. "appropriate facility" means any facility other
8 than a jail or detention facility;

9 D. "caretaker" means an individual or institution
10 that has assumed the responsibility for the care of an adult;

11 E. "conservator" means a person who is appointed by
12 a court to manage the property or financial affairs, or both,
13 of an incapacitated person or a minor ward;

14 F. "court" means the district court having
15 jurisdiction;

16 G. "department" means the infants, children, youth
17 and families department;

18 H. "emergency" means that an adult is living in
19 conditions that present a substantial risk of death or
20 immediate and serious physical harm to [~~himself~~] the adult or
21 others;

22 I. "exploitation" means an unjust or improper use
23 of an adult's money or property for another person's profit or
24 advantage, pecuniary or otherwise;

25 J. "guardian" means a person who has qualified to

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1 provide for the care, custody or control of the person or a
2 minor or incapacitated person pursuant to testamentary or court
3 appointment, but excludes one who is merely a guardian ad
4 litem;

5 K. "inability to manage [~~his~~] personal care" means
6 the inability, as evidenced by recent behavior, to meet one's
7 needs for medical care, nutrition, clothing, shelter, hygiene
8 or safety so that physical injury, illness or disease has
9 occurred or is likely to occur in the near future;

10 L. "inability to manage [~~his~~] property or financial
11 affairs" means gross mismanagement, waste or dissipation, as
12 evidenced by recent behavior, of an adult's income and
13 resources [~~which~~] that has led or is likely in the near future
14 to lead to financial vulnerability [~~which~~] and that threatens
15 the adult's ability to obtain or pay for [~~his~~] basic
16 requirements for living;

17 M. "incapacitated adult" means any adult who
18 demonstrates over time partial or complete functional
19 impairment by reason of mental illness, mental deficiency,
20 physical illness or disability, chronic use of drugs, chronic
21 intoxication or other causes to the extent that [~~he~~] the adult
22 is unable to manage [~~his~~] personal affairs or [~~he~~] is unable to
23 manage [~~his~~] the adult's estate or financial affairs, but does
24 not include a person who refuses services without other
25 evidence of incapacity;

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1 N. "independent living arrangements" means a mode
2 of life maintained on a continuing basis outside of a hospital,
3 veterans' administration hospital, nursing home or other
4 facility licensed by or under the jurisdiction of any state
5 agency;

6 O. "interested person" means any adult relative,
7 any person who has an interest in the welfare of the adult to
8 be protected under the Adult Protective Services Act or any
9 official or representative of a protective services agency or
10 of any public or nonprofit agency, corporation, board or
11 organization eligible for designation as a protective services
12 agency;

13 P. "neglect" means failure of the caretaker of an
14 adult to provide basic needs, such as clothing, food, shelter,
15 supervision and care for the physical and mental health ~~[for]~~
16 of that adult, or failure by an adult to provide such basic
17 needs for ~~[himself]~~ that adult;

18 Q. "protected adult" means an adult for whom a
19 guardian or conservator has been appointed or other protective
20 order has been made or an abused, neglected or exploited adult
21 who has requested protective services;

22 R. "protective placement" means the transfer of an
23 adult from independent living arrangements to a hospital,
24 nursing home, domiciliary or residential care facility or from
25 one such institution to another;

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1 S. "protective services" means the services
2 furnished by the department or a protective services agency or
3 its delegate, as described in Section 27-7-21 NMSA 1978; and

4 T. "protective services agency" means a
5 corporation, board or organization authorized by the department
6 pursuant to the Adult Protective Services Act to furnish
7 protective services to protected or incapacitated adults or to
8 serve as conservators or guardians of protected or
9 incapacitated adults upon appointment by a court."

10 Section 21. Section 28-17-3 NMSA 1978 (being Laws 1989,
11 Chapter 208, Section 3, as amended) is amended to read:

12 "28-17-3. DEFINITIONS.--As used in the Long-Term Care
13 Ombudsman Act:

14 A. "adult protective services" means the infants,
15 children, youth and families department pursuant to the Adult
16 Protective Services Act;

17 B. "agency" means the [~~state agency on~~] aging and
18 long-term services department;

19 C. "care" means assistance with the activities of
20 daily living, including eating, dressing, oral hygiene,
21 bathing, mobility, toileting, grooming, taking medications,
22 transferring from a bed or chair and walking;

23 D. "director" means the [~~director of the state~~
24 ~~agency on~~] secretary of aging and long-term services;

25 E. "licensing and certification" means the

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1 licensing and certification bureau of the public health
2 division of the department of health;

3 F. "long-term care facility" means any residential
4 facility that provides care to one or more persons unrelated to
5 the owner or operator of the facility, including:

- 6 (1) a skilled nursing facility;
- 7 (2) an intermediate care nursing facility,
8 including an intermediate care facility for the mentally
9 retarded;
- 10 (3) a nursing facility;
- 11 (4) an adult residential shelter care home;
- 12 (5) a boarding home;
- 13 (6) any other adult care home or adult
14 residential care facility;
- 15 (7) a continuing care community;
- 16 (8) any swing bed in an acute care facility or
17 extended care facility; and
- 18 (9) any adult daycare facility;

19 G. "office" means the office of the state long-term
20 care ombudsman;

21 H. "Older Americans Act" means the federal Older
22 Americans Act of 1965;

23 I. "ombudsman" means an individual trained and
24 certified to act as a representative of the office of the state
25 long-term care ombudsman;

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1 J. "ombudsman coordinator" means the coordinator of
2 a regional or local ombudsman program designated by the office
3 of the state ombudsman;

4 K. "program" means the New Mexico long-term care
5 ombudsman program;

6 L. "resident" means any patient, client or person
7 residing in and receiving care in a long-term care facility;

8 M. "state ombudsman" means the state long-term care
9 ombudsman; and

10 N. "surrogate decision maker" means a legally
11 appointed agent, guardian or surrogate who is authorized to act
12 on behalf of a resident."

13 Section 22. Section 30-22-11.1 NMSA 1978 (being Laws
14 1993, Chapter 121, Section 1) is amended to read:

15 "30-22-11.1. ESCAPE FROM THE CUSTODY OF THE INFANTS,
16 CHILDREN, YOUTH AND FAMILIES DEPARTMENT.--Escape from the
17 custody of the infants, children, youth and families department
18 consists of any person who has been adjudicated as a delinquent
19 child and has been committed lawfully to the custody of a
20 department juvenile justice facility:

21 A. escaping or attempting to escape from custody
22 within the confines of [a] an infants, children, youth and
23 families department juvenile justice facility; or

24 B. escaping or attempting to escape from another
25 lawful place of custody or confinement that is not within the

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1 confines of [a] an infants, children, youth and families
2 department juvenile justice facility.

3 Any person who commits escape from the custody of [a] an
4 infants, children, youth and families department juvenile
5 justice facility is guilty of a misdemeanor."

6 Section 23. Section 30-22-11.2 NMSA 1978 (being Laws
7 1994, Chapter 18, Section 1) is amended to read:

8 "30-22-11.2. AGGRAVATED ESCAPE FROM THE CUSTODY OF THE
9 INFANTS, CHILDREN, YOUTH AND FAMILIES DEPARTMENT.--Aggravated
10 escape from the custody of the infants, children, youth and
11 families department consists of any person who has been
12 adjudicated as a delinquent child and has been committed
13 lawfully to the custody of a department juvenile justice
14 facility:

15 A. escaping or attempting to escape from custody
16 within the confines of [a] an infants, children, youth and
17 families department juvenile justice facility and committing
18 assault or battery on another person in the course of escaping
19 or attempting to escape; or

20 B. escaping or attempting to escape from a lawful
21 place of custody or confinement that is not within the confines
22 of [a] an infants, children, youth and families department
23 juvenile justice facility and committing assault or battery on
24 another person in the course of escaping or attempting to
25 escape.

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1 Any person who commits aggravated escape from the custody
2 of the infants, children, youth and families department is
3 guilty of a fourth degree felony."

4 Section 24. Section 31-26-11 NMSA 1978 (being Laws 1994,
5 Chapter 144, Section 11, as amended) is amended to read:

6 "31-26-11. PROCEDURES WHEN AN INMATE OR DELINQUENT CHILD
7 ESCAPES--CORRECTIONS DEPARTMENT--INFANTS, CHILDREN, YOUTH AND
8 FAMILIES DEPARTMENT.--

9 A. The corrections department or the infants,
10 children, youth and families department shall immediately
11 notify the sentencing judge or the children's court judge, the
12 district attorney of the judicial district from which the
13 inmate or delinquent child was committed and the probation
14 officer who authored the presentence report when an inmate or
15 delinquent child:

16 (1) escapes from a correctional facility or
17 juvenile justice facility under the jurisdiction of the
18 corrections department or the infants, children, youth and
19 families department; or

20 (2) convicted in New Mexico of a capital,
21 first degree or second degree felony and transferred to a
22 facility under the jurisdiction of another state escapes from
23 that facility.

24 B. The district attorney shall immediately notify
25 [~~any~~] a person known to reside in [~~his~~] the district who was a

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1 victim of the criminal or delinquent offense for which the
2 inmate or delinquent child was committed."

3 Section 25. Section 31-26-12 NMSA 1978 (being Laws 1994,
4 Chapter 144, Section 12, as amended) is amended to read:

5 "31-26-12. PROCEDURES WHEN AN INMATE IS RELEASED FROM
6 INCARCERATION--ADULT PAROLE BOARD--CORRECTIONS DEPARTMENT--
7 PROCEDURES WHEN A DELINQUENT CHILD IS RELEASED FROM CUSTODY--
8 JUVENILE PAROLE BOARD--INFANTS, CHILDREN, YOUTH AND FAMILIES
9 DEPARTMENT--DISTRICT ATTORNEYS.--

10 A. The adult parole board and the juvenile parole
11 board shall provide a copy of their respective regular release
12 dockets to each district attorney in the state at least ten
13 working days before the docket is considered by the board. The
14 district attorney shall notify [~~any~~] a person known to reside
15 in [~~his~~] the district who was a victim of the criminal offense
16 for which the inmate was incarcerated or the delinquent child
17 was committed.

18 B. The adult parole board [~~and~~] or the juvenile
19 parole board shall provide a copy of a supplemental, addendum
20 or special docket to each district attorney at least five
21 working days before the release docket is considered by the
22 board.

23 C. Following consideration of a release docket by
24 the adult parole board or the juvenile parole board, each board
25 shall promptly notify each district attorney of [~~any~~]

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1 recommendations adopted by the board for release of an inmate
2 from incarceration or a delinquent child from custody. The
3 district attorney shall notify [~~any~~] a person known to reside
4 in [~~his~~] the district who was a victim of the criminal offense
5 for which the inmate was incarcerated or the delinquent child
6 was committed.

7 D. In the case of an inmate scheduled to be
8 released from incarceration without parole or prior to parole
9 for any reason, or a delinquent child scheduled to be released
10 from custody, the corrections department or the infants,
11 children, youth and families department shall notify each
12 district attorney at least fifteen working days before the
13 inmate's or delinquent child's release. The district attorney
14 shall notify [~~any~~] a person known to reside in [~~his~~] the
15 district who was a victim of the criminal offense for which the
16 inmate was incarcerated or the delinquent child was committed."

17 Section 26. Section 32A-1-4 NMSA 1978 (being Laws 1993,
18 Chapter 77, Section 13, as amended) is amended to read:

19 "32A-1-4. DEFINITIONS.--As used in the Children's Code:

20 A. "adult" means a person who is eighteen years of
21 age or older;

22 B. "child" means a person who is less than eighteen
23 years old;

24 C. "court", when used without further
25 qualification, means the children's court division of the

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1 district court and includes the judge, special master or
2 commissioner appointed pursuant to the provisions of the
3 Children's Code or supreme court rule;

4 D. "court-appointed special advocate" or "CASA"
5 means a person appointed as a CASA, pursuant to the provisions
6 of the Children's Court Rules, who assists the court in
7 determining the best interests of the child by investigating
8 the case and submitting a report to the court;

9 E. "custodian" means an adult with whom the child
10 lives who is not a parent or guardian of the child;

11 F. "department" means the infants, children, youth
12 and families department, unless otherwise specified;

13 G. "foster parent" means a person, including a
14 relative of the child, licensed or certified by the department
15 or a child placement agency to provide care for children in the
16 custody of the department or agency;

17 H. "guardian" means a person appointed as a
18 guardian by a court or Indian tribal authority or a person
19 authorized to care for the child by a parental power of
20 attorney as permitted by law;

21 I. "guardian ad litem" means an attorney appointed
22 by the children's court to represent and protect the best
23 interests of the child in a court proceeding; provided that no
24 party or employee or representative of a party to the
25 proceeding shall be appointed to serve as a guardian ad litem;

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1 J. "Indian child" means an unmarried person who is:
2 (1) less than eighteen years old;
3 (2) a member of an Indian tribe or is eligible
4 for membership in an Indian tribe; and
5 (3) the biological child of a member of an
6 Indian tribe;

7 K. "Indian child's tribe" means:
8 (1) the Indian tribe in which an Indian child
9 is a member or eligible for membership; or
10 (2) in the case of an Indian child who is a
11 member or eligible for membership in more than one tribe, the
12 Indian tribe with which the Indian child has more significant
13 contacts;

14 L. "Indian tribe" means a federally recognized
15 Indian tribe, community or group pursuant to 25 U.S.C. Section
16 1903(1);

17 M. "judge", when used without further
18 qualification, means the judge of the court;

19 N. "legal custody" means a legal status created by
20 order of the court or other court of competent jurisdiction or
21 by operation of statute that vests in a person, department or
22 agency the right to determine where and with whom a child shall
23 live; the right and duty to protect, train and discipline the
24 child and to provide the child with food, shelter, personal
25 care, education and ordinary and emergency medical care; the

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1 right to consent to major medical, psychiatric, psychological
2 and surgical treatment and to the administration of legally
3 prescribed psychotropic medications pursuant to the Children's
4 Mental Health and Developmental Disabilities Act; and the right
5 to consent to the child's enlistment in the armed forces of the
6 United States;

7 O. "parent" or "parents" includes a biological or
8 adoptive parent if the biological or adoptive parent has a
9 constitutionally protected liberty interest in the care and
10 custody of the child;

11 P. "permanency plan" means a determination by the
12 court that the child's interest will be served best by:

13 (1) reunification;

14 (2) placement for adoption after the parents'
15 rights have been relinquished or terminated or after a motion
16 has been filed to terminate parental rights;

17 (3) placement with a person who will be the
18 child's permanent guardian;

19 (4) placement in the legal custody of the
20 department with the child placed in the home of a fit and
21 willing relative; or

22 (5) placement in the legal custody of the
23 department under a planned permanent living arrangement;

24 Q. "person" means an individual or any other form
25 of entity recognized by law;

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1 R. "preadoptive parent" means a person with whom a
2 child has been placed for adoption;

3 S. "protective supervision" means the right to
4 visit the child in the home where the child is residing,
5 inspect the home, transport the child to court-ordered
6 diagnostic examinations and evaluations and obtain information
7 and records concerning the child;

8 T. "reunification" means either a return of the
9 child to the parent or to the home from which the child was
10 removed or a return to the noncustodial parent;

11 U. "tribal court" means:

12 (1) a court established and operated pursuant
13 to a code or custom of an Indian tribe; or

14 (2) any administrative body of an Indian tribe
15 that is vested with judicial authority;

16 V. "tribal court order" means a document issued by
17 a tribal court that is signed by an appropriate authority,
18 including a judge, governor or tribal council member, and that
19 orders an action that is within the tribal court's
20 jurisdiction; and

21 W. "tribunal" means any judicial forum other than
22 the court."

23 Section 27. Section 32A-9-3 NMSA 1978 (being Laws 1978,
24 Chapter 108, Section 3, as amended) is amended to read:

25 "32A-9-3. DEFINITIONS.--As used in the Children's Shelter
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1 Care Act:

2 A. "child" means an individual who is less than
3 eighteen years old;

4 B. "alleged child in need of supervision" means a
5 child who is charged with an offense applicable only to
6 children or not classified as criminal;

7 C. "child in need of supervision" means a child
8 found by the children's court or family court division of the
9 district court to:

10 (1) have committed an offense applicable only
11 to children or not classified as criminal; and

12 (2) be in need of care or rehabilitation;

13 D. "alleged delinquent child" means a child charged
14 with an act that would be designated as a crime under the
15 Criminal Code if committed by an adult;

16 E. "community-based shelter-care facility" means a
17 physically nonrestrictive home or living facility to be used as
18 a temporary living place for a child eligible under Section
19 [~~32-2A-6~~] 32A-9-6 NMSA 1978, pending the return of such child
20 to [~~his~~] the child's family or [~~his~~] the child's placement in a
21 residential facility designed for long-term placement;

22 F. "programs of supervision and care" includes
23 programs, placements and services designed to serve as
24 alternatives to the physical detention of alleged children in
25 need of supervision, alleged delinquent children and children

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1 in need of supervision; and

2 G. "department" means the infants, children, youth
3 and families department."

4 Section 28. Section 32A-10-4 NMSA 1978 (being Laws 1973,
5 Chapter 238, Section 4, as amended) is amended to read:

6 "32A-10-4. COMPACT ADMINISTRATOR.--The secretary of
7 infants, children, youth and families is the compact
8 administrator of the Interstate Compact on Juveniles and,
9 acting jointly with like officers of other party states, shall
10 promulgate rules and regulations to carry out more effectively
11 the terms of the compact. The compact administrator may
12 cooperate with all departments and agencies of this state and
13 its political subdivisions in facilitating the proper
14 administration of the compact and any amendments or
15 supplementary agreements thereunder entered into by this
16 state."

17 Section 29. Section 32A-16-1 NMSA 1978 (being Laws 1989,
18 Chapter 290, Section 1, as amended) is amended to read:

19 "32A-16-1. OFFICE CREATED--DIRECTOR APPOINTED.--The
20 "office of child development" is created within the infants,
21 children, youth and families department. The executive and
22 administrative head of the office of child development is the
23 "director of child development". The director shall be
24 appointed by the secretary of infants, children, youth and
25 families based upon the recommendations of the child

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1 development board."

2 Section 30. Section 32A-22-2 NMSA 1978 (being Laws 2005,
3 Chapter 64, Section 2) is amended to read:

4 "32A-22-2. CHILDREN'S CABINET CREATED.--

5 A. The "children's cabinet" is created and is
6 administratively attached to the office of the governor. The
7 children's cabinet shall meet at least six times each year.

8 B. The children's cabinet shall consist of the
9 following members:

- 10 (1) the governor;
- 11 (2) the lieutenant governor;
- 12 (3) the secretary of infants, children, youth
13 and families;
- 14 (4) the secretary of corrections;
- 15 (5) the secretary of human services;
- 16 (6) the secretary of labor;
- 17 (7) the secretary of health;
- 18 (8) the secretary of finance and
19 administration;
- 20 (9) the secretary of economic development;
- 21 (10) the secretary of public safety;
- 22 (11) the secretary of aging and long-term
23 services;
- 24 (12) the secretary of Indian affairs; and
- 25 (13) the secretary of public education.

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1 C. Each year the children's cabinet shall select
2 the governor or lieutenant governor to be the chairperson."

3 Section 31. Section 32A-23-3 NMSA 1978 (being Laws 2005,
4 Chapter 170, Section 3) is amended to read:

5 "32A-23-3. DEFINITIONS.--As used in the Pre-Kindergarten
6 Act:

7 A. "community" means an area defined by school
8 district boundaries, tribal boundaries or joint boundaries of a
9 school district and tribe or any combination of school
10 districts and tribes;

11 B. "departments" means the infants, children, youth
12 and families department and the public education department
13 acting jointly;

14 C. "early childhood development specialist" means
15 the adult responsible for working directly with four-year-old
16 children in implementing pre-kindergarten services;

17 D. "eligible provider" means a person licensed by
18 the infants, children, youth and families department that
19 provides early childhood developmental readiness services or
20 preschool special education, or is a public school, tribal
21 program or head start program;

22 E. "pre-kindergarten" means a voluntary
23 developmental readiness program for children who have attained
24 their fourth birthday prior to September 1; and

25 F. "tribe" means an Indian nation, tribe or pueblo

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1 located in New Mexico."

2 Section 32. Section 33-9A-2 NMSA 1978 (being Laws 1988,
3 Chapter 101, Section 40, as amended) is amended to read:

4 "33-9A-2. DEFINITIONS.--As used in the Juvenile Community
5 Corrections Act:

6 A. "delinquent" means a child adjudicated
7 delinquent pursuant to the Children's Code;

8 B. "department" means the infants, children, youth
9 and families department;

10 C. "fund" means the juvenile community corrections
11 grant fund;

12 D. "secretary" means the secretary of infants,
13 children, youth and families; and

14 E. "volunteer services" means services provided by
15 individuals or organizations without compensation."

16 Section 33. Section 34-15-2 NMSA 1978 (being Laws 2003,
17 Chapter 94, Section 2) is amended to read:

18 "34-15-2. DOMESTIC VIOLENCE OFFENDER TREATMENT FUND
19 CREATED--APPROPRIATION--PROGRAM REQUIREMENTS.--

20 A. The "domestic violence offender treatment fund"
21 is created in the state treasury. All fees collected pursuant
22 to the provisions of Section [~~1 of this act~~] 34-15-1 NMSA 1978
23 shall be transmitted monthly to the department of finance and
24 administration for credit to the domestic violence offender
25 treatment fund.

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1 B. Balances in the domestic violence offender
2 treatment fund are appropriated to the infants, children, youth
3 and families department to provide funds to domestic violence
4 offender treatment programs to defray the cost of providing
5 treatment to domestic violence offenders. Unexpended or
6 unencumbered balances remaining in the fund at the end of any
7 fiscal year shall not revert to the general fund.

8 C. Payment out of the domestic violence offender
9 treatment fund shall be made on vouchers issued and signed by
10 the secretary of infants, children, youth and families upon
11 warrants drawn by the department of finance and administration.

12 D. In order to be eligible for money from the
13 domestic violence offender treatment fund, a domestic violence
14 offender treatment program shall include the following
15 components in its program:

16 (1) an initial assessment to determine if a
17 domestic violence offender will benefit from participation in
18 the program;

19 (2) a written contract, which must be signed
20 by the domestic violence offender, that sets forth:

21 (a) attendance and participation
22 requirements;

23 (b) consequences for failure to attend
24 or participate in the program; and

25 (c) a confidentiality clause that

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1 prohibits disclosure of information revealed during treatment
2 sessions;

3 (3) strategies to hold domestic violence
4 offenders accountable for their violent behavior;

5 (4) a requirement that group discussions are
6 limited to members of the same gender;

7 (5) an education component that:

8 (a) defines physical, emotional, sexual,
9 economic and verbal abuse and techniques for stopping those
10 forms of abuse; and

11 (b) examines gender roles,
12 socialization, the nature of violence, the dynamics of power
13 and control and the effects of domestic violence on children;

14 (6) a requirement that a domestic violence
15 offender not be under the influence of alcohol or drugs during
16 a treatment session;

17 (7) a requirement that the program provide
18 monthly written reports to the presiding judge or the domestic
19 violence offender's probation or parole officer regarding:

20 (a) proof of the domestic violence
21 offender's enrollment in the program;

22 (b) progress reports that address the
23 domestic violence offender's attendance, fee payments and
24 compliance with other program requirements; and

25 (c) evaluations of progress made by the

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1 domestic violence offender and recommendations as to whether or
2 not to require the offender's further participation in the
3 program; and

4 (8) a requirement that the term of the program
5 be at least fifty-two weeks.

6 E. Counseling for couples shall not be a component
7 of a domestic violence offender treatment program.

8 F. As used in this section, "domestic violence
9 offender" means:

10 (1) a person convicted for an offense pursuant
11 to the provisions of the Crimes Against Household Members Act;
12 or

13 (2) a person convicted for violating an order
14 of protection granted by a court pursuant to the provisions of
15 the Family Violence Protection Act."

16 Section 34. TEMPORARY PROVISION--TRANSFER OF PERSONNEL,
17 PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On July 1, 2007:

18 A. all personnel, appropriations, money, records,
19 equipment, supplies and other property of the children, youth
20 and families department shall be transferred to the infants,
21 children, youth and families department;

22 B. all contracts of the children, youth and
23 families department shall be transferred to the infants,
24 children, youth and families department;

25 C. all references in law to the children, youth and

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1 families department shall be deemed to be references to the
2 infants, children, youth and families department; and

3 D. all references in law to the secretary of
4 children, youth and families shall be deemed to be references
5 to the secretary of infants, children, youth and families.

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