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AN ACT

RELATING TO EMERGENCY PLACEMENT OF CHILDREN; ALLOWING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO CONDUCT FEDERAL CRIMINAL HISTORY RECORD CHECKS OF ADULTS RESIDING IN THE HOME; DECLARING AN EMERGENCY.

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

SECTION 1. A new section of the Children's Code is enacted to read:

"EMERGENCY PLACEMENT--CRIMINAL HISTORY RECORD CHECK.--

A. In an emergency placement situation, when a child must be placed in a home due to the absence of parents or custodians, the department shall request that a criminal justice agency perform a federal name-based criminal history record check of each adult residing in the home. The results of the name-based check shall be provided to the department, and, within fifteen days from the date that the name-based check was conducted, the department shall provide a complete set of each adult resident's fingerprints to the department of public safety for immediate submission to the federal bureau of investigation. The department of public safety shall positively identify the fingerprint subject, if possible, and forward the fingerprints to the federal bureau of investigation within fifteen calendar days from the date that the name-based search was conducted. The child may be

1 removed from the home immediately if any adult resident fails  
2 to provide fingerprints or written permission to perform a  
3 federal criminal history record check when requested to do  
4 so.

5 B. When placement of a child in a home is denied  
6 as a result of a name-based criminal history record check of  
7 a resident and the resident contests that denial, the  
8 resident shall, within five business days, submit to the  
9 department a complete set of the resident's fingerprints with  
10 written permission allowing the department to forward the  
11 fingerprints to the department of public safety for  
12 submission to the federal bureau of investigation.

13 C. The department of public safety may charge a  
14 reasonable fee for processing a fingerprint-based criminal  
15 history record check.

16 D. As used in this section, "emergency placement"  
17 refers to those limited instances when the department is  
18 placing a child in the home of private individuals, including  
19 neighbors, friends or relatives, as a result of sudden  
20 unavailability of the child's primary caretaker."

21 SECTION 2. EMERGENCY.--It is necessary for the public  
22 peace, health and safety that this act take effect  
23 immediately. \_\_\_\_\_