

HOUSE BILL 324

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Nate Gentry

AN ACT

RELATING TO THE CHILDREN'S CODE; CLARIFYING THAT EVERY PERSON WHO KNOWS OR HAS A REASONABLE SUSPICION OF CHILD ABUSE OR NEGLECT SHALL REPORT THE CHILD ABUSE OR NEGLECT; DECLARING AN EMERGENCY.

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

SECTION 1. Section 32A-4-3 NMSA 1978 (being Laws 1993, Chapter 77, Section 97, as amended) is amended to read:

"32A-4-3. DUTY TO REPORT CHILD ABUSE AND CHILD NEGLECT--RESPONSIBILITY TO INVESTIGATE CHILD ABUSE OR NEGLECT--PENALTY.--

A. Every person [~~including a licensed physician; a resident or an intern examining, attending or treating a child; a law enforcement officer; a judge presiding during a proceeding; a registered nurse; a visiting nurse; a~~

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1 ~~schoolteacher; a school official; a social worker acting in an~~
2 ~~official capacity; or a member of the clergy who has~~
3 ~~information that is not privileged as a matter of law]~~ who
4 knows or has a reasonable suspicion that a child is an abused
5 or a neglected child shall report the matter immediately to:

- 6 (1) a local law enforcement agency;
7 (2) the department; or
8 (3) a tribal law enforcement or social
9 services agency for any Indian child residing in Indian
10 country.

11 B. Nothing in Subsection A of this section shall be
12 construed to require the disclosure of information that is
13 privileged as a matter of law.

14 ~~[B-]~~ C. A law enforcement agency receiving the
15 report shall immediately transmit the facts of the report and
16 the name, address and phone number of the reporter by telephone
17 to the department and shall transmit the same information in
18 writing within forty-eight hours. The department shall
19 immediately transmit the facts of the report and the name,
20 address and phone number of the reporter by telephone to a
21 local law enforcement agency and shall transmit the same
22 information in writing within forty-eight hours. The written
23 report shall contain the names and addresses of the child and
24 the child's parents, guardian or custodian, the child's age,
25 the nature and extent of the child's injuries, including any

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1 evidence of previous injuries, and other information that the
2 maker of the report believes might be helpful in establishing
3 the cause of the injuries and the identity of the person
4 responsible for the injuries. The written report shall be
5 submitted upon a standardized form agreed to by the law
6 enforcement agency and the department.

7 ~~[G.]~~ D. The recipient of a report under Subsection
8 A of this section shall take immediate steps to ensure prompt
9 investigation of the report. The investigation shall ensure
10 that immediate steps are taken to protect the health or welfare
11 of the alleged abused or neglected child, as well as that of
12 any other child under the same care who may be in danger of
13 abuse or neglect. A local law enforcement officer trained in
14 the investigation of child abuse and neglect is responsible for
15 investigating reports of alleged child abuse or neglect at
16 schools, daycare facilities or child care facilities.

17 ~~[D.]~~ E. If the child alleged to be abused or
18 neglected is in the care or control of or in a facility
19 administratively connected to the department, the report shall
20 be investigated by a local law enforcement officer trained in
21 the investigation of child abuse and neglect. The
22 investigation shall ensure that immediate steps are taken to
23 protect the health or welfare of the alleged abused or
24 neglected child, as well as that of any other child under the
25 same care who may be in danger of abuse or neglect.

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[~~E.~~] F. A law enforcement agency or the department shall have access to any of the records pertaining to a child abuse or neglect case maintained by any of the persons enumerated in Subsection A of this section, except as otherwise provided in the Abuse and Neglect Act.

[~~F.~~] G. A person who violates the provisions of Subsection A of this section is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978."

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