

1 HOUSE BILL 314

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Linda M. Trujillo and Dayan Hochman-Vigil

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10 AN ACT

11 RELATING TO CHILD ABUSE AND NEGLECT; PROVIDING FOR THE
12 ESTABLISHMENT OF CHILDREN'S ADVOCACY CENTERS STATEWIDE;
13 ESTABLISHING MULTIDISCIPLINARY CHILD ABUSE INVESTIGATORY TEAMS
14 IN EACH JUDICIAL DISTRICT.

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

17 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
18 cited as the "Children's Advocacy Centers Act".

19 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
20 Children's Advocacy Centers Act:

21 A. "center" means a children's advocacy center,
22 which is an entity that provides a comprehensive
23 multidisciplinary team response to allegations of child abuse
24 or neglect in a neutral, child-friendly setting by
25 representatives of the following fields and professions:

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- 1 (1) child protective services;
- 2 (2) family and victim advocacy;
- 3 (3) forensic interviewers;
- 4 (4) law enforcement;
- 5 (5) medical examiners;
- 6 (6) behavioral health; and
- 7 (7) services related to those fields and
- 8 professions listed in Paragraphs (1) through (6) of this
- 9 subsection; and

10 B. "nonprofit entity" means an entity that has
11 demonstrated to the taxation and revenue department that it has
12 been granted exemption from federal income tax by the United
13 States commissioner of internal revenue as an organization
14 described in Section 501(c)(3) of the United States Internal
15 Revenue Code of 1986, as amended or renumbered.

16 SECTION 3. [NEW MATERIAL] CHILDREN'S ADVOCACY CENTERS--
17 DUTIES.--A center shall:

18 A. be a nonprofit entity that is a private,
19 incorporated agency, a hospital or a governmental entity;

20 B. have a neutral, child-focused facility where
21 forensic interviews with children take place; provided that all
22 agencies shall have a place to interact with the child as
23 investigative or treatment needs require;

24 C. have a designated staff trained according to
25 standards approved by the national children's alliance;

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1 D. have a multidisciplinary team established in
2 accordance with the provisions of the Children's Advocacy
3 Centers Act that meets on a regular basis, at least monthly;

4 E. provide case tracking of child abuse cases seen
5 through the center. Case tracking or data collected shall
6 include:

7 (1) the number of child abuse cases seen at
8 the center;

9 (2) demographic data;

10 (3) the number of cases referred for
11 prosecution; and

12 (4) the number of cases referred for
13 behavioral health services, medical examinations and other
14 related services;

15 F. provide medical examinations or mental health
16 services at the center or provide referrals for medical
17 examinations or mental health therapy provided by an agency not
18 located at the center but with which the center has a
19 memorandum of understanding or interagency agreement;

20 G. provide family and victim advocacy services to a
21 child and to a non-offending family member of the child;

22 H. facilitate the provision of training of center
23 staff and multidisciplinary team members; and

24 I. adhere to the national children's alliance
25 standards relating to multidisciplinary teams; cultural

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1 competency and diversity; forensic interviews; victim support
2 and advocacy; medical evaluations; mental health; case review;
3 case tracking; organizational capacity; and child-focused
4 settings.

5 SECTION 4. [NEW MATERIAL] MULTIDISCIPLINARY CHILD ABUSE
6 TEAMS--ESTABLISHMENT--MEMBERSHIP--DUTIES.--

7 A. The following persons shall comprise a
8 multidisciplinary child abuse investigation team in each
9 judicial district in the state:

10 (1) the district attorney of the judicial
11 district in which the team is created and established, or the
12 district attorney's designee;

13 (2) a representative from the protective
14 services division of the children, youth and families
15 department, appointed by the director of the division;

16 (3) a representative from a center that exists
17 in the judicial district in which the team is located; and

18 (4) the following members, appointed by the
19 agency head or designee of the following agencies:

20 (a) a representative from each law
21 enforcement agency within the judicial district;

22 (b) medical personnel with expertise and
23 certification in pediatric sexual assault, child physical abuse
24 and neglect identification or treatment;

25 (c) a mental health service provider

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1 with training and experience in trauma-focused cognitive
2 behavioral therapy; and

3 (d) a family or victim advocate from an
4 agency designated for advocacy services in that judicial
5 district.

6 B. The following multidisciplinary child abuse
7 investigation team members shall be present before a forensic
8 interview can take place:

9 (1) a representative from law enforcement;

10 (2) the representative from the protective
11 services division of the children, youth and families
12 department; and

13 (3) the center's forensic interviewer.

14 C. A multidisciplinary child abuse investigation
15 team shall:

16 (1) develop a written protocol for the
17 investigation and prosecution of cases of child abuse and
18 neglect in accordance with each member agency's requirements;

19 (2) convene on a regular ongoing basis, at
20 least monthly, for the purpose of conducting case tracking,
21 case review and general business and considering proposed
22 modifications to the team's existing protocol; and

23 (3) train and provide technical assistance to
24 team members, agencies and medical providers that investigate
25 child abuse and neglect cases.