

1 SENATE BILL 168

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Michael Padilla

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10 AN ACT

11 RELATING TO YOUTH; PROVIDING FOR COURT VENUE; EXTENDING
12 PAYMENTS FOR SUBSIDIZED ADOPTIONS; AMENDING THE FOSTERING
13 CONNECTIONS ACT; REVISING ELIGIBILITY FOR THE FOSTERING
14 CONNECTIONS PROGRAM; CLARIFYING DUTIES OF AND SERVICES PROVIDED
15 BY THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT; PROVIDING FOR
16 APPEALS.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 32A-1-9 NMSA 1978 (being Laws 1993,
20 Chapter 77, Section 18, as amended) is amended to read:

21 "32A-1-9. VENUE AND TRANSFER.--

22 A. Proceedings in the court under the provisions of
23 the Children's Code shall begin in the county where the child
24 resides. If delinquency is alleged, the proceeding may also be
25 begun in the county where the act constituting the alleged

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1 delinquent act occurred or in the county in which the child is
2 detained. Neglect, abuse, family in need of court-ordered
3 services or mental health proceedings may also begin in the
4 county where the child is present when the proceeding is
5 commenced.

6 B. The venue for proceedings under other laws will
7 be determined by the venue provisions of the other laws. If
8 the other laws contain no venue provisions, then the venue and
9 transfer provisions of Subsections A and C of this section
10 apply.

11 C. If a proceeding is begun in a court for a county
12 other than the county in which the child resides, that court,
13 on its own motion or on the motion of a party made at any time
14 prior to disposition of the proceeding, may transfer the
15 proceeding to the court for the county of the child's residence
16 for such further proceedings as the receiving court deems
17 proper. A like transfer may be made if the residence of the
18 child changes during or after the proceeding. Certified copies
19 of all legal and social records pertaining to the proceeding
20 shall accompany the case on transfer.

21 D. In neglect, abuse, family in need of court-
22 ordered services or adoption proceedings for the placement of
23 an Indian child, the court shall, in the absence of good cause
24 to the contrary, transfer the proceeding to the jurisdiction of
25 the Indian child's tribe upon the petition of the Indian

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1 child's parent, the Indian child's guardian or the Indian
2 child's tribe. The transfer shall be barred if there is an
3 objection to the transfer by a parent of the Indian child or
4 the Indian child's tribe.

5 E. Proceedings under the Fostering Connections Act
6 shall begin in the county where the eligible adult resides. If
7 a proceeding is begun in a court for a county other than the
8 county in which the eligible adult resides, that court, on its
9 own motion or the motion of a party made at any time, may
10 transfer the proceeding to the court for the county of the
11 eligible adult's residence for such further proceedings as the
12 receiving court deems proper. A transfer may be made if the
13 residence of the eligible adult changes. Certified copies of
14 all legal and social records pertaining to the proceeding shall
15 accompany the case on transfer."

16 SECTION 2. Section 32A-1-20 NMSA 1978 (being Laws 1993,
17 Chapter 77, Section 29, as amended) is amended to read:

18 "32A-1-20. PURCHASE OF CARE FROM PRIVATE AGENCY BY PUBLIC
19 AGENCY.--~~[A.]~~ When the legal custody of a child ~~[or the~~
20 ~~placement and care responsibility of an eligible adult]~~ is
21 vested in a public agency, under the provisions of the
22 Children's Code, the public agency may transfer physical
23 custody of the child ~~[or the eligible adult]~~ to an appropriate
24 private agency and may purchase care and treatment from the
25 private agency if the private agency submits periodic reports

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1 to the public agency covering the care and treatment the child
2 [~~or eligible adult~~] is receiving and the child's [~~or eligible~~
3 ~~adult's~~] responses to that care and treatment. These reports
4 shall be made as frequently as the public agency deems
5 necessary, but not less often than once each six months for
6 each child [~~or eligible adult~~]. The private agency shall also
7 afford an opportunity for a representative of the public agency
8 to examine or consult with the child [~~or eligible adult~~] as
9 frequently as the public agency deems necessary.

10 [~~B. As used in this section, "eligible adult" means~~
11 ~~an individual who meets the eligibility criteria for~~
12 ~~participation in the fostering connections program established~~
13 ~~pursuant to the Fostering Connections Act.]"~~

14 SECTION 3. Section 32A-5-45 NMSA 1978 (being Laws 1993,
15 Chapter 77, Section 172, as amended) is amended to read:

16 "32A-5-45. ADMINISTRATION OF SUBSIDIZED ADOPTIONS.--

17 A. The department shall promulgate all necessary
18 regulations for the administration of the program of subsidized
19 adoptions or placement with permanent guardians.

20 B. Subsidy payments may include payments to vendors
21 for medical and surgical expenses and payments to the adoptive
22 parents or permanent guardians for maintenance and other costs
23 incidental to the adoption, care, training and education of the
24 child. The payments in any category of assistance shall not
25 exceed the cost of providing the assistance in foster care.

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1 Payments shall not be made under this section after the child
2 reaches eighteen years of age, except [~~for a child who is~~
3 ~~enrolled in the medically fragile waiver program, in which case~~
4 ~~the payments may extend until the child is twenty-one years of~~
5 ~~age. Payments shall be made pursuant to this section until a~~
6 ~~child reaches twenty-one years of age if]~~ as provided in
7 Subsection C of this section.

8 C. Payments may extend until the child is twenty-
9 one years of age if:

10 (1) the child is enrolled in the medically
11 fragile waiver program; or

12 (2) the adoption assistance agreement was in
13 effect when the child was at least sixteen years of age and,
14 between the ages of eighteen and twenty-one years of age, the
15 child is:

16 [~~(1) has completed~~] (a) completing
17 secondary education or [a] an educational program leading to an
18 equivalent credential;

19 [~~(2) is~~] (b) enrolled in an institution
20 that provides post-secondary or vocational education;

21 [~~(3) participates~~] (c) participating in
22 a program or activity designed to promote employment or remove
23 barriers to employment;

24 [~~(4) is~~] (d) employed for at least
25 eighty hours per month; or

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1 ~~act]~~ Chapter 32A, Article 26 NMSA 1978 may be cited as the
2 "Fostering Connections Act".

3 SECTION 5. Section 32A-26-2 NMSA 1978 (being Laws 2019,
4 Chapter 149, Section 2) is amended to read:

5 "32A-26-2. DEFINITIONS.--As used in the Fostering
6 Connections Act:

7 A. "eligible adult" means an individual who meets
8 the eligibility criteria for participation in the fostering
9 connections program;

10 B. "foster care maintenance payment" means a
11 payment for the care and support of an eligible adult, which
12 ~~[payment rate is established through legislative appropriation~~
13 ~~and]~~ is based on the ~~[age and]~~ needs of the eligible adult;

14 C. "host home" means a setting in an eligible
15 adult's former foster home or in another residence in which an
16 eligible adult:

17 (1) shares a residence with another adult or
18 adults; and

19 (2) agrees to meet the basic expectations
20 established by the:

21 (a) eligible adult;
22 (b) other adult or adults sharing the
23 residence; and

24 (c) department;

25 D. "supervised independent living setting" means an

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1 age-appropriate setting that the department approves for
2 placement of an eligible adult, which setting:

3 (1) ~~[conforms to federal requirements for~~
4 ~~supervised independent living settings]~~ is consistent with
5 federal law and guidance for a supervised setting in which an
6 eligible adult lives independently; and

7 (2) may be a ~~[single or shared]~~ residence
8 where the eligible adult lives alone or shares a residence with
9 others, including:

- 10 (a) a host home;
- 11 (b) a college dormitory or other post-
12 secondary education or training housing; or
- 13 (c) the home of a parent of the eligible
14 adult;

15 E. "transition plan" means a written,
16 individualized plan developed collaboratively between the
17 department and the eligible adult that ~~[identifies the:~~

18 ~~(1) eligible adult's needs, strengths and~~
19 ~~goals in the areas of safety, housing, education, employment or~~
20 ~~income, health and mental health, local opportunities for~~
21 ~~mentors and continuing support services; and~~

22 ~~(2) activities, responsibilities and time~~
23 ~~frames for addressing the goals specified in the transition~~
24 ~~plan;]~~ assesses the eligible adult's strengths and needs,
25 establishes goals and identifies the services and activities

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1 that will be provided to the eligible adult to achieve the
2 established goals, the time frames for achieving the goals and
3 the individuals or entities responsible for providing the
4 identified services and activities in the following areas:

5 (1) developing daily living skills;

6 (2) accessing transportation;

7 (3) finding employment and career planning,
8 including accessing programs or activities designed to promote
9 employment or remove barriers to employment;

10 (4) accessing vital documents, such as a birth
11 certificate, social security card, state identification card or
12 driver's license and, where applicable, proof of citizenship
13 and proof that the eligible adult has been in foster care;

14 (5) budgeting and financial management,
15 including opening and maintaining a bank account, and
16 acquiring, reviewing and resolving any issues related to the
17 eligible adult's credit report;

18 (6) obtaining health and behavioral health
19 care, learning how to navigate access to care and decision
20 making, including support to execute a health care power of
21 attorney, health care proxy or other similar document
22 recognized pursuant to state law, understanding health
23 insurance and how to maintain insurance coverage as a former
24 foster youth, where applicable;

25 (7) accessing community resources and needed

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1 services for individuals with special needs or a disability,
2 including connecting to systems and benefits to ensure long-
3 term access to care in the adult system;

4 (8) where applicable, satisfying juvenile or
5 criminal justice system requirements and assisting with sealing
6 or expunging the eligible adult's children's court record
7 pursuant to Section 32A-2-26 NMSA 1978 and other applicable
8 laws;

9 (9) where applicable, assisting the eligible
10 adult in applying for special immigrant juvenile status or
11 other immigration relief, including seeking any needed juvenile
12 court findings;

13 (10) completing secondary education or an
14 educational program leading to an equivalent credential;

15 (11) applying for admission, financial aid and
16 any other support services for post-secondary educational or
17 vocational courses or programs;

18 (12) applying for public benefits;

19 (13) connecting to services or activities that
20 support achieving legal permanence;

21 (14) establishing and maintaining connections
22 with family, including siblings, through such means as family
23 finding and visitation;

24 (15) establishing or maintaining connections
25 with caring adults, including mentors;

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1 (16) learning about and affirming cultural and
2 personal identity;

3 (17) empowerment and leadership activities,
4 including opportunities for skill building and providing
5 feedback;

6 (18) accessing sexual and reproductive health
7 resources, services and information; and

8 (19) where applicable, accessing pregnancy and
9 parenting resources, services and skills;

10 F. "voluntary services and support agreement" means
11 a written agreement, binding on the parties to the agreement,
12 between the department and an eligible adult, which agreement
13 is consistent with the requirements of a voluntary placement
14 agreement pursuant to federal law and which specifies, at a
15 minimum, the legal status of the eligible adult and the rights
16 and obligations of the eligible adult and the department while
17 the eligible adult is participating in the fostering
18 connections program; and

19 G. "young adult" means an individual who is at
20 least eighteen years of age and who is under twenty-one years
21 of age."

22 SECTION 6. Section 32A-26-3 NMSA 1978 (being Laws 2019,
23 Chapter 149, Section 3) is amended to read:

24 "32A-26-3. FOSTERING CONNECTIONS PROGRAM--ELIGIBILITY.--

25 A. The "fostering connections program" is

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1 established in the department. The department shall make the
2 fostering connections program available, on a voluntary basis,
3 to an eligible adult who:

4 (1) has attained at least eighteen years of
5 age and who is younger than:

6 (a) as of July 1, 2020, nineteen years
7 of age;

8 (b) as of July 1, 2021, twenty years of
9 age; and

10 (c) as of July 1, 2022, twenty-one years
11 of age;

12 [~~(2) was adjudicated as an abused or neglected~~
13 ~~child pursuant to the Abuse and Neglect Act or its equivalent~~
14 ~~under tribal law and:~~

15 ~~(a) upon attaining eighteen years of~~
16 ~~age, was under an out-of-home placement order; or~~

17 ~~(b) had attained at least sixteen years~~
18 ~~of age when a guardianship or adoption assistance agreement was~~
19 ~~in effect;]~~

20 (2) meets one of the following criteria:

21 (a) has attained at least eighteen years
22 of age and: 1) was adjudicated pursuant to the Children's Code
23 or its equivalent under tribal law; 2) placement and care of
24 the eligible adult was vested in the department; and 3) the
25 eligible adult was subject to an out-of-home placement order;

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or
(b) attained at least fourteen years of age when a guardianship assistance agreement or adoption assistance agreement was in effect and whose guardianship assistance agreement or adoption assistance agreement was terminated or the guardian or parents are no longer willing to provide emotional or financial support after the child attained eighteen years of age;

(3) is:

- (a) completing secondary education or an educational program leading to an equivalent credential;
- (b) enrolled in an institution that provides post-secondary or vocational education;
- (c) employed for at least eighty hours per month;
- (d) participating in a program or activity designed to promote employment or remove barriers to employment; or
- (e) incapable of doing any of the activities described in Subparagraphs (a) through (d) of this paragraph due to a medical or behavioral condition, which incapacity is supported by regularly updated information in the ~~case~~ transition plan; and

(4) enters into a voluntary services and support agreement with the department pursuant to the Fostering

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1 Connections Act.

2 B. The citizenship or immigration status of a young
3 adult shall not be a factor when determining the young adult's
4 eligibility pursuant to this section."

5 SECTION 7. Section 32A-26-4 NMSA 1978 (being Laws 2019,
6 Chapter 149, Section 4) is amended to read:

7 "32A-26-4. FOSTERING CONNECTIONS PROGRAM--SERVICES--
8 SUPPORTS.--

9 A. The fostering connections program shall provide
10 at least the following services and supports to eligible
11 adults:

12 (1) major medical and behavioral health care
13 coverage;

14 (2) housing, in one of the following settings
15 that the eligible adult chooses:

16 (a) a supervised independent living
17 setting;

18 (b) a transitional living program that
19 the department licenses or approves; or

20 (c) ~~[placement in]~~ a residential
21 facility or another institution; provided that ~~[1) except as~~
22 ~~provided pursuant to Item 2) of this subparagraph]~~ an eligible
23 adult who is residing in a residential facility upon leaving
24 foster care may choose to temporarily stay until the eligible
25 adult is able to transition to a more age-appropriate setting;

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1 ~~[and 2) if the court finds that an eligible adult's~~
2 ~~developmental level, disability or other condition indicates~~
3 ~~placement in a residential facility or another institution due~~
4 ~~to an eligible adult's developmental level, disability or other~~
5 ~~condition, the eligible adult shall be placed in a residential~~
6 ~~facility or another institution until the court deems that the~~
7 ~~eligible adult may be appropriately placed in another setting]~~

8 (3) foster care maintenance payments; provided
9 that these payments:

10 (a) ~~[may]~~ shall be sent by the
11 department, all or in part, directly to: 1) the eligible
12 adult, if the eligible adult is living in a supervised
13 independent living setting; or 2) a transitional living
14 program, if the eligible adult is living in a transitional
15 living program; and

16 (b) shall reflect the eligible adult's
17 status as a parent, if applicable; and

18 (4) ~~[case management]~~ services that include
19 the development of a ~~[case]~~ transition plan, developed jointly
20 by the department and the eligible adult, that includes a
21 description of the identified housing situation or living
22 arrangement, and the resources to assist the eligible adult in
23 the transition from the fostering connections program to
24 adulthood. The ~~[case management]~~ services shall include
25 assisting the eligible adult in

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1 ~~including state or federal cash assistance, nutritional~~
2 ~~assistance or low-income home energy assistance;~~

3 ~~(k) maintaining relationships with~~
4 ~~individuals who are important to the eligible adult, including~~
5 ~~searching for individuals with whom the eligible adult has lost~~
6 ~~contact;~~

7 ~~(l) accessing information about maternal~~
8 ~~and paternal relatives, including any siblings;~~

9 ~~(m) accessing youth empowerment~~
10 ~~opportunities and peer support groups; and~~

11 ~~(n) accessing pregnancy and parenting~~
12 ~~resources and services] effectuating each element of a~~
13 ~~transition plan.~~

14 B. The department shall not require background
15 checks for other residents of a supervised independent living
16 setting or a transitional living program as a condition of
17 approving an eligible adult's [~~supervised independent~~] living
18 setting.

19 C. The department shall develop procedures to
20 provide extended subsidies to families for adoption and
21 guardianship until the eligible adult turns twenty-one years of
22 age if:

23 (1) an adoption assistance or guardianship
24 assistance agreement was in effect for the eligible adult when
25 the eligible adult was sixteen years of age or older; and

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1 (2) between the ages of eighteen and twenty-
2 one years, the eligible adult meets at least one of the
3 following participation criteria:

4 (a) [~~completion of a~~] completing
5 secondary education or [~~a~~] an educational program leading to an
6 equivalent credential;

7 (b) [~~enrollment~~] enrolled in an
8 institution that provides post-secondary or vocational
9 education;

10 (c) [~~participation~~] participating in a
11 program or activity designed to promote employment or remove
12 barriers to employment;

13 (d) [~~employment~~] employed for at least
14 eighty hours per month; or

15 (e) is incapable of doing any of the
16 activities described in Subparagraphs (a) through (d) of this
17 paragraph due to a medical or behavioral condition, which
18 incapacity is supported by regularly updated information in the
19 transition plan."

20 SECTION 8. Section 32A-26-5 NMSA 1978 (being Laws 2019,
21 Chapter 149, Section 5) is amended to read:

22 "32A-26-5. FOSTERING CONNECTIONS PROGRAM--PARTICIPATION--
23 VOLUNTARY SERVICES AND SUPPORT AGREEMENT--PERIODIC [~~CASE~~]
24 REVIEWS.--

25 A. An eligible adult may participate in the

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1 fostering connections program for any duration of time while
2 the eligible adult is between eighteen and twenty-one years of
3 age, by entering into a voluntary services and support
4 agreement immediately upon turning eighteen years of age or any
5 time thereafter.

6 B. There is no limit to the number of times an
7 eligible adult may opt out of and reenter the fostering
8 connections program.

9 [~~B-~~] C. When an eligible adult elects to
10 participate in the fostering connections program, the
11 department and the eligible adult shall execute, and the
12 eligible adult shall be provided with a signed copy of, a
13 voluntary services and support agreement that sets forth, at a
14 minimum, the following:

15 (1) a requirement that the eligible adult
16 continue to be eligible in accordance with the Fostering
17 Connections Act for the duration of the voluntary services and
18 support agreement;

19 (2) the services and support that the eligible
20 adult will receive through the fostering connections program;

21 (3) the voluntary nature of the eligible
22 adult's participation and the eligible adult's right to
23 terminate the voluntary services and support agreement at any
24 time; and

25 (4) conditions that may result in the

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1 termination of the voluntary services and support agreement and
2 the eligible adult's early discharge from the fostering
3 connections program pursuant to Section [~~6 of the Fostering~~
4 ~~Connections Act~~] 32A-26-6 NMSA 1978.

5 [~~G.~~] D. As soon as possible and no later than
6 forty-five days after the eligible adult and the department
7 execute the voluntary services and support agreement, the
8 department shall conduct a determination of income eligibility
9 for purposes of compliance with federal foster care and
10 transitional care assistance; provided that within fifteen days
11 after execution of the voluntary services and support
12 agreement, the department shall provide those services and
13 supports set forth in that agreement.

14 [~~D.~~] E. The department shall assign an eligible
15 adult [~~a case manager, who shall be trained in primarily~~] an
16 individual who has received specialized training in providing
17 services for transition-aged eligible adults.

18 [~~E.~~] F. The department shall [~~provide reasonable~~]
19 make active efforts to assist eligible adults in achieving
20 permanency and creating permanent connections. [~~after the age~~
21 ~~of eighteen.~~

22 [~~F.~~] G. The department and at least one person who
23 is not responsible for case management, in collaboration with
24 the eligible adult and additional persons identified by the
25 eligible adult, shall conduct periodic [~~case~~] reviews of the

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1 transition plan not less than once every one hundred eighty
2 days to evaluate progress made toward meeting the goals set
3 forth in the [~~case~~] transition plan. The department shall use
4 a team approach in conducting [~~case~~] periodic reviews of the
5 transition plan and shall facilitate the participation of the
6 eligible adult.

7 H. The department shall hold the periodic review of
8 the transition plan no more than thirty days before and no less
9 than five days before each review hearing."

10 SECTION 9. Section 32A-26-6 NMSA 1978 (being Laws 2019,
11 Chapter 149, Section 6) is amended to read:

12 "32A-26-6. TERMINATION OF VOLUNTARY SERVICES AND SUPPORT
13 AGREEMENT--NOTICE--~~[APPEAL]~~ PROCEDURE.--

14 A. An eligible adult may choose to terminate the
15 voluntary services and support agreement and stop receiving
16 services and support under the fostering connections program at
17 any time. If an eligible adult chooses to terminate the
18 voluntary services and support agreement, the department shall
19 provide the eligible adult with a clear and developmentally
20 appropriate written notice informing the eligible adult of:

21 (1) the potential negative effects of
22 terminating the voluntary services and support agreement early;

23 (2) the option to reenter the fostering
24 connections program at any time before attaining twenty-one
25 years of age, so long as the eligibility requirements are met;

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1 (3) the procedures for reentering the
2 fostering connections program; and

3 (4) information about and contact information
4 for community resources that may benefit the eligible adult.

5 B. As part of the case management processes, the
6 department shall identify as soon as possible any barriers to
7 maintaining eligibility that an eligible adult is encountering
8 and shall make [~~all reasonable~~] active efforts to [~~address~~
9 ~~those barriers~~] assist the eligible adult to overcome
10 identified barriers and maintain eligibility. The department's
11 efforts shall be documented in the [~~case~~] transition plan.

12 C. Academic breaks in post-secondary education
13 attendance, such as semester and seasonal breaks, and other
14 transitions between status that meet eligibility requirements,
15 including education and employment transitions of no longer
16 than thirty days, shall not be a basis for termination.

17 D. If the department determines that a young adult
18 is no longer eligible for the fostering connections program,
19 the department shall:

20 (1) no more than fifteen days after the
21 determination and prior to requesting a discharge hearing,
22 provide to the young adult and the young adult's attorney a
23 clear and developmentally appropriate:

24 (a) written notice informing the young
25 adult of the department's intent to terminate the voluntary

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1 services and support agreement; and

2 (b) explanation of the basis for the
3 termination; and

4 (2) make [~~reasonable~~] active efforts to meet
5 in person with the young adult to explain the information in
6 the written termination notice and to assist the young adult in
7 reestablishing eligibility if the young adult wishes to
8 continue participating in the program.

9 E. The department shall not terminate services
10 under the fostering connections program without court approval
11 after a discharge hearing.

12 F. If an eligible adult remains in the fostering
13 connections program until attaining twenty-one years of age, at
14 least sixty days before the eligible adult's twenty-first
15 birthday, the department shall provide the eligible adult with:

16 (1) a clear and developmentally appropriate
17 written notice informing the eligible adult of the termination
18 of the voluntary services and support agreement at twenty-one
19 years of age;

20 [~~the transition plan requirement~~] (2) an
21 updated plan with ongoing goals; and

22 (3) information about and contact information
23 for community resources that may benefit the young adult,
24 [~~specifically~~] including information regarding state programs
25 established pursuant to federal law that provide transitional

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1 foster care assistance to young adults."

2 SECTION 10. Section 32A-26-7 NMSA 1978 (being Laws 2019,
3 Chapter 149, Section 7) is amended to read:

4 "32A-26-7. FOSTERING CONNECTIONS PROGRAM--CHILDREN'S
5 COURT PETITION--JURISDICTION--CONTENTS--PROGRAM FILE.--

6 A. An eligible adult participating in the fostering
7 connections program shall remain under the jurisdiction of the
8 children's court while participating in the program. The
9 eligible adult is the eligible adult's own legal custodian.

10 B. Within fifteen days after the voluntary services
11 and support agreement is executed, the department shall file a
12 petition initiating proceedings pursuant to the Fostering
13 Connections Act that shall be entitled, "In the Matter of . . .
14 , an eligible adult", and shall set forth with
15 specificity:

16 (1) the name, birth date and residence of the
17 eligible adult; and

18 (2) the facts necessary to invoke the
19 jurisdiction of the court.

20 C. A petition filed pursuant to Subsection B of
21 this section shall be accompanied by a copy of the eligible
22 adult's voluntary services and support agreement and [~~ease~~
23 transition plan.

24 D. There shall be no interruption in the foster
25 care maintenance payment, housing, medical assistance coverage

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1 or case management for an eligible adult who is eligible and
2 chooses to participate in the fostering connections program
3 immediately following the termination of children's court
4 jurisdiction at age eighteen.

5 E. At the inception of a fostering connections
6 proceeding, the court shall appoint an attorney to represent
7 the eligible adult. If the eligible adult consents, [~~to the~~
8 ~~appointment~~] the attorney who previously served as the eligible
9 adult's attorney may be appointed [~~as the eligible adult's~~
10 ~~attorney~~].

11 F. Unless excused by a court, an attorney appointed
12 to represent an eligible adult shall represent the eligible
13 adult in any subsequent appeals.

14 G. A hearing held pursuant to the Fostering
15 Connections Act shall be commenced within ninety days of the
16 filing of the petition, at which time the court shall review
17 the voluntary services and support agreement and determine
18 whether the agreement is in the best interests of the eligible
19 adult and the transition plan meets the requirements of the
20 Fostering Connections Act."

21 SECTION 11. Section 32A-26-8 NMSA 1978 (being Laws 2019,
22 Chapter 149, Section 8) is amended to read:

23 "32A-26-8. REVIEW HEARINGS.--

24 A. The court shall conduct a review hearing at
25 least once [~~per year~~] every six months.

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1 B. The primary purpose of the review hearing shall
2 be to ensure that the fostering connections program is
3 providing the eligible adult with the needed services and
4 support to help the eligible adult move toward permanency and a
5 successful transition to adulthood. At the review hearing, the
6 department shall show that it has made [~~reasonable~~] active
7 efforts to [~~implement the case~~] comply with the voluntary
8 services and support agreement and effectuate the transition
9 plan. A review hearing shall be conducted in a manner that
10 seeks the eligible adult's meaningful participation by
11 considering holding informal hearings at flexible times and
12 community-based locations.

13 C. The department shall prepare and present to the
14 children's court a report addressing progress made in meeting
15 the goals in the [~~case~~] transition plan, including an
16 independent living transition proposal, and shall propose
17 modifications as necessary to further those goals.

18 D. If the court finds the department has not made
19 [~~reasonable~~] active efforts to [~~implement the case~~] comply with
20 the voluntary support and services agreement and effectuate the
21 transition plan, the court may order additional services and
22 support to achieve the goals of the [~~case~~] transition plan and
23 the [~~department's policies or state or~~] goals of state and
24 federal law.

25 E. At every review hearing that occurs after the

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1 child attains sixteen years and six months of age, the court
2 shall make a finding that the child has been notified about the
3 fostering connections program and of the benefits of the
4 program.

5 F. At the review hearing that occurs no later than
6 three months before the child attains eighteen years of age,
7 the court shall make a finding of whether the child has decided
8 to participate in the fostering connections program and whether
9 the child has been provided an opportunity to develop a
10 voluntary services and support agreement."

11 SECTION 12. Section 32A-26-9 NMSA 1978 (being Laws 2019,
12 Chapter 149, Section 9) is amended to read:

13 "32A-26-9. DISCHARGE HEARING.--

14 A. At the last [~~case review or~~] review hearing held
15 prior to the eligible adult's [~~twentieth~~] twenty-first
16 birthday, or prior to an eligible adult's discharge from the
17 fostering connections program, the court shall review the
18 eligible adult's transition plan and shall determine whether
19 the department has made [~~reasonable~~] active efforts to
20 implement the requirements of Subsection B of this section.

21 B. The court shall determine whether
22 [~~(1) written information concerning the~~
23 ~~eligible adult's family history, the whereabouts of any~~
24 ~~sibling, if appropriate, and education and health records have~~
25 ~~been provided to the eligible adult;~~

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1 ~~(2) the following have been provided to the~~
2 ~~eligible adult:~~

3 ~~(a) the eligible adult's social security~~
4 ~~card;~~

5 ~~(b) the eligible adult's certified birth~~
6 ~~certificate;~~

7 ~~(c) the eligible adult's state-issued~~
8 ~~identification card;~~

9 ~~(d) the death certificate of a parent of~~
10 ~~the eligible adult, if applicable;~~

11 ~~(e) proof of the eligible adult's~~
12 ~~citizenship or residence; and~~

13 ~~(f) proof that the eligible adult has~~
14 ~~been in foster care;~~

15 ~~(3) assistance in obtaining medicaid has been~~
16 ~~provided to the eligible adult, unless the eligible adult is~~
17 ~~ineligible for medicaid; and~~

18 ~~(4) referral for a guardianship or limited~~
19 ~~guardianship if the eligible adult is incapacitated has been~~
20 ~~made] the department made active efforts to assist the eligible~~
21 ~~adult in effectuating each element of the transition plan.~~

22 C. If the court finds that the department has not
23 made ~~[reasonable efforts to meet all of the requirements of~~
24 ~~Subsection B of this section] active efforts to assist the~~
25 ~~eligible adult in effectuating each element of the transition~~

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1 plan and that termination of jurisdiction would be harmful to
2 the eligible adult, the court may continue to exercise its
3 jurisdiction for a period not to exceed one year from the
4 eligible adult's twenty-first birthday or the eligible adult's
5 discharge from the fostering connections program; provided that
6 the eligible adult consents to continued jurisdiction of the
7 court. The court may dismiss the case for good cause at any
8 time after the eligible adult's twenty-first birthday or the
9 eligible adult's discharge from the fostering connections
10 program."

11 SECTION 13. Section 32A-26-10 NMSA 1978 (being Laws 2019,
12 Chapter 149, Section 10) is amended to read:

13 "32A-26-10. FOSTERING CONNECTIONS ADVISORY COMMITTEE--
14 MEMBERSHIP--APPOINTMENT--TERMS--DUTIES--MEETINGS--REPORT.--

15 A. By October 1, 2019, the secretary shall appoint
16 a "fostering connections advisory committee" to make
17 recommendations to the department and to the legislature
18 regarding the fostering connections program. The committee
19 shall meet on a biannual basis to advise the department and the
20 legislature regarding ongoing implementation of the fostering
21 connections program. By September 1, 2020 and each September 1
22 thereafter, the committee shall provide a written report to the
23 governor, the legislature and the secretary regarding ongoing
24 implementation of the fostering connections program, including
25 the number of participants and the number of early discharges.

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1 B. By October 1, 2020, ~~and~~ the committee shall
2 develop a proposal for qualitative and quantitative
3 longitudinal data to be collected to drive ongoing program
4 design and implementation. Each October 1 thereafter, the
5 committee shall develop specific recommendations for improving
6 the fostering connections program and outcomes for the eligible
7 adults it serves and expanding the fostering connections
8 program or improving outcomes for similar groups of at-risk
9 young ~~people~~ adults.

10 C. The members of the committee shall include:

- 11 (1) the following seven voting members:
- 12 (a) the secretary, ex officio, or the
13 secretary's designee;
- 14 (b) three members who are appointed by
15 the secretary as follows: 1) two youth or young adults who are
16 currently or were previously placed in foster care; and 2) one
17 representative of a child advocacy group; and
- 18 (c) three members who are appointed by
19 the secretary as follows: 1) one representative of a child
20 welfare advocacy organization; 2) one representative of the
21 department; and 3) one representative of an agency providing
22 independent living services; and
- 23 (2) the following ~~ex-officio~~ nonvoting
24 members:
- 25 (a) a legislator, appointed by the

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1 New Mexico legislative council;

2 (b) a children's court judge, appointed
3 by the administrative office of the courts; and

4 (c) a subject-matter expert, appointed
5 by the secretary.

6 D. Members of the committee shall be appointed for
7 terms of two years; provided that the initial committee
8 members' terms shall be staggered so that no more than five
9 members' terms shall expire in any one year.

10 E. The secretary shall convene a first meeting of
11 the committee by December 1, 2019. At that first meeting, the
12 members of the committee shall choose a chair, and members'
13 terms shall be chosen by lot.

14 F. The secretary shall fill vacancies on the
15 committee as they occur.

16 G. A majority of the committee members constitutes
17 a quorum for voting purposes.

18 H. Members of the committee shall receive per diem
19 and mileage pursuant to the Per Diem and Mileage Act and shall
20 receive no other compensation, perquisite or allowance for
21 their service on the committee.

22 I. As used in this section:

23 (1) "committee" means the fostering
24 connections advisory committee; and

25 (2) "secretary" means the secretary of

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1 children, youth and families."

2 SECTION 14. A new section of the Fostering Connections
3 Act is enacted to read:

4 "[NEW MATERIAL] ADMINISTRATIVE APPEALS.--A young adult may
5 appeal an adverse eligibility determination in accordance with
6 rules promulgated by the department. The department shall
7 provide the young adult, in the young adult's primary language,
8 with clear and developmentally appropriate verbal and written
9 information concerning the administrative appeal process."

10 SECTION 15. A new section of the Fostering Connections
11 Act is enacted to read:

12 "[NEW MATERIAL] DUTIES OF THE DEPARTMENT.--

13 A. The department shall notify every child in its
14 custody about the fostering connections program beginning when
15 the child attains sixteen years of age and at every transition
16 planning meeting thereafter.

17 B. Prior to attaining seventeen years and six
18 months of age, every child in the custody of the department
19 shall be provided detailed information about the fostering
20 connections program and given the opportunity to develop a
21 voluntary services and support agreement that would be
22 finalized and executed upon the child attaining eighteen years
23 of age."