

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 168

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

AN ACT

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

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

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

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

A. Proceedings in the court under the provisions of
the Children's Code shall begin in the county where the child
resides. If delinquency is alleged, the proceeding may also be
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 B. The venue for proceedings shall be the county
22 where the child resides. A transfer may be made if the
23 residence of the child changes during or after the proceedings.

24 ~~[D.]~~ C. In neglect, abuse, family in need of court-
25 ordered services or adoption proceedings for the placement of

1 an Indian child, the court shall, in the absence of good cause
2 to the contrary, transfer the proceeding to the jurisdiction of
3 the Indian child's tribe upon the petition of the Indian
4 child's parent, the Indian child's guardian or the Indian
5 child's tribe. The transfer shall be barred if there is an
6 objection to the transfer by a parent of the Indian child or
7 the Indian child's tribe.

8 D. Proceedings under the Fostering Connections Act
9 shall begin in the county where the eligible adult resides. A
10 transfer may be made if the residence of the eligible adult
11 changes."

12 SECTION 2. Section 32A-5-45 NMSA 1978 (being Laws 1993,
13 Chapter 77, Section 172, as amended) is amended to read:

14 "32A-5-45. ADMINISTRATION OF SUBSIDIZED ADOPTIONS.--

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

18 B. Subsidy payments may include payments to vendors
19 for medical and surgical expenses and payments to the adoptive
20 parents or permanent guardians for maintenance and other costs
21 incidental to the adoption, care, training and education of the
22 child. The payments in any category of assistance shall not
23 exceed the cost of providing the assistance in foster care.
24 Payments shall not be made under this section after the child
25 reaches eighteen years of age, except ~~[for a child who is~~

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1 ~~enrolled in the medically fragile waiver program, in which case~~
2 ~~the payments may extend until the child is twenty-one years of~~
3 ~~age. Payments shall be made pursuant to this section until a~~
4 ~~child reaches twenty-one years of age if] as provided in~~
5 Subsection C of this section.

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

8 (1) the child is enrolled in the medically
9 fragile waiver program; or

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

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

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

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

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

25 ~~[(5) is]~~ (e) incapable of doing any of

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1 the activities described in [~~Paragraphs (1) through (4) of this~~
 2 ~~subsection~~] Subparagraphs (a) through (d) of this paragraph due
 3 to a medical or behavioral condition [~~and provides evidence of~~
 4 ~~the child's incapability, which evidence is supported by~~
 5 ~~regularly updated information~~] that is supported by regularly
 6 updated information in a transition plan as provided in the
 7 Fostering Connections Act.

8 [~~G.~~] D. A written agreement between the adoptive
 9 family or permanent guardians and the department shall precede
 10 the decree of adoption or permanent guardianship. The
 11 agreement shall incorporate the terms and conditions of the
 12 subsidy plan based on the individual needs of the child within
 13 the permanent family. In cases of subsidies that continue for
 14 more than one year, there shall be an annual redetermination of
 15 the need for a subsidy. The department shall develop an appeal
 16 procedure whereby a permanent family may contest a division
 17 determination to deny, reduce or terminate a subsidy.

18 [~~D. As used in this section, "eligible adult" means~~
 19 ~~an individual who meets the eligibility criteria for~~
 20 ~~participation in the fostering connections program established~~
 21 ~~pursuant to the Fostering Connections Act.~~]"

22 **SECTION 3.** Section 32A-26-1 NMSA 1978 (being Laws 2019,
 23 Chapter 149, Section 1) is amended to read:

24 "32A-26-1. SHORT TITLE.--[~~Sections 1 through 10 of this~~
 25 ~~act~~] Chapter 32A, Article 26 NMSA 1978 may be cited as the

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1 "Fostering Connections Act"."

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

4 "32A-26-2. DEFINITIONS.--As used in the Fostering
5 Connections Act:

6 A. "active efforts" means a heightened standard
7 that is greater than reasonable efforts that include
8 affirmative, active, thorough and timely efforts;

9 ~~[A.]~~ B. "eligible adult" means an individual who
10 meets the eligibility criteria for participation in the
11 fostering connections program;

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

16 ~~[C.]~~ D. "host home" means a setting in an eligible
17 adult's former foster home or in another residence in which an
18 eligible adult:

19 (1) shares a residence with another adult or
20 adults; and

21 (2) agrees to meet the basic expectations
22 established by the:

23 (a) eligible adult;

24 (b) other adult or adults sharing the
25 residence; and

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1 (c) department;

2 E. "placement and care" means the day-to-day care
 3 and protection of the child or eligible adult, including
 4 responsibility for placement decisions about the child or
 5 eligible adult;

6 [~~D.~~] F. "supervised independent living setting"
 7 means an age-appropriate setting that the department approves
 8 for placement of an eligible adult, which setting:

9 (1) [~~conforms to federal requirements for~~
 10 ~~supervised independent living settings~~] is consistent with
 11 federal law and guidance for a supervised setting in which an
 12 eligible adult lives independently; and

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

16 (a) a host home;

17 (b) a college dormitory or other post-
 18 secondary education or training housing; or

19 (c) the home of a parent of the eligible
 20 adult;

21 [~~E.~~] G. "transition plan" means a written,
 22 individualized plan developed collaboratively between the
 23 department and the eligible adult that [~~identifies the:~~

24 (1) ~~eligible adult's needs, strengths and~~
 25 ~~goals in the areas of safety, housing, education, employment or~~

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1 ~~income, health and mental health, local opportunities for~~
2 ~~mentors and continuing support services; and~~
3 ~~(2) activities, responsibilities and time~~
4 ~~frames for addressing the goals specified in the transition~~
5 ~~plan] assesses the eligible adult's strengths and needs,~~
6 ~~establishes goals and identifies the services and activities~~
7 ~~that will be provided to the eligible adult to achieve the~~
8 ~~established goals, the time frames for achieving the goals and~~
9 ~~the individuals or entities responsible for providing the~~
10 ~~identified services and activities as provided by rule;~~

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

20 ~~[G.]~~ I. "young adult" means an individual who is at
21 least eighteen years of age and who is under twenty-one years
22 of age and is not currently participating in the fostering
23 connections program pursuant to Section 32A-26-3 NMSA 1978."

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

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1 "32A-26-3. FOSTERING CONNECTIONS PROGRAM--ELIGIBILITY.--

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

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

8 (a) as of July 1, 2020, nineteen years
9 of age;

10 (b) as of July 1, 2021, twenty years of
11 age; and

12 (c) ~~[as of]~~ after July 1, 2022,
13 twenty-one years of age;

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

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

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

22 (2) meets one of the following criteria:

23 (a) has attained at least eighteen years
24 of age and: 1) was adjudicated pursuant to the Children's Code
25 or its equivalent under tribal law; 2) was subject to a court

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1 order that placement and care be the responsibility of the
2 department or the Indian tribe that entered into an agreement
3 with the department; and 3) was subject to an out-of-home
4 placement order; or

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

12 (3) is:

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

15 (b) enrolled in an institution that
16 provides post-secondary or vocational education;

17 (c) employed for at least eighty hours
18 per month;

19 (d) participating in a program or
20 activity designed to promote employment or remove barriers to
21 employment; or

22 (e) incapable of doing any of the
23 activities described in Subparagraphs (a) through (d) of this
24 paragraph due to a medical or behavioral condition [~~which~~
25 ~~incapacity~~] that is supported by regularly updated information

1 in the [~~case~~] transition plan; and

2 (4) enters into a voluntary services and
3 support agreement with the department pursuant to the Fostering
4 Connections Act.

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

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

10 "32A-26-4. FOSTERING CONNECTIONS PROGRAM--SERVICES--
11 SUPPORTS.--

12 A. The fostering connections program shall provide
13 at least the following services and supports to eligible
14 adults:

15 (1) major medical and behavioral health care
16 coverage;

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

19 (a) a supervised independent living
20 setting;

21 (b) a transitional living program that
22 the department licenses or approves; or

23 (c) [~~placement in~~] a residential
24 facility or another institution; provided that [~~it~~] ~~except as~~
25 ~~provided pursuant to Item 2) of this subparagraph~~] an eligible

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1 adult who is residing in a residential facility upon leaving
2 foster care may choose to temporarily stay until the eligible
3 adult is able to transition to a more age-appropriate setting;
4 ~~[and 2) if the court finds that an eligible adult's~~
5 ~~developmental level, disability or other condition indicates~~
6 ~~placement in a residential facility or another institution due~~
7 ~~to an eligible adult's developmental level, disability or other~~
8 ~~condition, the eligible adult shall be placed in a residential~~
9 ~~facility or another institution until the court deems that the~~
10 ~~eligible adult may be appropriately placed in another setting]~~

11 (3) foster care maintenance payments; provided
12 that these payments:

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

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

21 (4) ~~[case management]~~ services that include
22 the development of a ~~[ease]~~ transition plan, developed jointly
23 by the department and the eligible adult, that includes a
24 description of the identified housing situation or living
25 arrangement, and the resources to assist the eligible adult in

1 the transition from the fostering connections program to
2 adulthood. The [~~case management~~] services shall include
3 assisting the eligible adult in

4 ~~[(a) obtaining employment or other~~
5 ~~financial support;~~

6 ~~(b) obtaining a government-issued~~
7 ~~identification card;~~

8 ~~(c) opening and maintaining a bank~~
9 ~~account;~~

10 ~~(d) obtaining appropriate community~~
11 ~~resources, including health, mental health, developmental~~
12 ~~disability and other disability services and support;~~

13 ~~(e) when appropriate, satisfying any~~
14 ~~juvenile or criminal justice system requirements and assisting~~
15 ~~with sealing the eligible adult's children's court record~~
16 ~~pursuant to Section 32A-2-26 NMSA 1978;~~

17 ~~(f) completing secondary education;~~

18 ~~(g) applying for admission and aid for~~
19 ~~post-secondary education or vocational courses;~~

20 ~~(h) obtaining the necessary state court~~
21 ~~findings and then applying for special immigrant juvenile~~
22 ~~status under federal law or applying for other immigration~~
23 ~~relief for which the eligible adult may be qualified;~~

24 ~~(i) obtaining a copy of health and~~
25 ~~education records of the eligible adult;~~

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1 ~~(j) applying for any public benefits or~~
2 ~~benefits for which the eligible adult may be entitled or that~~
3 ~~may be due through the eligible adult's parents or relatives,~~
4 ~~including state or federal cash assistance, nutritional~~
5 ~~assistance or low-income home energy assistance;~~

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

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

12 ~~(m) accessing youth empowerment~~
13 ~~opportunities and peer support groups; and~~

14 ~~(n) accessing pregnancy and parenting~~
15 ~~resources and services] effectuating each element of a~~
16 ~~transition plan.~~

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

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

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

4 (2) [~~between the ages of eighteen and~~] when at
5 least eighteen years of age and under twenty-one years of age,
6 the eligible adult meets at least one of the following
7 participation criteria:

8 (a) [~~completion of a~~] completing
9 secondary education or [~~a~~] an educational program leading to an
10 equivalent credential;

11 (b) [~~enrollment~~] enrolled in an
12 institution that provides post-secondary or vocational
13 education;

14 (c) [~~participation~~] participating in a
15 program or activity designed to promote employment or remove
16 barriers to employment;

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

19 (e) is incapable of doing any of the
20 activities described in Subparagraphs (a) through (d) of this
21 paragraph due to a medical or behavioral condition that is
22 supported by regularly updated information in the transition
23 plan."

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

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1 "32A-26-5. FOSTERING CONNECTIONS PROGRAM--PARTICIPATION--
2 VOLUNTARY SERVICES AND SUPPORT AGREEMENT--PERIODIC [CASE]
3 REVIEWS.--

4 A. An eligible adult may participate in the
5 fostering connections program for any duration of time [while
6 ~~the eligible adult is between eighteen and twenty-one years of~~
7 ~~age]~~ by entering into a voluntary services and support
8 agreement immediately upon turning eighteen years of age or any
9 time thereafter.

10 B. There is no limit to the number of times an
11 eligible adult may opt out of and reenter the fostering
12 connections program.

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

19 (1) a requirement that the eligible adult
20 continue to be eligible in accordance with the Fostering
21 Connections Act for the duration of the voluntary services and
22 support agreement;

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

25 (3) the voluntary nature of the eligible

1 adult's participation and the eligible adult's right to
2 terminate the voluntary services and support agreement at any
3 time; and

4 (4) conditions that may result in the
5 termination of the voluntary services and support agreement and
6 the eligible adult's early discharge from the fostering
7 connections program pursuant to Section [~~6 of the Fostering~~
8 ~~Connections Act~~] 32A-26-6 NMSA 1978.

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

18 [~~D.~~] E. The department shall assign an eligible
19 adult a case manager, who shall be trained in primarily
20 providing services for transition-aged eligible adults.

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

25 [~~F.~~] G. The department and at least one person who

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1 is not responsible for case management, in collaboration with
2 the eligible adult and additional persons identified by the
3 eligible adult, shall conduct periodic ~~[case]~~ reviews of the
4 transition plan not less than once every one hundred eighty
5 days to evaluate progress made toward meeting the goals set
6 forth in the ~~[case]~~ transition plan. The department shall use
7 a team approach in conducting ~~[case]~~ periodic reviews of the
8 transition plan and shall facilitate the participation of the
9 eligible adult.

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

13 **SECTION 8.** Section 32A-26-6 NMSA 1978 (being Laws 2019,
14 Chapter 149, Section 6) is amended to read:

15 "32A-26-6. TERMINATION OF VOLUNTARY SERVICES AND SUPPORT
16 AGREEMENT--NOTICE--~~[APPEAL]~~ PROCEDURE.--

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

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

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

4 (3) the procedures for reentering the
5 fostering connections program; and

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

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

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

20 D. If the department determines that a young adult
21 is no longer eligible for the fostering connections program,
22 the department shall:

23 (1) no more than fifteen days after the
24 determination and prior to requesting a discharge hearing,
25 provide to the young adult and the young adult's attorney a

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1 clear and developmentally appropriate:

2 (a) written notice informing the young
3 adult of the department's intent to terminate the voluntary
4 services and support agreement; and

5 (b) explanation of the basis for the
6 termination; and

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

12 E. The department shall not terminate services
13 under the fostering connections program without court approval
14 after a discharge hearing.

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

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

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

25 (3) information about and contact information

1 for community resources that may benefit the young adult,
2 [~~specifically~~] including information regarding state programs
3 established pursuant to federal law that provide transitional
4 foster care assistance to young adults."

5 SECTION 9. Section 32A-26-7 NMSA 1978 (being Laws 2019,
6 Chapter 149, Section 7) is amended to read:

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

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

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

19 (1) the name, birth date and residence of the
20 eligible adult; and

21 (2) the facts necessary to invoke the
22 jurisdiction of the court.

23 C. A petition filed pursuant to Subsection B of
24 this section shall be accompanied by a copy of the eligible
25 adult's voluntary services and support agreement and [ease]

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1 transition plan.

2 D. There shall be no interruption in the foster
3 care maintenance payment, housing, medical assistance coverage
4 or case management for an eligible adult who is eligible and
5 chooses to participate in the fostering connections program
6 immediately following the termination of children's court
7 jurisdiction at age eighteen.

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

14 F. [~~Unless~~] Until excused by a court, an attorney
15 appointed to represent an eligible adult shall represent the
16 eligible adult in any subsequent appeals.

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

24 SECTION 10. Section 32A-26-8 NMSA 1978 (being Laws 2019,
25 Chapter 149, Section 8) is amended to read:

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1 "32A-26-8. REVIEW HEARINGS.--

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

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

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

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

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1 federal law.

2 E. At every review hearing that occurs after the
3 child attains sixteen years and six months of age, the court
4 shall make a finding that the child has been notified about the
5 fostering connections program and of the benefits of the
6 program.

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

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

15 "32A-26-9. DISCHARGE HEARING.--

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

23 B. The court shall determine whether

24 [~~(1) written information concerning the~~
25 ~~eligible adult's family history, the whereabouts of any~~

1 ~~sibling, if appropriate, and education and health records have~~
 2 ~~been provided to the eligible adult;~~

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

5 ~~(a) the eligible adult's social security~~
 6 ~~card;~~

7 ~~(b) the eligible adult's certified birth~~
 8 ~~certificate;~~

9 ~~(c) the eligible adult's state-issued~~
 10 ~~identification card;~~

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

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

15 ~~(f) proof that the eligible adult has~~
 16 ~~been in foster care;~~

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

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

24 C. If the court finds that the department has not
 25 made ~~[reasonable efforts to meet all of the requirements of~~

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1 ~~Subsection B of this section~~] active efforts to assist the
2 eligible adult in effectuating each element of the transition
3 plan and that termination of jurisdiction would be harmful to
4 the eligible adult, the court may continue to exercise its
5 jurisdiction for a period not to exceed one year from the
6 eligible adult's twenty-first birthday or the eligible adult's
7 discharge from the fostering connections program; provided that
8 the eligible adult consents to continued jurisdiction of the
9 court. The court may dismiss the case for good cause at any
10 time after the eligible adult's twenty-first birthday or the
11 eligible adult's discharge from the fostering connections
12 program."

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

15 "32A-26-10. FOSTERING CONNECTIONS ADVISORY COMMITTEE--
16 MEMBERSHIP--APPOINTMENT--TERMS--DUTIES--MEETINGS--REPORT.--

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

1 implementation of the fostering connections program, including
2 the number of participants and the number of early discharges.

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

12 C. The members of the committee shall include:

13 (1) the following seven voting members:

14 (a) the secretary, ex officio, or the
15 secretary's designee;

16 (b) three members who are appointed by
17 the secretary as follows: 1) two youth or young adults who are
18 currently or were previously placed in foster care; and 2) one
19 representative of a child advocacy group; and

20 (c) three members who are appointed by
21 the secretary as follows: 1) one representative of a child
22 welfare advocacy organization; 2) one representative of the
23 department; and 3) one representative of an agency providing
24 independent living services; and

25 (2) the following ~~ex-officio~~ nonvoting

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1 members:

2 (a) a legislator, appointed by the
3 New Mexico legislative council;

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

6 (c) a subject-matter expert, appointed
7 by the secretary.

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

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

16 F. The secretary shall fill vacancies on the
17 committee as they occur.

18 G. A majority of the committee members constitutes
19 a quorum for voting purposes.

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

24 I. As used in this section:

25 (1) "committee" means the fostering

1 connections advisory committee; and

2 (2) "secretary" means the secretary of
3 children, youth and families."

4 SECTION 13. A new section of the Fostering Connections
5 Act is enacted to read:

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

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

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

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

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

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