

1 SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 242

3 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

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10 AN ACT

11 RELATING TO CITIZEN SUBSTITUTE CARE REVIEW; PROVIDING FOR
12 SUBMISSION, REVIEW AND RESOLUTION OF GRIEVANCES AGAINST THE
13 CHILDREN, YOUTH AND FAMILIES DEPARTMENT PERTAINING TO
14 SUBSTITUTE CARE; DEFINING TERMS IN THE CITIZEN SUBSTITUTE CARE
15 REVIEW ACT; PROVIDING FOR STAFFING OF THE SUBSTITUTE CARE
16 ADVISORY COUNCIL; PROVIDING FOR RULES PERTAINING TO VOLUNTEER
17 MEMBERS; PROVIDING ACCESS TO AND REQUIREMENTS FOR
18 CONFIDENTIALITY OF CERTAIN RECORDS AND INFORMATION; CHANGING
19 REPORTING REQUIREMENTS; AMENDING, REPEALING AND ENACTING
20 SECTIONS OF THE NMSA 1978.

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

23 SECTION 1. Section 32A-4-33 NMSA 1978 (being Laws 1993,
24 Chapter 77, Section 127, as amended) is amended to read:

25 "32A-4-33. CONFIDENTIALITY--RECORDS--PENALTY.--

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1 A. All records or information concerning a party to
2 a neglect or abuse proceeding, including social records,
3 diagnostic evaluations, psychiatric or psychological reports,
4 videotapes, transcripts and audio recordings of a child's
5 statement of abuse or medical reports incident to or obtained
6 as a result of a neglect or abuse proceeding or that were
7 produced or obtained during an investigation in anticipation of
8 or incident to a neglect or abuse proceeding shall be
9 confidential and closed to the public.

10 B. The records described in Subsection A of this
11 section shall be disclosed only to the parties and:

12 (1) court personnel and persons or entities
13 authorized by contract with the court to review, inspect or
14 otherwise have access to records or information in the court's
15 possession;

16 (2) court-appointed special advocates
17 appointed to the neglect or abuse proceeding;

18 (3) the child's guardian ad litem;

19 (4) the attorney representing the child in an
20 abuse or neglect action, a delinquency action or any other
21 action under the Children's Code;

22 (5) department personnel and persons or
23 entities authorized by contract with the department to review,
24 inspect or otherwise have access to records or information in
25 the department's possession;

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1 (6) ~~[any local substitute care review board or~~
 2 ~~any agency contracted to implement local substitute care review~~
 3 ~~boards]~~ a member of the substitute care advisory council, a
 4 member of its staff or a member of a board pursuant to the
 5 requirements of the Citizen Substitute Care Review Act, if the
 6 records are requested for the purpose of carrying out the
 7 provisions of the Citizen Substitute Care Review Act;

8 (7) law enforcement officials, except when use
 9 immunity is granted pursuant to Section 32A-4-11 NMSA 1978;

10 (8) district attorneys, except when use
 11 immunity is granted pursuant to Section 32A-4-11 NMSA 1978;

12 (9) any state government social services
 13 agency in any state or when, in the opinion of the department
 14 it is in the best interest of the child, a governmental social
 15 services agency of another country;

16 (10) those persons or entities of an Indian
 17 tribe specifically authorized to inspect the records pursuant
 18 to the federal Indian Child Welfare Act of 1978 or any
 19 regulations promulgated thereunder;

20 (11) a foster parent, if the records are those
 21 of a child currently placed with that foster parent or of a
 22 child being considered for placement with that foster parent
 23 and the records concern the social, medical, psychological or
 24 educational needs of the child;

25 (12) school personnel involved with the child

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1 if the records concern the child's social or educational needs;

2 (13) a grandparent, parent of a sibling,
3 relative or fictive kin, if the records or information pertain
4 to a child being considered for placement with that
5 grandparent, parent of a sibling, relative or fictive kin and
6 the records or information concern the social, medical,
7 psychological or educational needs of the child;

8 (14) health care or mental health
9 professionals involved in the evaluation or treatment of the
10 child or of the child's parents, guardian, custodian or other
11 family members;

12 (15) protection and advocacy representatives
13 pursuant to the federal Developmental Disabilities Assistance
14 and Bill of Rights Act and the federal Protection and Advocacy
15 for Mentally Ill Individuals Amendments Act of 1991;

16 (16) children's safehouse organizations
17 conducting investigatory interviews of children on behalf of a
18 law enforcement agency or the department;

19 (17) representatives of the federal government
20 or their contractors authorized by federal statute or
21 regulation to review, inspect, audit or otherwise have access
22 to records and information pertaining to neglect or abuse
23 proceedings;

24 (18) any person or entity attending a meeting
25 arranged by the department to discuss the safety, well-being

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1 and permanency of a child, when the parent or child, or parent
 2 or legal custodian on behalf of a child younger than fourteen
 3 years of age, has consented to the disclosure; and

4 (19) any other person or entity, by order of
 5 the court, having a legitimate interest in the case or the work
 6 of the court.

7 C. A parent, guardian or legal custodian whose
 8 child has been the subject of an investigation of abuse or
 9 neglect where no petition has been filed shall have the right
 10 to inspect any medical report, psychological evaluation, law
 11 enforcement reports or other investigative or diagnostic
 12 evaluation; provided that any identifying information related
 13 to the reporting party or any other party providing information
 14 shall be deleted. The parent, guardian or legal custodian
 15 shall also have the right to the results of the investigation
 16 and the right to petition the court for full access to all
 17 department records and information except those records and
 18 information the department finds would be likely to endanger
 19 the life or safety of any person providing information to the
 20 department.

21 D. Whoever intentionally and unlawfully releases
 22 any information or records closed to the public pursuant to the
 23 Abuse and Neglect Act or releases or makes other unlawful use
 24 of records in violation of that act is guilty of a petty
 25 misdemeanor and shall be sentenced pursuant to the provisions

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1 of Section 31-19-1 NMSA 1978.

2 E. The department shall promulgate rules for
3 implementing disclosure of records pursuant to this section and
4 in compliance with state and federal law and the Children's
5 Court Rules."

6 SECTION 2. Section 32A-8-2 NMSA 1978 (being Laws 1993,
7 Chapter 77, Section 204, as amended) is amended to read:

8 "32A-8-2. PURPOSE OF ACT.--The purpose of the Citizen
9 Substitute Care Review Act is to provide a permanent system for
10 independent and objective monitoring [~~of children placed in the~~
11 ~~custody~~] of the department by examining the policies,
12 procedures and practices of the department [~~and, where~~
13 ~~appropriate, specific cases~~] to evaluate [~~the extent to which~~
14 ~~the department is effectively~~] its effectiveness in discharging
15 its child protection responsibilities and to meet federal
16 requirements for citizen review panels under the federal Child
17 Abuse Prevention and Treatment Act."

18 SECTION 3. A new section of the Citizen Substitute Care
19 Review Act is enacted to read:

20 "[NEW MATERIAL] DEFINITIONS.--As used in the Citizen
21 Substitute Care Review Act:

22 A. "board" means a substitute care review board of
23 volunteer members facilitated by council staff convened for the
24 purpose of reviews of designated cases or other related
25 activities deemed appropriate by the council;

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1 B. "case" means an abuse or neglect case referred
2 to the department;

3 C. "council" means the substitute care advisory
4 council;

5 D. "department" means the children, youth and
6 families department or its agent or contractor;

7 E. "grievance" means a complaint received by
8 council staff:

9 (1) of any action or inaction that may or has
10 adversely affected the health, safety, welfare or rights of an
11 identified child or identified adult; or

12 (2) of the failure of the department to comply
13 with the law or department policies;

14 F. "identified adult" means an adult participating
15 in the fostering connections program or that program's
16 successor;

17 G. "identified child" means a child who is:

18 (1) the subject of a referral of abuse and
19 neglect made to the department;

20 (2) receiving services from the department; or

21 (3) in the custody of the department due to
22 abuse and neglect proceedings;

23 H. "public member" means an individual who has been
24 appointed by the governor;

25 I. "substitute care" means custodial or residential

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1 care for an identified child that is ordered or otherwise
2 sanctioned by the court and in which the child does not live
3 with either of the child's birth parents. "Substitute care"
4 includes foster care, kinship care or care within a group home,
5 residential treatment center, juvenile justice facility, semi-
6 independent living program or emergency shelter; and

7 J. "volunteer member" means an individual who has
8 met eligibility requirements to perform volunteer services for
9 the council."

10 SECTION 4. Section 32A-8-4 NMSA 1978 (being Laws 1993,
11 Chapter 77, Section 206, as amended) is amended to read:

12 "32A-8-4. SUBSTITUTE CARE ADVISORY COUNCIL--MEMBERS--
13 COMPENSATION--RESPONSIBILITIES--ADVISORY COMMITTEE.--

14 A. The "substitute care advisory council" is
15 created and, in accordance with the provisions of Section 9-1-7
16 NMSA 1978, is administratively attached to the regulation and
17 licensing department. [~~The general purpose of the council is
18 to oversee substitute care review boards in their monitoring of
19 children placed in the custody of the children, youth and
20 families department to identify systemic policy issues
21 regarding substitute care.~~] The council shall exercise its
22 functions independently and not under the control of the
23 department or the regulation and licensing department. The
24 council shall be composed of [~~nine persons~~] ten voting members,
25 including:

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1 (1) the secretary of public education or the
2 secretary's designee;

3 (2) the secretary of human services or the
4 secretary's designee;

5 (3) the secretary of finance and
6 administration or the secretary's designee;

7 (4) the secretary of health or the secretary's
8 designee;

9 ~~[(5) two public members, appointed by the
10 governor, who:~~

11 ~~(a) are at least eighteen and no more
12 than thirty years of age at the time of appointment; and~~

13 ~~(b) were previously placed in substitute
14 care;~~

15 ~~(6) two public members, appointed by the
16 governor, who have expertise in the area of child welfare; and]~~

17 (5) the secretary of early childhood education
18 and care or the secretary's designee;

19 ~~[(7)]~~ (6) one children's court judge,
20 appointed by the governor; and

21 (7) four public members, two of whom have
22 expertise in the area of child welfare and two of whom have had
23 experience in abuse and neglect proceedings, including former
24 foster youth, biological parents, foster parents and adoptive
25 parents.

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1 B. ~~[The council may hire staff and contract for~~
2 ~~services to carry out the purposes of the Citizen Substitute~~
3 ~~Care Review Act.]~~ The secretary of children, youth and families
4 or the secretary's designee shall serve as a nonvoting member.

5 C. Except as provided pursuant to Paragraph ~~[(7)]~~
6 ~~(6)~~ of Subsection A and Subsection B of this section, a person
7 or a relative of a person employed by the department or a
8 district court shall not serve on the council.

9 ~~[E.]~~ D. Terms of office of public members of the
10 council shall be three years. Public members shall be eligible
11 for reappointment. In the event that a vacancy occurs among
12 the members of the council, the governor shall appoint another
13 person to serve the unexpired portion of the term.

14 E. A member of the council shall receive per diem
15 and mileage as provided for nonsalaried public officers
16 pursuant to the Per Diem and Mileage Act; provided that, if a
17 different provision of that act applies to a member, that
18 member shall be paid pursuant to that provision. A member of
19 the council shall receive no other compensation, perquisite or
20 allowance.

21 ~~[D.]~~ F. The council shall select a chairperson, a
22 vice chairperson and other officers as it deems necessary.

23 ~~[E.]~~ G. The council shall meet no less than ~~[twice~~
24 ~~annually]~~ quarterly and more frequently upon the call of the
25 chairperson.

1 H. The council may establish work groups and enter
 2 into contracts, memoranda of understanding and joint powers
 3 agreements to carry out the provisions of the Citizen
 4 Substitute Care Review Act.

5 ~~[F.] I. The council shall adopt reasonable rules~~
 6 ~~relating to the functions and procedures of [the substitute~~
 7 ~~care review boards and] the council [in accordance with the~~
 8 ~~duties of the boards as provided in the Citizen Substitute Care~~
 9 ~~Review Act]. These rules shall establish:~~

10 ~~(1) establish training requirements for~~
 11 ~~substitute care review board members;~~

12 ~~(2) establish criteria for council designation~~
 13 ~~of cases for substitute care review board review;~~

14 ~~(3) establish procedures for substitute care~~
 15 ~~review board review of designated cases;~~

16 ~~(4) establish criteria for membership and~~
 17 ~~tenure on and operating procedures for substitute care review~~
 18 ~~boards;~~

19 ~~(5) specify the information needed for~~
 20 ~~designated cases to be monitored by substitute care review~~
 21 ~~boards; and~~

22 ~~(6) specify case information to be tracked and~~
 23 ~~reported to the council.~~

24 ~~G. When adopting rules establishing criteria for~~
 25 ~~designation of cases for substitute care review board review,~~

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1 ~~the council shall weigh the importance of the following~~
2 ~~factors, including:~~

- 3 ~~(1) sibling placements;~~
4 ~~(2) the frequency and severity of neglect or~~
5 ~~abuse;~~
6 ~~(3) the behavioral health status of household~~
7 ~~members;~~
8 ~~(4) the placement of children in households~~
9 ~~where there are no relatives of the children;~~
10 ~~(5) data related to demographics; and~~
11 ~~(6) relevant trend data]~~

12 (1) procedures to ensure compliance with the
13 Open Meetings Act;

14 (2) initial and annual training requirements
15 for council staff;

16 (3) requirements for public participation,
17 including participation on work groups and boards;

18 (4) criteria for establishment of the
19 council's designation of cases;

20 (5) procedures for the council's review of
21 designated cases;

22 (6) procedures for receipt and processing of
23 grievances;

24 (7) procedures to provide for public outreach
25 and public comment to assess the impact of current child

1 protection procedures and practices on children and families in
 2 the community; and

3 (8) other procedures to provide for compliance
 4 with the Citizen Substitute Care Review Act and the federal
 5 Child Abuse Prevention and Treatment Act as it relates to
 6 citizen review panels.

7 ~~[H.] J. The council shall [review and coordinate~~
 8 ~~the activities of the substitute care review boards and make a~~
 9 ~~report with its recommendations to the department, the courts~~
 10 ~~and the appropriate legislative interim committees] provide~~
 11 periodic reports on the work of the council, including an
 12 annual written report to the governor, the legislature, the
 13 department and the administrative office of the courts and
 14 other persons, organizations or agencies deemed appropriate.
 15 The annual report shall be distributed electronically on or
 16 before November 1 of each year [regarding statutes, rules,
 17 policies and procedures relating to substitute care]. This
 18 report shall include [recommendations for any changes to
 19 substitute care review boards.

20 ~~I. Council members shall receive per diem and~~
 21 ~~mileage as provided for nonsalaried public officers in the Per~~
 22 ~~Diem and Mileage Act; provided that, if a different provision~~
 23 ~~of that act applies to a specific member, that member shall be~~
 24 ~~paid pursuant to that applicable provision. Members shall~~
 25 ~~receive no other compensation, perquisite or allowance.~~

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1 ~~J. The council shall appoint by October 1 of each~~
2 ~~year a six-member advisory committee from a list of substitute~~
3 ~~care review board members that the substitute care review~~
4 ~~boards shall nominate. The advisory council shall meet with~~
5 ~~the council at least once per year to advise the council on~~
6 ~~matters relating to substitute care review. Advisory committee~~
7 ~~members shall serve terms of one year and may be reappointed] a~~
8 summary of the activities of the council and recommendations to
9 improve child protective services at the state and local
10 levels. Other reports regarding trends or topics deemed
11 necessary by the council may be provided to the governor, the
12 legislature, the department and the administrative office of
13 the courts."

14 SECTION 5. A new section of the Citizen Substitute Care
15 Review Act is enacted to read:

16 "[NEW MATERIAL] COUNCIL ADMINISTRATION--STAFFING.--

17 A. The council shall hire a director who:

18 (1) shall oversee, manage and direct
19 processing of cases and grievances filed or reviewed pursuant
20 to the Citizen Substitute Care Review Act, provide
21 administrative support to the council and conduct any other
22 activities as deemed necessary by the council to support its
23 functions;

24 (2) shall act impartially in a nonpartisan
25 manner;

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1 (3) shall promote public awareness of the
2 purpose and services of the council and the methods for
3 submitting grievances or requests for case review;

4 (4) shall employ staff for the council and fix
5 compensation of the staff;

6 (5) shall prepare a budgetary request to be
7 submitted through the regulation and licensing department in
8 accordance with the provisions of Section 9-1-7 NMSA 1978; and

9 (6) may apply for and accept grants, gifts and
10 bequests from other states, federal and interstate agencies,
11 independent authorities, private firms, individuals and
12 foundations for the purpose of carrying out the
13 responsibilities of the council.

14 B. The director shall possess the following
15 qualifications:

16 (1) a master's degree in social work and
17 possession of a license issued pursuant to the Social Work
18 Practice Act; or

19 (2) an active license to practice law issued
20 pursuant to rules promulgated by the supreme court; and

21 (3) at least five years' experience in child
22 welfare administration, with an emphasis on child abuse and
23 neglect prevention or abatement.

24 C. The director shall hire staff to carry out the
25 purposes of the Citizen Substitute Care Review Act, including

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1 review of cases and processing of grievances. Council staff
2 providing professional services shall possess:

3 (1) a bachelor's degree in social work,
4 psychology, guidance and counseling, education, sociology,
5 criminal justice, criminology or family studies and at least
6 two years of experience in child welfare administration with an
7 emphasis on child abuse and neglect prevention or abatement; or

8 (2) at least four years of experience combined
9 from:

10 (a) study at an accredited college or
11 university in a field related to child welfare; or

12 (b) professional experience working in
13 the field in child welfare.

14 D. Council staff shall be required to complete
15 annual training directly relating to enhancing staff
16 proficiency, meeting job requirements, conducting case reviews
17 and processing grievances required pursuant to the Citizen
18 Substitute Care Review Act."

19 SECTION 6. A new section of the Citizen Substitute Care
20 Review Act is enacted to read:

21 "[NEW MATERIAL] ATTORNEY GENERAL REPRESENTATION AND
22 CONSULTATION.--The attorney general shall advise and consult
23 with the council, acting pursuant to the Citizen Substitute
24 Care Review Act, and render legal services upon request of the
25 council."

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1 SECTION 7. A new section of the Citizen Substitute Care
2 Review Act is enacted to read:

3 "[NEW MATERIAL] GRIEVANCES.--

4 A. Council staff shall review each grievance
5 submitted to council staff.

6 B. The council shall promulgate rules regarding
7 council staff's acceptance and processing of grievances to
8 establish:

9 (1) criteria for grievances that are accepted
10 by council staff;

11 (2) procedures for the referral of grievances
12 involving allegations of abuse and neglect pursuant to the
13 requirements provided in Sections 27-7-30 and 32A-4-3 NMSA
14 1978;

15 (3) procedures for the referral of grievances
16 that do not meet the criteria established by the council to an
17 appropriate entity; and

18 (4) investigation and assessment procedures
19 and time frames to respond to grievances.

20 C. Following the review of a grievance, council
21 staff shall submit a report to the department regarding the
22 strengths, concerns and recommendations relating to the
23 grievance.

24 D. The secretary of children, youth and families or
25 the secretary's designee shall acknowledge receipt of the

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1 report within ten business days and indicate the department's
2 position as to each recommendation.

3 E. Council staff and the department shall meet
4 quarterly or as needed to develop mutually agreed-upon
5 solutions.

6 F. An individual who requests a remedy pursuant to
7 this section shall not be precluded from pursuing other legal
8 or equitable remedies.

9 G. The department, its agent or contractor shall
10 not discharge, discriminate against in any manner or retaliate
11 against an employee, volunteer or contractor who, in good
12 faith, submits a grievance with the council."

13 SECTION 8. A new section of the Citizen Substitute Care
14 Review Act is enacted to read:

15 "[NEW MATERIAL] VOLUNTEER MEMBER PARTICIPATION--RULES.--

16 A. The council shall promulgate rules relating to
17 volunteer member participation, which shall include provisions
18 for:

19 (1) efforts to recruit and retain volunteer
20 members who are broadly representative of the communities in
21 which they serve and to include volunteer members with
22 expertise in the prevention and treatment of child abuse and
23 neglect and adult former victims of child abuse or neglect;

24 (2) a membership process that includes
25 background checks and orientation training;

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- 1 (3) ongoing training requirements;
- 2 (4) procedures to address conflicts of actual,
- 3 perceived or possible conflicts of interest;
- 4 (5) a code of conduct; and
- 5 (6) procedures to maintain confidentiality of
- 6 information required to be kept confidential as required by
- 7 law.

8 B. Each volunteer member that meets the
9 requirements established by council rules shall participate at
10 least once quarterly in case reviews and other activities
11 deemed appropriate by council staff.

12 C. Volunteer members may receive per diem and
13 mileage as provided for nonsalaried public officers in the Per
14 Diem and Mileage Act; provided that if a different provision of
15 that act applies to a specific member, that member shall be
16 paid pursuant to that applicable provision. Members shall
17 receive no other compensation, perquisite or allowance."

18 SECTION 9. A new section of the Citizen Substitute Care
19 Review Act is enacted to read:

20 "[NEW MATERIAL] SUBSTITUTE CARE REVIEW BOARD
21 ESTABLISHMENT--CASE REVIEW.--

22 A. The council shall establish boards comprised
23 entirely of volunteer members to review cases designated in
24 accordance with council rules.

25 B. When a case has been designated for review

1 pursuant to council rules, the staff of the council shall
2 convene a board to review the case.

3 C. If a case reviewed by a board is a children's
4 court case, the staff of the council shall give the parties to
5 the case notice of the review and afford the parties to the
6 case an opportunity to provide input relevant to the review.
7 If the case involves an Indian child, notice shall additionally
8 be provided to persons afforded notice pursuant to the federal
9 Indian Child Welfare Act of 1978.

10 D. After a board's review of a children's court
11 case, council staff shall submit a report of the board's
12 findings and recommendations to the children's court, the
13 department and the parties to the case. If the case involves
14 an Indian child, the report shall additionally be provided to
15 persons afforded notice pursuant to the federal Indian Child
16 Welfare Act of 1978.

17 E. The department shall acknowledge receipt of the
18 report within ten business days and indicate the department's
19 position with each recommendation.

20 F. Council staff and the department shall meet
21 quarterly, or as needed to develop mutually agreed-upon
22 solutions."

23 SECTION 10. A new section of the Citizen Substitute Care
24 Review Act is enacted to read:

25 "[NEW MATERIAL] ACCESS TO RECORDS.--

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1 A. Subject to state or federal law to the contrary,
2 council staff shall have access to, including the right to
3 inspect and copy, any records necessary to carry out council
4 responsibilities, including access to the following:

5 (1) social records, diagnostic evaluations,
6 psychiatric or psychologic reports, video footage, transcripts
7 and audio records of a child's statement of abuse or medical
8 reports incident to an abuse or neglect proceeding;

9 (2) a record of an agency, hospital,
10 organization, school, person or office, including the clerk of
11 the court, the department, a court-appointed special advocate
12 program, a public or private health care facility, a medical or
13 mental health care professional, a law enforcement agency or
14 other agency that provides services to children and families;

15 (3) a record of an administrative hearing
16 conducted by the department and any findings or conclusions
17 resulting from such hearing; and

18 (4) a record of a private meeting with a child
19 in protective custody or with an individual with knowledge of
20 the case or grievance.

21 B. The department shall establish procedures to
22 provide the requested records in a timely manner.

23 C. The department shall:

24 (1) establish procedures to provide the
25 requested records in a timely manner and to ensure staff

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1 availability to provide input for case reviews and processing
2 of grievances; and

3 (2) ensure that its agents and contractors
4 provide requested records in a timely manner and ensure staff
5 availability to provide input for case reviews and processing
6 of grievances.

7 D. The department, its agent or contractor shall
8 not discharge, discriminate against in any manner or retaliate
9 against an employee, volunteer or contractor who, in good
10 faith, communicates with the council about a grievance, case
11 review or provision of records pursuant to this section."

12 SECTION 11. A new section of the Citizen Substitute Care
13 Review Act is enacted to read:

14 "[NEW MATERIAL] CONFIDENTIALITY OF INFORMATION.--

15 A. Information obtained or generated by a member of
16 the council, a staff member of the council or a member of a
17 board for the purpose of performing duties in compliance with
18 the Citizen Substitute Care Review Act is not subject to the
19 provisions of the Inspection of Public Records Act.

20 B. The name, address or other personally
21 identifiable information of a person whose records are released
22 to council staff or who files a grievance shall be
23 confidential.

24 C. A member of the council, a staff member of the
25 council or a member of a board with knowledge of a case or

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1 grievance that was obtained pursuant to the Citizen Substitute
2 Care Review Act shall maintain that information as confidential
3 unless:

4 (1) the person filing the grievance or the
5 identified child or identified adult who is the subject of the
6 case consents in writing to disclosure of that information to
7 another person;

8 (2) the person filing the grievance or the
9 identified child or identified adult who is the subject of the
10 case provides oral consent for disclosure to another person
11 that is immediately documented in writing by council staff; or

12 (3) disclosure is ordered by a court."

13 SECTION 12. REPEAL.--Sections 32A-8-5 and 32A-8-6 NMSA
14 1978 (being Laws 1993, Chapter 77, Sections 207 and 208, as
15 amended) are repealed.