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HOUSE BILL 500

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Alan T. Martinez

AN ACT

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

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

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

"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 the substitute care advisory council's staff or a
5 member of a board pursuant to the requirements of the Citizen
6 Substitute Care Review Act, if the records are requested for
7 the purpose of carrying out the provisions of that 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 or tribal government
13 social services agency in any state or when, in the opinion of
14 the department, it is in the best interest of the child, a
15 governmental social services agency of another country;

16 (10) a foster parent, if the records are those
17 of a child currently placed with that foster parent or of a
18 child being considered for placement with that foster parent
19 and the records concern the social, medical, psychological or
20 educational needs of the child;

21 (11) school personnel involved with the child
22 if the records concern the child's social or educational needs;

23 (12) a grandparent, parent of a sibling,
24 relative or fictive kin, if the records or information pertain
25 to a child being considered for placement with that

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1 grandparent, parent of a sibling, relative or fictive kin and
2 the records or information concern the social, medical,
3 psychological or educational needs of the child;

4 (13) health care or mental health
5 professionals involved in the evaluation or treatment of the
6 child or of the child's parents, guardian, custodian or other
7 family members;

8 (14) protection and advocacy representatives
9 pursuant to the federal Developmental Disabilities Assistance
10 and Bill of Rights Act and the federal Protection and Advocacy
11 for Mentally Ill Individuals Amendments Act of 1991;

12 (15) children's safehouse organizations
13 conducting investigatory interviews of children on behalf of a
14 law enforcement agency or the department;

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

20 (17) any person or entity attending a meeting
21 arranged by the department to discuss the safety, well-being
22 and permanency of a child, when the parent or child, or parent
23 or legal custodian on behalf of a child younger than fourteen
24 years of age, has consented to the disclosure; and

25 (18) any other person or entity, by order of

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1 the court, having a legitimate interest in the case or the work
2 of the court.

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

17 D. Whoever intentionally and unlawfully releases
18 any information or records closed to the public pursuant to the
19 Abuse and Neglect Act or releases or makes other unlawful use
20 of records in violation of that act is guilty of a petty
21 misdemeanor and shall be sentenced pursuant to the provisions
22 of Section 31-19-1 NMSA 1978.

23 E. The department shall promulgate rules for
24 implementing disclosure of records pursuant to this section and
25 in compliance with state and federal law and the Children's

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1 Court Rules."

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

4 "32A-8-2. PURPOSE OF ACT.--The purpose of the Citizen
5 Substitute Care Review Act is to provide a permanent system for
6 independent and objective monitoring [~~of children placed in the~~
7 ~~custody~~] of the department by examining the policies,
8 procedures and practices of the department [~~and, where~~
9 ~~appropriate, specific cases~~] to evaluate [~~the extent to which~~
10 ~~the department is effectively~~] its effectiveness in discharging
11 its child protection responsibilities and to meet federal
12 requirements for citizen review panels under the federal Child
13 Abuse Prevention and Treatment Act."

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

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

18 A. "board" means a substitute care review board of
19 volunteer members facilitated by council staff convened for the
20 purpose of reviews of designated cases or other related
21 activities deemed appropriate by the council;

22 B. "case" means an abuse or neglect case referred
23 to the department;

24 C. "council" means the substitute care advisory
25 council;

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

3 E. "grievance" means a complaint received by
4 council staff:

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

8 (2) of the failure of the department to comply
9 with the law or department policies;

10 F. "identified adult" means an adult participating
11 in the fostering connections program or that program's
12 successor;

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

14 (1) the subject of a referral of abuse and
15 neglect made to the department;

16 (2) receiving services from the department; or

17 (3) in the custody of the department due to
18 abuse and neglect proceedings;

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

21 I. "substitute care" means custodial or residential
22 care for an identified child that is ordered or otherwise
23 sanctioned by the court and in which the child does not live
24 with either of the child's birth parents. "Substitute care"
25 includes foster care, kinship care or care within a group home,

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1 residential treatment center, juvenile justice facility, semi-
2 independent living program or emergency shelter; and

3 J. "volunteer member" means an individual who has
4 met eligibility requirements to perform volunteer services for
5 the council."

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

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

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

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

24 (2) the secretary of [~~human services~~] health
25 care authority or the secretary's designee;

1 (3) the secretary of finance and
2 administration or the secretary's designee;

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

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

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

9 ~~(b) were previously placed in substitute
10 care;~~

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

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

15 ~~[(7)]~~ (6) one children's court judge,
16 appointed by the governor; and

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

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

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

5 ~~[G.]~~ D. Terms of office of public members of the
6 council shall be three years. Public members shall be eligible
7 for reappointment. In the event that a vacancy occurs among
8 the members of the council, the governor shall appoint another
9 person to serve the unexpired portion of the term.

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

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

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

22 H. The council may establish work groups and enter
23 into contracts, memoranda of understanding and joint powers
24 agreements to carry out the provisions of the Citizen
25 Substitute Care Review Act.

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

6 ~~(1)~~ establish training requirements for
7 substitute care review board members;

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

10 ~~(3)~~ establish procedures for substitute care
11 review board review of designated cases;

12 ~~(4)~~ establish criteria for membership and
13 tenure on and operating procedures for substitute care review
14 boards;

15 ~~(5)~~ specify the information needed for
16 designated cases to be monitored by substitute care review
17 boards; and

18 ~~(6)~~ specify case information to be tracked and
19 reported to the council.

20 ~~G.~~ When adopting rules establishing criteria for
21 designation of cases for substitute care review board review,
22 the council shall weigh the importance of the following
23 factors, including:

24 ~~(1)~~ sibling placements;

25 ~~(2)~~ the frequency and severity of neglect or

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1 abuse;

2 ~~(3) the behavioral health status of household~~
3 ~~members;~~

4 ~~(4) the placement of children in households~~
5 ~~where there are no relatives of the children;~~

6 ~~(5) data related to demographics; and~~

7 ~~(6) relevant trend data]~~

8 (1) procedures to ensure compliance with the
9 Open Meetings Act;

10 (2) initial and annual training requirements
11 for council staff;

12 (3) requirements for public participation,
13 including participation on work groups and boards;

14 (4) criteria for establishment of the
15 council's designation of cases;

16 (5) procedures for the council's review of
17 designated cases;

18 (6) procedures for receipt and processing of
19 grievances;

20 (7) procedures to provide for public outreach
21 and public comment to assess the impact of current child
22 protection procedures and practices on children and families in
23 the community; and

24 (8) other procedures to provide for compliance
25 with the Citizen Substitute Care Review Act and the federal

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1 Child Abuse Prevention and Treatment Act as it relates to
2 citizen review panels.

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

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

22 ~~J.~~ The council shall appoint by October 1 of each
23 year a six-member advisory committee from a list of substitute
24 care review board members that the substitute care review
25 boards shall nominate. The advisory council shall meet with

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1 ~~the council at least once per year to advise the council on~~
2 ~~matters relating to substitute care review. Advisory committee~~
3 ~~members shall serve terms of one year and may be reappointed] a~~
4 summary of the activities of the council and recommendations to
5 improve child protective services at the state and local
6 levels. Other reports regarding trends or topics deemed
7 necessary by the council may be provided to the governor, the
8 legislature, the department and the administrative office of
9 the courts."

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

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

13 A. The council shall hire a director who:

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

20 (2) shall act impartially in a nonpartisan
21 manner;

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

25 (4) shall employ staff for the council and fix

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1 compensation of the staff;

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

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

10 B. The director shall possess the following
11 qualifications:

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

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

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

20 C. The director shall hire staff to carry out the
21 purposes of the Citizen Substitute Care Review Act, including
22 review of cases and processing of grievances. Council staff
23 providing professional services shall possess:

24 (1) a bachelor's degree in social work,
25 psychology, guidance and counseling, education, sociology,

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1 criminal justice, criminology or family studies and at least
2 two years of experience in child welfare administration with an
3 emphasis on child abuse and neglect prevention or abatement; or

4 (2) at least four years of experience combined
5 from:

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

8 (b) professional experience working in
9 the field in child welfare.

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

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

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

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

24 "[NEW MATERIAL] GRIEVANCES.--

25 A. Council staff shall review each grievance

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1 submitted to council staff.

2 B. The council shall promulgate rules regarding
3 council staff's acceptance and processing of grievances to
4 establish:

5 (1) criteria for grievances that are accepted
6 by council staff;

7 (2) procedures for the referral of grievances
8 involving allegations of abuse and neglect pursuant to the
9 requirements provided in Sections 27-7-30 and 32A-4-3 NMSA
10 1978;

11 (3) procedures for the referral of grievances
12 that do not meet the criteria established by the council to an
13 appropriate entity; and

14 (4) investigation and assessment procedures
15 and time frames to respond to grievances.

16 C. Following the review of a grievance, council
17 staff shall submit a report to the department regarding the
18 strengths, concerns and recommendations relating to the
19 grievance.

20 D. The secretary of children, youth and families or
21 the secretary's designee shall acknowledge receipt of the
22 report within ten business days and indicate the department's
23 position as to each recommendation.

24 E. Council staff and the department shall meet
25 quarterly or as needed to develop mutually agreed-upon

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1 solutions.

2 F. An individual who requests a remedy pursuant to
3 this section shall not be precluded from pursuing other legal
4 or equitable remedies.

5 G. The department, its agent or contractor shall
6 not discharge, discriminate against in any manner or retaliate
7 against an employee, volunteer or contractor who, in good
8 faith, submits a grievance with the council."

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

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

12 A. The council shall promulgate rules relating to
13 volunteer member participation, which shall include provisions
14 for:

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

20 (2) a membership process that includes
21 background checks and orientation training;

22 (3) ongoing training requirements;

23 (4) procedures to address conflicts of actual,
24 perceived or possible conflicts of interest;

25 (5) a code of conduct; and

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1 (6) procedures to maintain confidentiality of
2 information required to be kept confidential as required by
3 law.

4 B. Each volunteer member who meets the requirements
5 established by council rules shall participate at least once
6 quarterly in case reviews and other activities deemed
7 appropriate by council staff.

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

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

16 "[NEW MATERIAL] SUBSTITUTE CARE REVIEW BOARD
17 ESTABLISHMENT--CASE REVIEW.--

18 A. The council shall establish boards composed
19 entirely of volunteer members to review cases designated in
20 accordance with council rules.

21 B. When a case has been designated for review
22 pursuant to council rules, the staff of the council shall
23 convene a board to review the case.

24 C. If a case reviewed by a board is a children's
25 court case, the staff of the council shall give the parties to

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1 the case notice of the review and afford the parties to the
2 case an opportunity to provide input relevant to the review.
3 If the case involves an Indian child, notice shall additionally
4 be provided to persons afforded notice pursuant to the federal
5 Indian Child Welfare Act of 1978.

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

13 E. The department shall acknowledge receipt of the
14 report within ten business days and indicate the department's
15 position with each recommendation.

16 F. Council staff and the department shall meet
17 quarterly, or as needed to develop mutually agreed-upon
18 solutions."

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

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

22 A. Subject to state or federal law to the contrary,
23 council staff shall have access to, including the right to
24 inspect and copy, any records necessary to carry out council
25 responsibilities, including access to the following:

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

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

11 (3) a record of an administrative hearing
12 conducted by the department and any findings or conclusions
13 resulting from such hearing; and

14 (4) a record of a private meeting with a child
15 in protective custody or with an individual with knowledge of
16 the case or grievance.

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

19 C. The department shall:

20 (1) establish procedures to provide the
21 requested records in a timely manner and to ensure staff
22 availability to provide input for case reviews and processing
23 of grievances; and

24 (2) ensure that its agents and contractors
25 provide requested records in a timely manner and ensure staff

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

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

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

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

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

16 B. The name, address or other personally
17 identifiable information of a person whose records are released
18 to council staff or who files a grievance shall be
19 confidential.

20 C. A member of the council, a staff member of the
21 council or a member of a board with knowledge of a case or
22 grievance that was obtained pursuant to the Citizen Substitute
23 Care Review Act shall maintain that information as confidential
24 unless:

25 (1) the person filing the grievance or the

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1 identified child or identified adult who is the subject of the
2 case consents in writing to disclosure of that information to
3 another person;

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

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

9 SECTION 12. REPEAL.--Sections 32A-8-5 and 32A-8-6 NMSA
10 1978 (being Laws 1993, Chapter 77, Sections 207 and 208, as
11 amended) are repealed.