HOUSE BILL 453

44TH LEGISLATURE **- STATE OF NEW MEXICO -** FIRST SESSION, **1999**

INTRODUCED BY

W. Ken Martinez

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO CHILDREN; PERMITTING THE PUBLICATION OF A CHILD'S
NAME IN AN APPELLATE RECORD; AMENDING A SECTION OF THE
CHILDREN'S CODE.

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

Section 1. Section 32A-1-17 NMSA 1978 (being Laws 1993,
Chapter 77, Section 26, as amended by Laws 1995, Chapter 22,
Section 1 and also by Laws 1995, Chapter 206, Section 8) is
amended to read:

"32A-1-17. APPEALS.--

A. Any party may appeal from a judgment of the
court to the court of appeals in the manner provided by law.
The appeal shall be heard by the court of appeals upon the
files, records and transcript of the evidence of the court.
[The name of the child shall not appear in the record on

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1   appeal.] A proceeding that is sequestered in children's court

2   shall remain sequestered on appeal.

3   B.   The appeal to the court of appeals does not

4   stay the judgment appealed from, but the court of appeals may

5   order a stay upon application and hearing consistent with the

6   provisions of the Children's Code if suitable provision is

7   made for the care and custody of the child. If the order

8   appealed from grants the legal custody of the child to or

9   withholds it from one or more of the parties to the appeal,

10   the appeal shall be heard at the earliest practicable time.

11   C.   If the court of appeals does not dismiss the

12   petition and order the child released, it shall affirm the

13   court's judgment or it shall modify the court's judgment and

14   remand the child to the jurisdiction of the court for

15   disposition consistent with the appellate court's decision on

16   the appeal. Any party may appeal to the supreme court in the

17   manner provided by law.

18   D.   A child who has filed notice of appeal shall be

19   furnished a transcript of the proceedings, or as much of it as

20   is requested, without cost upon the filing of an affidavit

21   that the child or the person who is legally responsible for

22   the care and support of the child is financially unable to

23   purchase the transcript.

24   E.   Appeals from the court to the court of appeals

25   shall proceed in accordance with time limits to be established

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1   by the supreme court.

2   F.   Appeals from a tribal court order shall proceed

3   pursuant to tribal law to an appropriate tribal court."

4   Section 2.   EFFECTIVE DATE.--The effective date of the

5   provisions of this act is July 1, 1999.

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February 22, 1999

Mr. Speaker:

Your **JUDICIARY COMMITTEE,** to whom has been referred

HOUSE BILL 453

has had it under consideration and reports same with
recommendation that it **DO PASS**, amended as follows:

1.   On page 1, lines 11 and 12, strike "PERMITTING THE
PUBLICATION OF A CHILD'S NAME IN AN APPELLATE RECORD" and
insert in lieu thereof "PROVIDING THAT CERTAIN RECORDS AND
FILES BE KEPT CONFIDENTIAL ON APPEAL".

2.   On page 2, line 1, after the closing bracket,
strike the remainder of the line, strike line 2 in its
entirety and insert in lieu thereof:

"Absent an order of the appellate court, files and
records that are required to be kept confidential and closed

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underscored material = new
[bracketed material] = delete

to the public, pursuant to any provision of the Children's Code shall be kept confidential and closed to the public on appeal.".

Respectfully submitted,

_____

R. David Pederson, Chairman

Adopted _____   Not Adopted _____

(Chief Clerk)   (Chief Clerk)

Date _____

underscored material = new
[bracketed material] = delete

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The roll call vote was __11__ For __0__ Against

Yes: 11

Excused: Luna

Absent: None

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J: \99BillsWP\H0453

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

February 22, 1999

Mr. Speaker:

Your **JUDICIARY COMMITTEE,** to whom has been referred

HOUSE BILL 453

has had it under consideration and reports same with
recommendation that it **DO PASS**, amended as follows:

1.   On page 1, lines 11 and 12, strike "PERMITTING THE
PUBLICATION OF A CHILD'S NAME IN AN APPELLATE RECORD" and
insert in lieu thereof "PROVIDING THAT CERTAIN RECORDS AND
FILES BE KEPT CONFIDENTIAL ON APPEAL".

2.   On page 2, line 1, after the closing bracket,
strike the remainder of the line, strike line 2 in its
entirety and insert in lieu thereof:

"Absent an order of the appellate court, files and
records that are required to be kept confidential and closed
to the public, pursuant to any provision of the Children's
Code shall be kept confidential and closed to the public on

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appeal.".

Respectfully submitted,

_____

R. David Pederson, Chairman

Adopted _____   Not Adopted _____

(Chief Clerk)   (Chief Clerk)

Date _____

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3   **FORTY-FOURTH LEGISLATURE**

4   **FIRST SESSION, 1999**

5

6

7   March 15, 1999

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9   Mr. President:

10   Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been

11   referred

12

13   **HOUSE BILL 453, as amended**

14

15   has had it under consideration and reports same with

16   recommendation that it **DO PASS**, and thence referred to the

17   **JUDICIARY COMMITTEE.**

18   Respectfully submitted,

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23   _____

24   **Shannon Robinson, Chairman**

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underscored material = new
[bracketed material] = delete

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2

3   Adopted_____ Not

4   Adopted_____

5   (Chief Clerk)   (Chief Clerk)

6

7

8

9   Date _____

10

11   The roll call vote was 6 For 0 Against

12   Yes: 6

13   No: 0

14   Excused: Boitano, Garcia, Stockard

15   Absent: None

16

17   H0453PA1

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underscored material = new
[bracketed material] = delete