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SENATE BILL 165

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Linda M. Lopez

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; REQUIRING THE CHILDREN, YOUTH AND FAMILIES
DEPARTMENT TO CONDUCT BACKGROUND CHECKS BEFORE AN INDIVIDUAL
MAY PROVIDE SERVICES PURSUANT TO THE SAFE EXCHANGE AND
SUPERVISED VISITATION PROGRAM.

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

SECTION 1. Section 40-12-5.1 NMSA 1978 (being Laws 2001,
Chapter 201, Section 2, as amended) is amended to read:

"40-12-5.1. SAFE EXCHANGE AND SUPERVISED VISITATION
PROGRAM.--

A. A judicial district may establish a "safe
exchange and supervised visitation program" by local court rule
approved by the supreme court. The safe exchange and
supervised visitation program shall be used when, in the
opinion of the court, the best interests of the child are

.183025.1SA

underscored material = new
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1 served if confrontation or contact between the parents is to be
2 avoided during exchanges of custody or if contact between a
3 parent and a child should be supervised. In a safe exchange
4 and supervised visitation program, the district court may
5 employ or contract with a person:

6 (1) with whom a child may be left by one
7 parent for a short period while waiting to be picked up by the
8 other parent; or

9 (2) to supervise visits among one or both
10 parents and the child.

11 B. A parent may request the services of the safe
12 exchange and supervised visitation program or the court may
13 order that the program be used.

14 C. Parents shall pay the cost of the safe exchange
15 and supervised visitation program pursuant to a sliding fee
16 scale approved by the supreme court. The sliding fee scale
17 shall be based on ability to pay for the service. The fees
18 shall be paid to the district court to be credited to the fund.

19 D. Prior to an individual providing services
20 pursuant to this section, the children, youth and families
21 department shall conduct criminal history records and
22 background checks on the individual pursuant to Sections
23 32A-15-3 and 32A-15-4 NMSA 1978. The background checks shall
24 include fingerprint-supported national criminal history records
25 checks and screenings for abuse and neglect. The children,

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1 youth and families department shall have the final decision on
2 whether the individual is suitable to provide services pursuant
3 to this section."

4 SECTION 2. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2011.

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