



Bernalillo County Youth Services Center

New Mexico Children's Code

Specific attention to Native American youth involved in the juvenile justice system is addressed in the e New Mexico Children's Code.

32A-2-5. Juvenile probation and parole services; establishment; juvenile probation and parole officers; powers and duties. (2009)

- A. Juvenile probation and parole services shall be provided by the department.
- B. To carry out the objectives and provisions of the Delinquency Act [32A-2-1 NMSA 1978], but subject to its limitations, the department has the power and duty to:
- (1) receive and examine complaints and allegations that a child is a delinquent child for the purpose of considering beginning a proceeding pursuant to the provisions of the Delinquency Act;
 - (2) make case referrals for services as appear appropriate or desirable;
 - (3) make predisposition studies and assessments and submit reports and recommendations to the court;
 - (4) supervise and assist a child placed on probation or supervised release or under supervision by court order or by the department;
 - (5) give notice to any individual who has been the subject of a petition filed pursuant to the provisions of the Delinquency Act of the sealing of that individual's records in accordance with that act;
 - (6) informally dispose of up to three misdemeanor charges brought against a child within two years;
 - (7) give notice to the children's court attorney of the receipt of any felony complaint and of any recommended adjustment of such felony complaint;
 - (8) identify an **Indian child** for the purpose of contacting the Indian child's tribe in delinquency cases; and
 - (9) contact an **Indian child's** tribe to consult and exchange information for the purpose of preparing a predisposition report when commitment or placement of an Indian child is contemplated or has been ordered and indicate in the report the name of the person contacted in the Indian child's tribe and the results of the contact.
- C. A juvenile probation and parole officer does not have the powers of a law enforcement officer. A juvenile probation and parole officer may take into physical custody and place in detention, subject to application of a detention risk assessment instrument, a child who is under supervision as a delinquent child or as a youthful offender when there is reasonable cause to believe that the child has violated the conditions of the child's probation or that the child may leave the jurisdiction of the court. Taking a child into custody under this subsection is subject to and shall proceed in accordance with the provisions of the Delinquency Act relating to custody and detention procedures and criteria."
- History: 1978 Comp., § 32A-2-5, enacted by Laws 1993, ch. 77, § 34; 1995, ch. 206, § 11; 2003, ch. 225, § 4; 2009, ch. 239, § 13.



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32A-18-4. Cultural awareness; culturally appropriate placements.

- A. An **Indian child** placed in foster care, preadoptive placement, adoptive placement or a secure facility shall be allowed to maintain the child's cultural ties and shall be permitted to participate in activities that strengthen cultural awareness.
- B. An **Indian child** placed in a secure facility shall be permitted to participate in activities that strengthen cultural awareness. A representative of the child's culture shall be allowed access to the secure facility to provide activities that strengthen cultural awareness; provided that the activities are restricted to the premises of the secure facility.
- C. Upon determining that a placement out of the home is medically necessary for an **Indian child**, the interagency behavioral health purchasing collaborative and its contractors shall make reasonable efforts to place the **child** with a licensed residential treatment center, group home or treatment foster care home that provides culturally competent care and access to appropriate cultural practices, including traditional treatment, as determined in consultation with the child's tribe.