

HOUSE BILL 202

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO CHILDREN; REQUIRING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT, THE HEALTH CARE AUTHORITY, THE EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT, THE DEPARTMENT OF HEALTH, THE PUBLIC EDUCATION DEPARTMENT, THE ADMINISTRATIVE OFFICE OF THE COURTS AND THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO A MULTI-AGENCY MEMORANDUM OF UNDERSTANDING WITH THE OFFICE OF CHILD ADVOCATE FOR THE SHARING OF DATA AND AGENCY SYSTEMS ACCESS WITH THE OFFICE OF CHILD ADVOCATE; PROVIDING FOR COLLABORATION WITH THE DEPARTMENT OF INFORMATION TECHNOLOGY AND THE ATTORNEY GENERAL; REQUIRING OVERSIGHT AND REPORTS; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of Chapter 9 NMSA 1978 is enacted to read:

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1 "[NEW MATERIAL] STATE AGENCIES--DATA AND SYSTEMS ACCESS

2 SHARING--MULTI-AGENCY MEMORANDUM OF UNDERSTANDING--

3 COLLABORATION--REQUIREMENTS--REPORTS.--

4 A. As used in this section, "multi-agency
5 memorandum of understanding" means the written agreement
6 executed by the parties to provide for the sharing of agency
7 data and agency systems access with the office of child
8 advocate.

9 B. With the assistance and collaboration of the
10 department of information technology and the attorney general,
11 the office of child advocate and the following state agencies
12 shall enter into an agreement in the form of a single multi-
13 agency memorandum of understanding for the purposes of sharing
14 certain agency data and access to certain agency systems:

15 (1) the administrative office of the courts;
16 (2) the children, youth and families
17 department;
18 (3) the department of health;
19 (4) the department of public safety;
20 (5) the early childhood education and care
21 department;
22 (6) the health care authority; and
23 (7) the public education department.

24 C. A working group shall be convened to develop the
25 appropriate and necessary terms and provisions to be included

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in the multi-agency memorandum of understanding required pursuant to this section. The working group shall:

(1) initially meet no later than June 15, 2026;

(2) consist of a representative of the office of child advocate, who shall serve as chair, a representative of each agency that is a party to the multi-agency memorandum of understanding, a representative of the attorney general and the appropriate staff from the department of information technology; and

(3) meet as needed to develop and, no later than October 15, 2026, cause the execution of the multi-agency memorandum of understanding.

D. The multi-agency memorandum of understanding shall put forth clearly the purpose for, and the scope of, the data sharing and the systems access sharing for each party and may include agency-specific appendices as appropriate to address confidentiality requirements or other agency-specific matters deemed necessary. At a minimum, the multi-agency memorandum of understanding shall:

(1) identify the specific agency data and the level and type of access to the agencies' systems that shall be shared:

(2) prescribe the manner, process and methods for sharing and storing agency data or for agency system

1 access;

2 (3) prescribe the platform, electronic network

3 or other means used for sharing and storing data, for agency

4 system access and for related communications;

5 (4) prescribe security measures or protocols

6 for sharing and storing agency data and for accessing agency

7 systems;

8 (5) require the use of audit logging to

9 automatically record access to sensitive information;

10 (6) establish and implement a breach plan;

11 (7) establish oversight and reporting

12 requirements;

13 (8) include provisions to ensure compliance

14 with:

15 (a) the uniform crime reporting system

16 maintained by the department of public safety;

17 (b) the federal Health Insurance

18 Portability and Accountability Act of 1996;

19 (c) the federal Family Educational

20 Rights and Privacy Act of 1974;

21 (d) limitations consistent with court

22 rules; and

23 (e) operational and cybersecurity

24 requirements or recommendations of the department of

25 information technology; and

(9) be reviewed for legal and technical soundness by each party to the multi-agency memorandum of understanding.

E. Copies of the executed multi-agency memorandum of understanding shall be provided to the executing parties, the legislative finance committee, the governor and the legislative health and human services committee no later than November 1, 2026."

SECTION 2. APPROPRIATION.--Seventy-five thousand dollars (\$75,000) is appropriated from the general fund to the office of child advocate for expenditure in fiscal years 2026 and 2027 to obtain technical services as necessary to carry out the provisions of this act. Any unexpended balance remaining at the end of fiscal year 2027 shall revert to the general fund.

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