

HOUSE BILL 308

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

INTRODUCED BY

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AN ACT

RELATING TO GOVERNMENT REORGANIZATION; REMOVING THE SUBSTITUTE CARE ADVISORY COUNCIL FROM ADMINISTRATIVE ATTACHMENT TO THE REGULATION AND LICENSING DEPARTMENT; ADMINISTRATIVELY ATTACHING THE SUBSTITUTE CARE ADVISORY COUNCIL TO THE ATTORNEY GENERAL; PROVIDING FOR TRANSFERS OF THE SUBSTITUTE CARE ADVISORY COUNCIL AND COUNCIL FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY, PROPERTY AND CONTRACTUAL OBLIGATIONS FROM THE REGULATION AND LICENSING DEPARTMENT TO THE ATTORNEY GENERAL; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

SECTION 1. Section 32A-8-2 NMSA 1978 (being Laws 1993, Chapter 77, Section 204, as amended) is amended to read:

"32A-8-2. PURPOSE OF ACT.--The purpose of the Citizen Substitute Care Review Act is to provide a permanent system for

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1 independent and objective monitoring of children placed in the
2 custody of the department by examining the policies, procedures
3 and practices of the department and [where appropriate]
4 specific cases to evaluate the extent to which the department
5 is effectively discharging its child protection
6 responsibilities."

7 SECTION 2. Section 32A-8-4 NMSA 1978 (being Laws 1993,
8 Chapter 77, Section 206, as amended) is amended to read:

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

11 A. The "substitute care advisory council" is
12 created and, in accordance with the provisions of Section 9-1-7
13 NMSA 1978, is administratively attached to the [regulation and
14 licensing department] attorney general. The general purpose of
15 the council is to oversee substitute care review boards in
16 their monitoring of children placed in the custody of the
17 children, youth and families department [to identify systemic
18 policy issues regarding substitute care]. The council shall
19 exercise its functions independently. The council shall be
20 composed of nine [persons] voting members, including:

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

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

25 (3) the secretary of [finance and

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administration] early childhood education and care or the secretary's designee;

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

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

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

(b) were previously placed in substitute care;

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

(7) one children's court judge, appointed by the governor.

B. The council may hire staff and contract for services to carry out the purposes of the Citizen Substitute Care Review Act. Except as provided pursuant to Paragraph (7) of Subsection A of this section, a person or a relative of a person employed by the department, the attorney general or a district court shall not serve on the council.

C. Terms of office of public members of the council shall be three years. Public members shall be eligible for reappointment. In the event that a vacancy occurs among the members of the council, the governor shall appoint another person to serve the unexpired portion of the term.

1 D. The council shall select a chairperson, a vice
2 chairperson and other officers as it deems necessary.

3 E. The council shall meet no less than twice
4 annually and more frequently upon the call of the chairperson.

5 F. The council shall adopt reasonable rules
6 relating to the functions and procedures of the substitute care
7 review boards and the council in accordance with the duties of
8 the boards as provided in the Citizen Substitute Care Review
9 Act. These rules shall:

10 (1) establish training requirements for
11 substitute care review board members;

12 (2) establish criteria for council designation
13 of cases for substitute care review board review;

14 (3) establish procedures for substitute care
15 review board review of designated cases;

16 (4) establish criteria for membership and
17 tenure on and operating procedures for substitute care review
18 boards;

19 (5) specify the information needed for
20 designated cases to be monitored by substitute care review
21 boards; and

22 (6) specify case information to be tracked and
23 reported to the council.

24 G. When adopting rules establishing criteria for
25 designation of cases for substitute care review board review,

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1 the council shall weigh the importance of the following
2 factors, including:

3 (1) sibling placements;

4 (2) the frequency and severity of neglect or
5 abuse;

6 (3) the behavioral health status of household
7 members;

8 (4) the placement of children in households
9 where there are no relatives of the children;

10 (5) data related to demographics; and

11 (6) relevant trend data.

12 H. The council shall review and coordinate the
13 activities of the substitute care review boards and make a
14 report with its recommendations to the department, the courts
15 and the appropriate legislative interim committees, on or
16 before November 1 of each year, regarding statutes, rules,
17 policies and procedures relating to substitute care. This
18 report shall include recommendations for any changes to
19 substitute care review boards.

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

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J. The council shall appoint by October 1 of each year a six-member advisory committee from a list of substitute care review board members that the substitute care review boards shall nominate. The advisory council shall meet with the council at least once per year to advise the council on matters relating to substitute care review. Advisory committee members shall serve terms of one year and may be reappointed."

SECTION 3. Section 32A-8-5 NMSA 1978 (being Laws 1993, Chapter 77, Section 207, as amended) is amended to read:

"32A-8-5. SUBSTITUTE CARE REVIEW BOARDS--APPOINTMENTS--
EXCLUSION--TERMS--TRAINING--COMPENSATION--MEETINGS.--

A. The council shall establish no fewer than three substitute care review boards and, in each judicial district established pursuant to Section 34-6-1 NMSA 1978, no more than the following number of substitute care review boards:

(1) two substitute care review boards in the first judicial district;

(2) three substitute care review boards in the second judicial district;

(3) one substitute care review board in the third judicial district;

(4) two substitute care review boards in the fourth judicial district;

(5) two substitute care review boards in the fifth judicial district;

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(6) two substitute care review boards in the sixth judicial district;

(7) two substitute care review boards in the seventh judicial district;

(8) two substitute care review boards in the eighth judicial district;

(9) one substitute care review board in the ninth judicial district;

(10) one substitute care review board in the tenth judicial district;

(11) two substitute care review boards in the eleventh judicial district;

(12) two substitute care review boards in the twelfth judicial district; and

(13) two substitute care review boards in the thirteenth judicial district.

B. The council, or a contractor performing services for the council pursuant to Subsection B of Section 32A-8-4 NMSA 1978, shall provide administrative support to substitute care review boards in accordance with the Citizen Substitute Care Review Act and rules that the council has adopted.

C. A person or a relative of a person employed by the [department of finance and administration, the] children, youth and families department, the [human services department] health care authority, the public education department, the

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1 department of health, the attorney general, a contractor of the
2 council or a district court shall not serve on a substitute
3 care review board.

4 D. The composition of each substitute care review
5 board shall be broadly representative of the community in which
6 the board serves and include members with expertise in the
7 prevention and treatment of child abuse and neglect and may
8 include adult former victims of child abuse or neglect.

9 E. Each substitute care review board shall meet at
10 least once per quarter to review cases designated in accordance
11 with council rules.

12 F. Substitute care review board members may receive
13 per diem and mileage as provided for nonsalaried public
14 officers in the Per Diem and Mileage Act; provided that, if a
15 different provision of that act applies to a specific member,
16 that member shall be paid pursuant to that applicable
17 provision. Members shall receive no other compensation,
18 perquisite or allowance.

19 G. Upon request of the council, a substitute care
20 review board shall prepare a report summarizing its activities.
21 These reports shall not contain confidential information."

22 SECTION 4. REPEAL.--Section 32A-8-7 NMSA 1978 (being Laws
23 1993, Chapter 77, Section 209, as amended) is repealed.

24 SECTION 5. TEMPORARY PROVISIONS--TRANSFER--FUNDS--
25 CONTRACTS--PERSONNEL.--On the effective date of this act:

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1 A. all functions, records, personnel,
2 appropriations, money, furniture, property, equipment and
3 supplies of the regulation and licensing department relating to
4 the Citizen Substitute Care Review Act shall be transferred
5 from the regulation and licensing department to the attorney
6 general;

7 B. all appropriations, contract funds and funds for
8 contract administration and staff, the cost of substitute care
9 advisory council per diem and travel, training and all other
10 costs relating to the Citizen Substitute Care Review Act shall
11 be transferred from the regulation and licensing department to
12 the attorney general; and

13 C. all existing rules and regulations, contracts
14 and agreements of the regulation and licensing department
15 relating to the statewide system of substitute care review
16 boards shall be binding and effective on the attorney general.

17 **SECTION 6. EFFECTIVE DATE.**--The effective date of the
18 provisions of this act is July 1, 2026.