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SENATE BILL 231

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

INTRODUCED BY

Nicole Tobiassen

AN ACT

RELATING TO CHILDREN; REQUIRING THE OFFICE OF CHILD ADVOCATE TO  
CONDUCT A STUDY EVERY FIVE YEARS REGARDING COSTS AND  
REIMBURSEMENT RATES FOR COMMUNITY-BASED FOSTER CARE PLACEMENTS  
AND TREATMENTS AND TO CONDUCT A STUDY EVERY SIX YEARS REGARDING  
THE COSTS AND REIMBURSEMENTS ASSOCIATED WITH LEGAL  
REPRESENTATION FOR CHILDREN IN THE CUSTODY OF THE CHILDREN,  
YOUTH AND FAMILIES DEPARTMENT AS A RESULT OF ABUSE AND NEGLECT  
ALLEGATIONS; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of the Children's Code is  
enacted to read:

"[NEW MATERIAL] REQUIRED STUDIES--COSTS--REIMBURSEMENT  
RATES--COMMUNITY-BASED FOSTER CARE PLACEMENTS--TREATMENTS--  
LEGAL SERVICES--REPORTS.--

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1           A. Beginning in fiscal year 2027, the office of  
2 child advocate shall:

3               (1) conduct a study every five fiscal years to  
4 review and evaluate the costs and reimbursement rates for  
5 providing community-based foster care placements and foster  
6 care treatment for children in foster care, including the costs  
7 of:

8                   (a) resources and associated daily  
9 workloads and activities related to volunteer community-based  
10 providers to address the safety and physical and emotional  
11 well-being of a child, parent, guardian or foster parent;

12                   (b) payments to reimburse resource  
13 families for the cost of food, clothing, shelter, daily  
14 supervision, school supplies, personal incidentals and  
15 reasonable travel expenses to meet the needs of a child in that  
16 resource family's care; and

17                   (c) any other applicable costs or  
18 reimbursements as identified by the office; and

19               (2) conduct a study every six fiscal years to  
20 review and evaluate the costs and reimbursement rates for  
21 providing quality legal representation for children in the  
22 custody of the department as the result of abuse and neglect  
23 allegations. At a minimum, the study should include and  
24 identify:

25                   (a) hourly billed costs;

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1 (b) investigative costs;  
2 (c) psychological, behavioral, medical,  
3 trauma or developmental evaluation or assessment costs;  
4 (d) trial or appeals preparation costs;  
5 and  
6 (e) an estimate of all reimbursable  
7 costs and the respective applicable reimbursement rates.

8 B. Prior to release, a study required pursuant to  
9 this section shall be redacted as necessary to protect  
10 confidentiality. A study required pursuant to this section  
11 shall be provided to the legislative finance committee, with  
12 the initial study provided no later than December 1, 2026.  
13 Each additional study shall be provided no later than December  
14 1 of the calendar year in which the study is conducted.

15 C. For the purposes of this section, "resource  
16 family" means a person or entity licensed by the department or  
17 licensed by another state's child welfare agency or a licensed  
18 child placement agency that provides foster care services,  
19 including respite, non-relative, relative or treatment foster  
20 care. "Resource family" includes foster parents as defined by  
21 Subsection K of Section 32A-1-4 NMSA 1978 and preadoptive  
22 parents as defined by Subsection Z of Section 32A-1-4 NMSA  
23 1978."

24 SECTION 2. APPROPRIATION.--Two hundred thousand dollars  
25 (\$200,000) is appropriated from the general fund to the office  
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1 of child advocate for expenditure in fiscal year 2027 for the  
2 office to conduct the two studies as provided in Subsection A  
3 of Section 1 of this act. Any unexpended balance remaining at  
4 the end of fiscal year 2027 shall revert to the general fund.

5 SECTION 3. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is July 1, 2026.

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