

1 SENATE BILL 231

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Nicole Tobiassen

10 AN ACT

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

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

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

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

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

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

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

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

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

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

(a) hourly billed costs;

- (b) investigative costs;
- (c) psychological, behavioral, medical, trauma or developmental evaluation or assessment costs;
- (d) trial or appeals preparation costs;

and

(e) an estimate of all reimbursable costs and the respective applicable reimbursement rates.

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

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

SECTION 2. APPROPRIATION.--Two hundred thousand dollars (\$200,000) is appropriated from the general fund to the office

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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