

1 SENATE MEMORIAL 19

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

3 INTRODUCED BY

4 Shannon D. Pinto

10 A MEMORIAL

11 REQUESTING THE ATTORNEY GENERAL TO UNDERTAKE A STUDY OF STATE
12 LAWS REGARDING INDIAN CHILD WELFARE AND THEIR IMPACT ON NATIVE
13 AMERICAN CHILDREN IN FOSTER CARE.

15 WHEREAS, the federal Indian Child Welfare Act of 1978
16 established standards for the placement of Indian children in
17 foster and adoptive homes and enabled tribes and families to be
18 involved in child welfare cases; and

19 WHEREAS, the federal Indian Child Welfare Act of 1978 is
20 intended to protect the best interests of Indian children in
21 the child welfare system, preserve tribal culture and guarantee
22 tribal jurisdiction; and

23 WHEREAS, states may solidify or expand on the provisions
24 of the federal Indian Child Welfare Act through state laws; and

25 WHEREAS, since 1978, seventeen states have passed their

underscored material = new
[bracketed material] = delete

1 own Indian Child Welfare Acts; and

2 WHEREAS, in 2022, New Mexico passed the Indian Family
3 Protection Act; and

4 WHEREAS, Native American children in New Mexico remain in
5 foster care for longer periods of time than non-Native American
6 children; and

7 WHEREAS, provisions contained in the laws of other states
8 relating to Native American children in foster care could
9 provide guidance on how New Mexico could improve its laws
10 regarding Native American children in foster care;

11 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
12 OF NEW MEXICO that the attorney general, in consultation with
13 the children, youth and families department and the Indian
14 affairs department, be requested to undertake a study of Indian
15 child welfare laws throughout the country and the effect of
16 those laws on Native American children in foster care; and

17 BE IT FURTHER RESOLVED that the attorney general be
18 requested to report the study's findings and recommendations to
19 the appropriate interim legislative committees by October 1,
20 2026; and

21 BE IT FURTHER RESOLVED that copies of this memorial be
22 transmitted to the attorney general, the secretary of children,
23 youth and families and the secretary of Indian affairs.