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SENATE MEMORIAL 19

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

INTRODUCED BY

Shannon D. Pinto

A MEMORIAL

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

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

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

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

WHEREAS, since 1978, seventeen states have passed their

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own Indian Child Welfare Acts; and

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

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

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

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

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

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