

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR HCPAC DATE TYPED 2/23/2005 HB 223/HCPACS

SHORT TITLE Cultural Needs for Indian Child Placement SB _____

ANALYST Dunbar

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB 214CS

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children Youth and Families Department (CYFD)
Department of Indian Affairs (DIA)

SUMMARY

Synopsis of Bill

House Consumer Public Affairs Committee Substitute for House Bill 223 enacts a new section of the Children’s Code (NMSA 32-A) to require consideration of the cultural needs of Indian children when making an out of home placement.

The bill requires the interagency behavioral health purchasing collaborative and its contractors to make reasonable efforts to place an Indian child removed from his or her home for medical necessity, into a licensed residential treatment center, group home or treatment foster care home that provides culturally competent care and access to appropriate cultural practices, including traditional treatment.

As of July 1, 2005, the Interagency Behavioral Health Purchasing Collaborative (BHPC) and its contracted Statewide Entity will be assuming placement decisions/payment (if Medicaid eligible and medically necessary) for those out of home behavioral health treatment placements. There-

fore, the BHPC was included into the Bill to specify the entity responsible for those placements for children. Also, the change was to specify coverage for only those placements that are behavioral health in nature and not out of home placements for other reasons.

Significant Issues

The bill requires CYFD to consult with the child's tribe to identify culturally appropriate practices and traditional treatment.

DIA notes the removal and placement of an Indian child into a non-Indian and culturally inappropriate environment threatens the survival of tribal communities at their core. The placement of an Indian child must consider the unique perspective and worldview that the child has learned from his or her tribal community. The child's tribal community should be consulted and allowed to actively participate in determining the best placement for the Indian child, especially if the child is being placed in a facility for medical reasons.

Additionally DIA states that HB223 would help promote the spiritual, emotional, mental and physical well-being of NM Indian families and require placement to be consistent with Indian culture and values. With such a provision in place, the traditional cultural strengths and spiritual foundations will greatly contribute to revitalizing and preserving functional Indian families and communities, thus preventing or remedying the potential social problems inherent in placing Indian children in culturally inappropriate environments.

ADMINISTRATIVE IMPLICATIONS

Additional supervision of placement decisions will be required to assure that the child's Indian cultural needs are addressed.

DUPLICATION

Duplicates SB214CS.

OTHER SUBSTANTIVE ISSUES

The bill requires the coordination of culturally competent care and access to appropriate cultural practices, including traditional treatment, as determined in consultation with the child's tribe in cases where the out of home placement is medically necessary. The bill does not define what is meant by medically necessary, or what is meant by culturally competent care and access.

BD/lg:yr