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FISCAL IMPACT REPORT

SPONSOR Stewart DATE TYPED 3/16/05 HB 230/aHJC

SHORT TITLE Protection Against Minors Authorization SB _____

ANALYST Ford

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

- Administrative Office of the Courts (AOC)
- Administrative Office of the District Attorneys (AODA)
- Attorney General (AGO)
- Children, Youth and Families Department (CYFD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 230 specifies that an order of protection against a minor is effective for a fixed period of time not to exceed 90 days. The order may be extended for another 90 days for good cause. The amendment also adds a new section requiring that court records of all proceedings concerning protection orders against minors be sealed when the minor turns 18 or becomes emancipated. Finally, the amendment adds to the definition of minor by specifying that a minor is person under the age of 18 who has not been emancipated.

Synopsis of Original Bill

House Bill 230 adds a new section to the Family Violence Act allowing an order of protection to be filed directly against a minor, and defines a minor as any person under the age of 18.

Significant Issues

Under current law, an order of protection cannot be filed against a minor. Instead, the order must be filed against the minor's parent or guardian. House Bill 230 would allow orders of protection to be filed directly against a minor. The order shall *not* be granted if the petitioner is either the minor's parent or guardian or if the petitioner resides in the same household. In those instances, the order of protection would be referred to CYFD for appropriate services or action.

A violation of the provisions of order of protection shall be a misdemeanor and referred to CYFD's juvenile probation and parole office.

According to the AOC, House Bill 230 would make requests for orders of protection less complex

FISCAL IMPLICATIONS

The AOC anticipates minor one-time costs to update and revise related forms and to train judicial officers and staff.

CYFD notes a possible increase in workload. Cases in which a household member or a parent or guardian has filed an order of protection shall be referred to CYFD as would individuals who violated the orders of protection.

AODA notes a possible increase in referrals for prosecution since a violation of the order would be a misdemeanor.

ADMINISTRATIVE IMPLICATIONS

The bill may have administrative impacts to CYFD to process referrals, as well as to the courts and law enforcement to issue the orders of protection.

TECHNICAL ISSUES

CYFD notes that the bill does not specify the agent responsible for making referrals to CYFD.

OTHER SUBSTANTIVE ISSUES

AODA writes: "Minors are often both the victim and the offender of domestic violence cases. This bill allows victims to seek the same redress as if the offender was an adult."

The AGO notes that the bill may raise concerns because there is no age range or limit for the person seeking the order of protection. Another concern may be a perceived attempt to infringe on parental rights.

EF/lg:yr