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FISCAL IMPACT REPORT

SPONSOR Campos DATE TYPED 3/9/2005 HB _____
 SHORT TITLE Child Care Provider and Abuse Tracking System SB SJM93
 ANALYST Dunbar

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

Relates to HJM92

SOURCES OF INFORMATION

LFC Files
Responses Received From
 Children Youth and Families Department (CYFD)
 Department of Public Safety (DPS)
 Administrative Office of the Courts (AOC)
 NM Public Education Department (PED)
 NM Department of Corrections (NMDOC)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 93 requests that the appropriate legislative interim committee study and make recommendations on the following:

- The potential effectiveness of laws requiring background checks and registration of child care providers;
- Implementing a system for registering, tracking and managing convicted child abusers.

SJM 93 seeks cooperation from the Administrative Office of the Courts, the Children Youth and Families Department, the Corrections Department and the Department of Public Safety to identify ways, within their respective areas of responsibility, to address the issues involved with child abuse by child care providers.

Copies of the memorial are to be transmitted to all of the cooperating state agencies identified and to the legislative council service.

The joint memorial relies upon the injury in October 2002, of three-year-old Mario Archuleta who suffered severe burns to his hands by a daytime childcare provider.

Significant Issues

The proposed study and recommendations would most likely require input from the courts, and the Court Improvement Project could be called upon to assist with coordinating this endeavor. The Court Improvement Project (CIP), within the Administrative Office of the Courts, is a comprehensive effort to assess and improve judicial proceedings related to child abuse and neglect, foster care, and adoption.

Society has a recognized interest in protecting the safety and well-being of its children. As such, agencies are encouraged to cooperate with each other when it serves the public good.

The joint memorial uses the term “child care providers” without explaining its meaning. That term is not used in current state law although the term “child-care facility” is. In fact, “child-care facilities” are licensed by state agencies. By not defining “child care providers,” this could be interpreted to include a traditional babysitter, which might not be considered a target of this joint memorial. On the other end, it may be prudent that anyone who has been convicted of child abuse be required to register so that parents can determine if their potential babysitter is on the registration list.

PERFORMANCE IMPLICATIONS

The Department of Public Safety would cooperate and coordinate with the courts, Department of Corrections and the Children, Youth and Family Department in exploring the possibility of a system of registration for child care providers as well as a registry and tracking service for those providers convicted of child abuse.

This bill relates to CYFD’s performance measures focusing on quality child care by ensuring that child care providers are subject to appropriate background checks.

ADMINISTRATIVE IMPLICATIONS

To avoid duplication and conflicts in law and/or policy in implementing such registries, each affiliated agency would need to look at the possible future responsibilities it would incur as well as what each agency currently does in terms of regulating child care providers, identifying convicted offenders and criminal conviction(s) records keeping.

There will be an administrative impact on the courts associated with time spent by staff on the study.

CYFD would complete the work described in the memorial with existing staff resources.

TECHNICAL ISSUES

The sponsor may wish to define or describe what is meant by “child care providers.” (see paragraph 1 (b))

WD/sb