

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** FL/SB 76

**50th Legislature, 1st Session, 2011**

**Tracking Number:** .185185.1

**Short Title:** Require Child Abuse Problems Study

**Sponsor(s):** Senator Mary Jane M. García

**Analyst:** Kevin Force

**Date:** March 7, 2011

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**Bill Summary:**

FL/SB 76 creates a temporary provision that requires the Children, Youth and Families Department (CYFD), the graduate social work programs at New Mexico Highlands University (NMHU), and New Mexico State University to:

- conduct a study of child abuse problems and systems available to address those problems in New Mexico; and
- report findings to the Legislative Council Service and the appropriate interim committee by November 1, 2011.

**Fiscal Impact:**

The Fiscal Impact Report (FIR) of the Legislative Finance Committee reports a nonrecurring cost of between \$15,000 and \$30,000 for FY 12.

**Fiscal Issues:**

- According to CYFD, the cost to participate in the study will affect those entities identified in the bill.
- According to Administrative Office of the District Attorney, the proposed bill is an unfunded mandate that imposes administrative and possibly actual costs on the operating budgets of those agencies involved in the study.
- According to NMHU, there are insufficient funds to cover costs associated with a comprehensive, statewide study that involves two separate universities.

**Substantive Issues:**

- According to the NMHU analysis:
  - FS/SB 76 includes a specific time for the study to be completed and presented, which may present an issue because School of Social Work faculty contracts end after the spring semester and begin again in the fall;

- the amount of work needed to perform the study may be impacted by the short time frame and lack of available faculty; and
- the bill would be best served if CYFD were the lead agency for the study, with the Schools of Social Work participating in carrying out the study.

The Public Education Department (PED) notes in its analysis that:

- According to the US Department of Health and Human Services, Administration for Children and Families, the 2007 *Child Maltreatment Report* documented the following:
  - **during federal FY 07, an estimated 3.2 million referrals involving the alleged maltreatment of approximately 5.8 million children were referred to Child Protective Services (CPS) agencies;**
  - **approximately 62 percent of referrals were screened for investigation or assessment by CPS agencies;**
  - **approximately 25 percent of the investigations or assessments determined at least one child who was found to be a victim of abuse or neglect with the following report dispositions: 24.1 percent substantiated, 0.6 percent indicated, and 0.5 percent alternative response victim;**
  - **more than 74 percent of the investigations or assessments determined that the child was not a victim of maltreatment with the following dispositions: 61.3 percent unsubstantiated, 6.1 percent alternative response non-victim, 5.7 percent “other,” 1.6 percent closed with no finding, and 0.0 percent intentionally false;<sup>1</sup> and**
  - **the New Mexico child protective services agency referred 28,034 reports alleging child abuse and neglect for investigation. The total population of children and youth under the age of 18 in New Mexico is 500,099.<sup>2</sup>**
- According to the US Department of Health and Human Services Child Welfare Information Gateway:
  - **a number of studies, including some funded by the Centers for Disease Control and Prevention, have suggested that more accurate counts of child fatalities due to maltreatment can be obtained by linking multiple reporting sources, including death certificates, crime reports, child protective services reports, and child death review records; and**
  - **the response to the problem of child abuse and neglect fatalities is often hampered by inconsistencies, including:**
    - **underreporting of the number of children who die each year as a result of abuse and neglect;**
    - **lack of consistent standards for child autopsies or death investigations;**
    - **uncoordinated, non-multidisciplinary investigations; and**
    - **medical examiners or elected coroners who lack specific child abuse and neglect training.<sup>3</sup>**

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<sup>1</sup> U.S. Department of Health and Human Services, Administration for Children and Families, (<http://www.acf.hhs.gov/programs/cb/pubs/cm07/summary.htm>)

<sup>2</sup> U.S. Census 2000, Child Abuse and Neglect Cases Reported and Investigated, ([http://www.allcountries.org/us/census/366\\_child\\_abuse\\_and\\_neglect\\_cases\\_reported.html](http://www.allcountries.org/us/census/366_child_abuse_and_neglect_cases_reported.html))

**Related Bills:**

**SB 62 *Require Family Reporting of Child Abuse***

**SB 77 *Child Abuse Incident Training for Police***

**SB 79 *Child Abuse Public Awareness Campaign***

**SB 213 *Child Abuse As Leaving Kids In Certain Cars***

**SM 26 *“Child Abuse Prevention Week”***

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<sup>3</sup> <http://www.childwelfare.gov/pubs/factsheets/fatality.cfm> (The Child Welfare Information Gateway is a service of the Children’s Bureau, Administration for Children and Families, US Department of Health and Human Services)