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FISCAL IMPACT REPORT

ORIGINAL DATE 3/5/15

SPONSOR Gallegos, DM LAST UPDATED _____ HB 582

SHORT TITLE Abuse & Neglect Notice & Hearings SB _____

ANALYST Klundt

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)

Administrative Office of the Courts (AOC)

SUMMARY

House Bill 582 makes changes to the Abuse and Neglect Act of the Children’s Code (the Act) and related statutes, both amending existing and adding new provisions:

Language was changed to align the statute with the Children’s Court Rules. “Treatment plan was changed to “case plan” throughout the bill.

Substantive changes include:

- Adds definitions for fictive kin, relative and sibling to section 32A-4-2, NMSA 1978;
- Creates a new section, 32A-4-17.1, NMSA 1978 to 1) move the department’s efforts to identify, locate and notify relatives “within 30 days” of a child coming into custody by law enforcements or when the department files a petition seeking legal custody of the child, whichever occurs first and 2) require a notice that includes how to become a foster family, options for relatives under the law, and currently scheduled hearings;
- Section 32A-4-18, NMSA 1978 is amended to require the department at the time of the custody hearing to give preference to the placement with an adult relative when all child protection standards have been met, including making reasonable effort to conduct home studies on relatives who may be interested in providing placement for a child;
- Section 32A-4-21, NMSA 1978 is amended to require the department to add to its

predisposition report to the courts that the department has made efforts to identify, locate and notify relatives and conduct home studies on appropriate relatives;

- Section 32A-4-22, NMSA 1978 is amended to require the court to include in its disposition judgment that the department has made reasonable efforts to identify, locate and notify relatives and conduct home studies on appropriate relatives;

- Section 32A-4-25.1, NMSA 1978 is amended to require the court to transition the child home based on the circumstances of the case but not to exceed six months when a reunification plan is ordered. Subsection D is removed and the language is placed in 32A-4-22, NMSA 1978 regarding familial connections and identifying and locating relatives; and

- Section 32A-4-33, NMSA 1978 is expanded to allow the disclosure of records or information concerning a neglect or abuse proceeding to:

- persons or entities authorized by contract with the court to review, inspect or otherwise have access to records or information in the court's possession;
- persons or entities authorized by contract with the department to review, inspect or otherwise have access to records or information in the department's possession;
- a grandparent, parent of a sibling, relative or fictive kin;
- representatives of the federal government or their contractors authorized by federal statute or regulation to review, inspect, audit or otherwise have access to records
- any person or entity attending a meeting arranged by the department to discuss the safety, well-being and permanency of the child, when the parent or child, or parent or legal custodian on behalf of a child younger than 14 years of age has consented.

The effective date of HB 582 is July 1, 2015.

FISCAL IMPLICATIONS

There is no appropriation contained in this bill. However, this bill is in response to the federal Preventing Sex Trafficking and Strengthening Families Act requiring states to disclose critical information to parents of siblings of foster children, and current confidentiality statutes prevent said disclosure. **If the statute is not amended through this bill to reflect the new federal law, CYFD may be at risk of losing federal funding by being out of compliance with the new federal legislation.**

SIGNIFICANT ISSUES

HB 582 is a Children's Code consensus bill created under the directive of the Children's Court Improvement Commission. A group of stakeholders collaborated on drafting and recommending proposed language and changes to the Children's Code. The workgroup was comprised of representatives from CYFD, AOC, Children's Court judges, Tribal judges, contract attorneys, and other community stakeholders. The committee came to consensus on a slate of amendments to the Act. HB 582 contains several of those recommended amendments.

Sections 2 through 6 of HB 582 codify in state law sections of the federal 2008 Fostering Connections Act (FCA). The three pertinent sections of FCA that HB 582 codifies are 1) a preference for placement with relatives for a child taken into protective custody; 2) requires CYFD to exercise “due diligence” to identify and provide notice to adult relatives of the children; and 3) requires CYFD to make reasonable efforts to identify and place a child in CYFD protective custody to be placed with a relative. HB 582 requires CYFD to make these reasonable efforts at the time of adjudication/disposition, approximately 60 days after the case is filed. Previously the statute required this before the Permanency Hearing, approximately 10 months after the case is filed. By moving the Department’s requirement to make reasonable efforts for relative placement earlier in the case, there is a greater likelihood for placement stability.

CYFD notes this bill aligns with federal requirements regarding notification of grandparents and other relatives as well as placement preference with grandparents and other relatives.

KK/bb