

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 and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

**SPONSOR** Trujillo, L/ **ORIGINAL DATE** 2/08/19 314/aHSEIC/aHFI#1/  
Hochman-Vigil **LAST UPDATED** 3/13/19 **HB** aSPAC  
**SHORT TITLE** Children’s Advocacy Centers **SB** \_\_\_\_\_  
**ANALYST** Klundt

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		See Fiscal Implications	See Fiscal Implications	See Fiscal Implications		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Senate Bill 292

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Children, Youth and Families Department (CYFD)  
 Administrative Office of the Courts (AOC)  
 New Mexico Attorney General (NMAG)  
 Public Defender Department (PDD)

### SUMMARY

#### Synopsis of SPAC Amendment

The Senate Public Affairs Committee (SPAC) Amendment of House Bill 314 as amended revises how often multidisciplinary teams must meet from monthly to every other month; allows victim advocacy services for child and non-offending *caregivers*; reduces language defining standards relating to multidisciplinary teams; cultural competency and diversity; forensic interviews; victim support and advocacy; medical evaluations; mental health; case review; case tracking; organizational capacity; and child-focused settings; allows the Children, Youth and Families Department Protective Services Program Director to appoint a designee to the multidisciplinary child abuse investigation team; requires the multidisciplinary child abuse investigation team designate a mental health providers trained and experienced in *evidence-supported* trauma-focused cognitive behavioral therapy; amends who shall be present before a forensic interview can take place from “(1) a representative from law enforcement; (2) the representative from the protective services division of the children, youth and families department; and (3) the center's forensic interviewer” to “(1) the center’s forensic interviews; and (2) when available and appropriate: (a) a representative from law enforcement; and (b) the

representative from the protective service division of the children, youth and families department”.

Synopsis of House Floor Amendment #1

House Floor amendment #1 eliminates the requirement that a Children’s Advocacy Center be a nonprofit entity and removes the definition of nonprofit entity from the bill.

Synopsis of HSEIC Amendment

The House State Government, Elections and Indian Affairs Committee amendment to House Bill 314 strikes “a nonprofit” and insert in lieu thereof “an” on page 2, line 18.

Synopsis of Original Bill

House Bill 314 amends statute to define what a Child Advocacy Center (CAC) is in New Mexico based on national standards set by the National Children’s Alliance. This bill also includes what direct and administrative services must be provided by a CAC, and that a multi-disciplinary team comprised of both private and governmental employees must be established in each judicial jurisdiction of the CAC. Specifically:

1. This bill requires that a ‘center’ provide a multidisciplinary team to respond to child abuse and neglect allegations, to include the Children, Youth and Families Department (CYFD) Protective Services Program (CPS), family and victim advocacy, forensic interviewers, law enforcement, medical examiners, behavioral health and services related to these fields.
2. This bill requires Child Advocacy Centers to be non-profit, have a building to hold forensic interviews that are child centered and neutral where team members may interact with the child. HB 314 requires that Child Advocacy Center staff are trained per National Children’s Alliance standards. The bill mandates that the multidisciplinary team at each center meet at least monthly.
3. Other duties of Child Advocacy Centers outlined in the bill include:
  - a. Tracking of child abuse cases and the required tracking components;
  - b. Provision of medical exams or behavioral health services or at least the provision of referrals for these services;
  - c. Provision of family and victim advocacy services;
  - d. Aid in providing training to center staff and team members; and
  - e. Follow the National Children’s Alliance standards.
4. Finally, HB 314 identifies who is to comprise the Multidisciplinary Child Abuse Investigation Team (MDT) in each judicial district, and requires certain MDT members be present prior to a forensic interview occurring.

**FISCAL IMPLICATIONS**

CYFD reported MTDs are already established in ten judicial districts at CACs. CYFD also reported however, existing CACs might need to be adjusted to meet the requirements of HB 314. The agency also believes the requirement for MDTs to include mental health providers may have a fiscal impact on local behavioral health service providers and CYFD Behavioral Health

Services Program contracts but did not provide an estimate of those impacts.

AOC reported there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

### SIGNIFICANT ISSUES

Child Advocacy Centers (CACs) receive \$2.4 million from the Protective Services Program (CPS) and the Crime Victims Reparation Commission (CVRC) federal Victims of Crime Assistance (VOCA) funding to provide forensic interviewing, child and family advocacy, MDT coordination, medical examinations, mental health services, and training for MDT members. These services are specific to children and non-offending caregivers that have been referred from law enforcement or CPS with allegations of physical abuse, sexual abuse or severe neglect. These services are provided at the CACs in a trauma informed, child focused, neutral setting. Currently there are 10 funded CACs throughout NM.

While CYFD in general supports legislation defining a CAC, the agency reported concerns the bill, through its requirement that the CAC provide an MDT response to child abuse and neglect allegations, which CYFD believes are more properly the purview of the agency and not CACs.

Additionally CYFD reported the following, more specific concerns:

- “Page 3, Line 3: “Centers Act that meets on a regular basis, at least monthly”. Through existing contract, CYFD currently requires that MDT meetings occur bi-monthly, based based on the ability of the MDT and the functioning of the MDT.
- Page 3, Line: 21: “child and to a non-offending family member of the child”. CYFD recommends that “family member” to be changed to reflect “non-offending caregiver” to reflect the possibility that foster parents or fictive kin may be the child’s care-takers at the relevant time. The use of “caregiver” rather than family member would be in line with the National Children’s Alliance standards as well (*National Children’s Alliance Standards for Accredited Members, 2017 edition*).
- Page 3, Line 25- Page 4, Line 4: CYFD recommends that section 3.I read “adhere to the national children’s alliance standards.” This section would thus omit the following, “multi-disciplinary teams; cultural competency and diversity; forensic interviews; victim support and advocacy; medical evaluations; mental health; case review; case tracking; organizational capacity; and child-focused settings”, ensuring that state practice continue to reflect the annual and biennial changes made to the National Children’s Alliance standards.
- Page 4, Line 13-15: CYFD recommends that section 4.A.2 be amended to reflect that the appointment of the representative from the protective services division of the children, youth and families department, director of the division or his or her/designee. This would allow the local management to assist in the determination of the appropriate representation on the MDT.
- Page 5, Line 1-2: CYFD recommends changing wording to reflect NCA standards “with

training and experience in evidence supported, trauma focused mental health services.” The current language reflecting “trauma focused cognitive behavioral therapy” limits the evidence informed or evidence supported treatment options, which would significantly affect children and families when other therapy modalities may be more effective or appropriate in treating their trauma.

- Page 5, Line 6-12: While CYFD agrees that law enforcement and CPS should be at forensic interviews, requiring that *all* should be present at *every* forensic interview is inappropriate. For example, forensic interviews where the abuse is alleged to have been committed by a *non*-household member or a *non*-caretaker of the child is *not* referred to CYFD for investigation per Children’s Code, and the presence of CYFD/PS at such a forensic interview would not be appropriate. While it is best practice for law enforcement to be at all forensic interviews, it may not be feasible based on the staffing, resources, and situations at the time of the interview for law enforcement to be present.
- Page 5, Line 19-20: CYFD recommends that the language requiring MDT meetings be conducted at least monthly be removed, and that, if frequency language is necessary, that bi-monthly based on the ability of the MDT and the functioning of the MDT be the minimum requirement.

Finally, given that CYFD has run the contracts for the CACs for the last several years, it would be beneficial for CYFD to play a role in the development of MDT protocols and MOUs related to the functioning of the CACs.”

NMAG and AOC reported similar concerns the bill does not mandate that every judicial district or every county establish a CAC. Given the criteria and requirements set forth in the bill, the agencies believe it might be difficult for smaller jurisdictions to establish a CAC. The NMAG also reported the bill requires CACs to maintain certain data but it does not specify for how long the data must be retained.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Senate Bill 292 appropriates \$3 million from the general fund to the Children, Youth and Families Department (CYFD) for sexual assault services to children through child advocacy centers.

## **OTHER SUBSTANTIVE ISSUES**

New Mexico has thirteen judicial districts, some of which are quite geographically large and diverse (see judicial district map [here](#)), and AOC believes it may not be feasible for one center or team to serve the entire judicial district.

According to the National Children’s Alliance, which serves as the accrediting body for children’s advocacy centers, there are currently 11 child advocacy centers in New Mexico. Five of these are accredited with the National Children’s Alliance, five are associate members, and one is a satellite member. These centers serve twenty of New Mexico thirty-three counties. See, [nationalchildrensalliance.org/wp-content/uploads/2018/08/New-Mexico-Gap-Map-2018-Coverage.pdf](http://nationalchildrensalliance.org/wp-content/uploads/2018/08/New-Mexico-Gap-Map-2018-Coverage.pdf)

According to the National Children’s Alliance, children’s advocacy centers allow an alleged child abuse or neglect victim to tell their story once to a trained interviewer. Then, a team that includes medical professionals, law enforcement, mental health, prosecution, child protective services, victim advocacy, and other professionals make decisions together about how to help the child based on the interview. See, <http://www.nationalchildrensalliance.org/cac-model/> (accessed January 23, 2019)

KK/al/sb