

April 9, 2021

SENATE EXECUTIVE MESSAGE NO. 29

The Honorable Mimi Stewart, President Pro Tempore
and Members of the New Mexico State Senate
State Capitol Building
Santa Fe, New Mexico 87501

Dear President Pro Tempore Stewart and Members of the Senate:

I have decided to veto Senate Health and Public Affairs Committee Substitute for Senate Bill 242 (“SB 242”), which would have made numerous changes to the Citizens Substitute Care Review Act, NMSA 1978, Sections 32A-8-1 to -7 (2016). When first enacted, the Act created a system for independent and objective monitoring of children placed in the custody of the Children, Youth and Families Department (“CYFD”) by reviewing the CYFD’s policies, procedures, and specific cases on occasion. The Substitute Care Advisory Council (the “Council”) conducts this review and makes its recommendations each year. Independent of SB 242, the Council is able to continue this work and expand upon its authority through the rule making process.

SB 242 prematurely expands the authority of the Council without any appropriation to implement its new power to accept, investigate and negotiate solutions with CYFD. During the legislative process, New Mexico’s Native American communities’ leadership were not consulted regarding SB 242, even though the Council must adhere to the Indian Child Welfare Act. Additional collaboration is therefore needed between the Council, state agencies, and our Native American communities before any of the amendments in SB 242 can be enacted.

For these reasons, and pursuant to my authority under Article IV, Section 22 of the New Mexico Constitution, I have vetoed Senate Health and Public Affairs Committee Substitute for SENATE BILL 242, enacted by the Fifty-Fifth Legislature, First Session.

Respectfully yours,

Michelle Lujan Grisham
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: _____

Date: _____

By _____
Secretary of State of New Mexico

Time: _____

Date: _____

By _____
Chief Clerk of the Senate