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## FISCAL IMPACT REPORT

SPONSOR Lord/Diamond LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 1/24/23  
BILL \_\_\_\_\_  
SHORT TITLE Family in Need of Court-Ordered Services NUMBER House Bill 34  
ANALYST Chenier

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
		Less than \$120.0	Less than \$120.0	Less than \$240.0	Recurring	General fund

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

#### Responses Received From

Children, Youth and Families Department (CYFD)

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

## SUMMARY

### Synopsis of House Bill 34

House Bill 34 expands the definition of family in need of court ordered services to include families where the child's parent, guardian, or custodian was investigated by CYFD, and the department found credible evidence that the child is an abused or neglected child. The bill also makes a technical adjustment to the beginning of the definitions section by adding as used in "the Family in Need of Court Ordered Services Act".

The effective date of this bill is July 1, 2023

## FISCAL IMPLICATIONS

AOC said that there may be fiscal implications for the department due to widening the net for cases which could be included under the family in need of court ordered services but alternatively it could lower the number of cases which enter the court system due to the filing of an abuse and neglect petition by providing for a less restrictive process of assisting the family. There may also be an impact on the office of family representation and advocacy budget due to an increase in filings under the act but a similar decrease in abuse and neglect filings could also

occur. A similar impact to the court may also exist.

CYFD did not note a fiscal impact.

## **SIGNIFICANT ISSUES**

CYFD said the expanded definition means that a larger number of families would be eligible for court-ordered interventions under the Family In Need Of Court Ordered Services Act (“FINCOS”). For children meeting the definition, CYFD will continue to assess, on a case-by-case basis, whether an abuse or neglect case, a FINCOS case, or some other method of addressing a situation would be the best tool to assist a family and provide safety and permanency for a child.

AOC said that following an investigation where the department did not file an Abuse and Neglect Petition, (such as where lesser methods would suffice; where the children’s court attorney did not endorse the filing as in the best interest of the child and family or where the department lacked sufficient evidence to prove abuse and neglect by clear and convincing evidence) but believed that the family would benefit from court ordered services, the department could file a petition under the Family in Need of Court Ordered Services proceeding. This could expand the department’s course of actions in working with families that were subject to investigation but allow the department to stop short of an abuse and neglect petition while still engaging the authority of the court’s order to require participation in services.

## **PERFORMANCE IMPLICATIONS**

AOC said that FINCOS is rarely used in New Mexico and this amendment could provide an avenue to satisfying the purposes of the Family in Need of Court Ordered Services Act which is to, through court intervention, provide services when voluntary services are exhausted and to recognize that in many instances truancy and running away by the child are symptomatic of a family in need of services.

EC/mg/ne