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FISCAL IMPACT REPORT

SPONSOR <u>Lopez</u>	LAST UPDATED <u>02/27/2023</u>	
	ORIGINAL DATE <u>02/20/2023</u>	
SHORT TITLE <u>Child Interdisciplinary Legal Representation</u>	BILL NUMBER <u>Senate Bill 436</u>	
	ANALYST <u>Chilton</u>	

APPROPRIATION* (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
	\$2,500.0	Recurring	General Fund

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent version of this legislation.

Sources of Information

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)
Human Service Department (HSD)
Early Childhood Education and Care Department (ECECD)
Department of Health (DOH)
Department of Finance and Administration (DFA)

No Response Received

New Mexico Municipal League (NMML)
New Mexico Counties (NMC)

SUMMARY

Synopsis of Senate Bill 436

Senate Bill 436 appropriates \$2.5 million from the general fund to the Department of Finance and Administration for the purpose of implementing a statewide system of interdisciplinary legal representation for children and families in cases arising under the Children’s Code.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

The appropriation of \$2.5 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY24 shall revert to the general fund.

SIGNIFICANT ISSUES

As noted by CYFD, “This appropriation will help ensure that all parties to a case arising under the Children’s Code have appropriate legal representation before the court.”

An American Bar Association article available online at

https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january---december-2019/providing-parents-multidisciplinary-legal-representation-signifi/

concludes:

The multiyear study of child welfare cases in New York City courts evaluated whether the kind of legal representation provided to parents can make a difference in case outcomes. It is the largest study of parental representation in family court ever conducted, tracing the outcomes of 9,582 families and their 18,288 children through a four-year follow-up period. The study compared case outcomes based on whether parents were represented by solo practitioners who are experienced lawyers appointed to the Assigned Counsel Panel (panel lawyers) or by professionals who are part of a multidisciplinary law office that includes lawyers, social workers, and parent advocates (multidisciplinary representation).

In this study, the following outcomes were found to be improved with multidisciplinary (interdisciplinary) representation:

- Child safety;
- First-month, sixth-month, first-year and second-year reunification rates;
- Guardianships for children who could not be returned to parents; and
- Rates of kin placement.

DOH writes that:

The children and families that are intended to be protected by the Children’s Code may be the population most in need of legal services. Some children may have no knowledge of their rights, no means to contact a lawyer, or no financial resources for legal fees. This is especially the case for vulnerable children, including those from minority groups; children with disabilities; migrant children; and children in jails or detention centers. Justice systems themselves may not necessarily be equipped to fulfil children’s rights and needs. Justice professionals – police, prosecutors, lawyers and judges – often lack the specialized training to support child survivors, victims, witnesses or alleged offenders. Many may not understand the gender-specific vulnerabilities children face when coming into contact with justice systems. And in some places, even social service workers, trained to be the first line of response for children in need, are not recognized or do not have sufficient resources to help children safely seek protection and justice... Having appropriate legal counsel may reduce stress and anxiety during potentially difficult times in the lives of children.

TECHNICAL ISSUES

In this context, it is difficult to understand the meaning of “interdisciplinary legal representation,” which could be defined in the bill.

DFA states that “The funding should be appropriated directly to the Office of Family

Representation and Advocacy instead of going through the Department of Finance and Administration.”

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