

<b>LFC Requester:</b>	
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**      X      **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_    **Substitute**    \_\_\_\_\_

**Date Prepared:**    01-26-2024

**Bill No:**    SJR6

**Sponsor:**    Rep. Ortiz y Pino, Chavez,  
Hemphill, Tallman

**Short Title:**    CYFD Commission &  
Executive Director

**Agency Name and Code Number:**    305 – New Mexico  
Department of Justice

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Senate Joint Resolution (“SJR”) 6 proposes to amend the Constitution of the State of New Mexico to establish a Children, Youth and Families Commission along with an executive director to oversee the activities of the Children, Youth and Families Department (CYFD). The commission will consist of three members, each appointed for six-year terms by the Governor, the president pro tempore of the senate, and the speaker of the House of Representatives, respectively. Initially, the Governor will appoint a commission member for a two-year term, the speaker of the house will appoint another for four years, and the President Pro Tempore of the Senate will appoint one for six years. SJR 6 also specifies that the commission will hire an Executive Director to manage the department starting July 1, 2026.

As this is a constitutional amendment, its adoption is subject to voter approval at the next general election or special election that may be called for this purpose before that date.

**FISCAL IMPLICATIONS**

HJR7 does not contain an appropriation.

Section 1-16-13 NMSA 1978 mandates the Secretary of State to print and distribute the proposed constitutional amendments in Spanish and English, equal to 10% of registered voters. Costs depend on the amendments' quantity and length and voter numbers. Additionally, these amendments must be published weekly in newspapers statewide for four weeks pre-election, with varying costs based on ballot question length.

**SIGNIFICANT ISSUES**

The establishment of an independent commission and Executive Director will likely necessitate a review to identify potential new conflicts of interest among appointees. This review might reveal the need for the New Mexico Department of Justice (NMDOJ) to offer neutral legal advice to the commission and CYFD, ensuring impartiality. Future legislation should clearly define the legal structure to avoid conflicts with Governor-appointed personnel, safeguarding the commission’s integrity and effectiveness.

Moreover, compliance with Title IV-E federal requirements is paramount. The state must ensure that the proposed changes do not jeopardize New Mexico's designation as the child welfare

authority or its ability to manage Title IV-E funds and meet federal performance standards. Any significant modifications to CYFD's structure and governance would likely necessitate revisions to the state plan, subject to federal approval, to maintain compliance with child safety, permanency, and well-being standards. Additionally, SJR 6's potential impact on the state's Indian Family Protection Act and the federal Indian Child Welfare Act (ICWA) should also be examined.

#### **PERFORMANCE IMPLICATIONS**

None.

#### **ADMINISTRATIVE IMPLICATIONS**

Implementing SJR 6 will likely necessitate updates to New Mexico's Children's Code N.M. Stat. Ann. §§ 32A-1-1 et seq. and New Mexico Administrative Code (NMAC) to accommodate the revised governance structure. This transition is also expected to involve a detailed review and revision of existing policies and procedures to ensure they align with the new legal and operational frameworks.

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

None.

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

None.

#### **ALTERNATIVES**

None

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

#### **AMENDMENTS**

N/A