

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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SECTION I: GENERAL INFORMATION

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 2024-01-30
Bill No: SJR17

Sponsor(s) William P. Soules
:

Agency Name ECECD 611
and Code
Number:
Person Writing Janis Gonzales
Analysis:

Short RIGHTS OF CHILDREN,
Title: CA

Phone: 5054691742

Email: janis.gonzales2@ecccd.nm.gov
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI		

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ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI			

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

Senate Joint Memorial 17 (SJR17) proposes to add a section to the Bill of Rights, Article 2 of the New Mexico Constitution, spelling out a list of rights children would have and mandating legislation to bring those rights to New Mexico children. The children’s rights to be enshrined in the state constitution are:

- * The right to timely, accessible healthcare;
- * The right to solution-focused, culturally sensitive behavioral healthcare for the child and family;
- * The right to nutritious and adequate food;
- * The right to safe shelter, with plumbing, heating, electricity and internet service;
- * The right to transportation;
- * The right to be in a community with home visitation services beginning at birth;
- * The right to early learning programs;
- * The right to community schools, including school-based medical, dental and mental health services;
- * The right to youth mentorship programs; and
- * The right to appropriate training for eventual employment.

Voters would be asked to consider the amendment during the next general election in November 2024 or at a special election prior to that date.

FISCAL IMPLICATIONS

There is no appropriation associated with this resolution; however, there will be significant costs associated with guaranteeing the new rights that will need

to be addressed by future appropriations, should this Constitutional amendment be passed by the voters.

SIGNIFICANT ISSUES

Very few states have adopted a children's rights amendment. New Mexico Considered a similar joint memorial in the 2023 Legislative session but it died.

Some attempts to enshrine or codify children's rights have been previously made in New Mexico and elsewhere. The NM Children, Youth and Families Department (CYFD) has created a New Mexico Foster Children and Youth Bills of Rights, which lists 29 rights specific to the population of children and youth who live with foster parents (resource parents) or in out-of-home placements, like group homes and residential facilities (www.cyfd.nm.gov). Furthermore, in 2021, CYFD launched the Office of Children's Rights, which offers children and youth in foster care services and support, including:

- Immigration Rights: consultation, referrals, representation, language access
- Education Rights & Advocacy: support with schools, collaborations with school staff, school stability, and special education rights
- Disability Rights: public benefits advocacy, family placements, and accommodations
- Youth Grievances: process for violations of the Foster Child and Youth Bill of Rights

The United Nations Convention on the Rights of the Child is an international human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. (Convention on the Rights of the Child OHCHR)

Nationally, a Children's Bill of Rights was introduced in Congress in 2015 and has been endorsed by more than 120 organizations. This Children's Bill of Rights addresses three categories of rights for children: physical wellbeing, social and emotional wellbeing, and educational and life skills.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SJR17 is not enacted, voters will not be presented with an amendment to the Constitution enshrining a Children's Bill of Rights into the New Mexico Constitution.

AMENDMENTS

None.