

LFC Requester: \_\_\_\_\_

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

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**SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** March 14, 2025 *Check all that apply:*  
**Bill Number:** HB 252 Original  Correction   
 Amendment  Substitute

**Sponsor:** Susan Herrera **Agency Name and Code Number:** Aging and Long-Term Services Department 62400  
**Person Writing Analysis:** Craig Hay  
**Short Title:** Kinship Caregiver Support Pilot Program **Phone:** (505) 603-9431 **Email:** Craig.hay@altsd.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NA	NA	NA	NA

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NA	NA	NA	NA	NA

(Parenthesis ( ) indicate revenue decreases)

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

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NA	\$1,333.30	\$1,333.30	\$4,000.0	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

#### **Synopsis:**

HB 252, the Kinship Caregiver Support Pilot Program Act enacts a new section of the Aging and Long-Term Services Department (ALTSD) Act, § 9-23-1 NMSA 1978, to create the Kinship Caregiver Support Pilot Program (hereinafter referred to as the “pilot program”). The length of the pilot program is three years. The pilot program will be offered in five counties (Rio Arriba, Santa Fe, Taos, McKinley, and Dona Ana) to a total of 250 participants—50 participants per county.

ALTSD will collaborate with “program partners” to develop and implement the pilot program. This includes setting the criteria for participation in the program; criteria for consideration shall include a kinship caregiver’s current household income and the individual needs of the child or children supported by the kinship caregiver. Program partners are defined in the Act as community organizations, nonprofits or area foundations in New Mexico.

Pilot program participants will be offered legal assistance to attain legal custody or kinship guardianship. Pilot program staff will assist participants in identifying and coordinating access to federal, state and local assistance programs, as well as a monthly economic support program administered by program partners.

The Act contains an emergency clause and requires that ALTSD promulgate and adopt rules for the administration of the pilot program by June 1, 2025. ALTSD will be required to submit annual reports to the legislative finance committee assessing the impact and outcomes of the pilot program with program recommendations.

#### **Amendment:**

The current amendment to House Bill 252 (HB 252) removes the specific named five (5) counties and added language that the program will be in five (5) to seven (7) unnamed counties. However, a prior amendment was made to HB 252, in the House Appropriation and Finance Committee which removed the \$4,500,000 appropriation to the New Mexico Aging and Long-Term Services Department (ALTSD) for the administration of the pilot program. There are no other changes to HB 252 contained within the amendment.

### **FISCAL IMPLICATIONS**

Note: Given that the pilot program is offered in five counties this would allow a total of 250 program participants with 50 participants per county. A significant portion of the allocation associated with HB 252 would be used for contractual legal services for program participants.

Assigning 3 FTE at pay band 65, would cost \$275,100 for salaries and benefits per year at the fiscal year 25 parameters. 1 FTE at pay band 75, midpoint (38.46/hour) would cost \$108,800 for salaries and benefits per year at the fiscal year 25 parameters. If allocating \$1,500,000 per year, \$1,052,000 would be available for direct services including legal assistance, contracts and fixed costs.

ALTSD would need recurring funding in operating base budget to continue program in FY29 and subsequent years.

The most current circulated draft (although not final) of House Bill 2 of the Fifty-Seventh Legislature, House Appropriation Committee-Amendment currently appropriates only \$4 million to this purpose, reducing the original allocation in HB 252 by \$500,000.

## **SIGNIFICANT ISSUES**

In potentially expanding the pilot program from five (5) to seven (7) counties it is possible that a greater number of diverse constituents across the state of New Mexico will be served. However, the dollar amount dedicated to direct services may be reduced because there may be an expansion of qualifying counties without an increase in funding.

There are no additional significant issues with the amendment to HB 252 besides the potential fiscal implications noted above. Below are the original significant issues original raised by ALTSD as it relates to HB 252.

A kinship caregiver is a person raising and supporting a child, when that person is also the grandparent of the child, relative of the child, or person with whom the child has an emotionally significant relationship. Since 2020, kinship caregiving in New Mexico has increased, even though the rate of kinship caregiving is decreasing nationally.<sup>i</sup> Between 2022 and 2024, New Mexico had the highest percentage of children in kinship care (9 percent) of any state, which was more than double the national average (3 percent).<sup>ii</sup> Additionally, between 2017 and 2024, the number of children in kinship care in New Mexico increased from an estimated 30,000 to an estimated 40,000.<sup>iii</sup>

Parental substance misuse disorders are a leading cause in the rise of kinship caregiving in New Mexico. According to a 2020 analysis by New Mexico's Department of Health, 16 percent of the adult, non-senior population of New Mexico struggles with a substance misuse disorder.<sup>iv</sup> In 2021-2022, the LANL Foundation surveyed 78 kinship caregivers in Rio Arriba County. Nearly half of the respondents explicitly cited drug addiction as the reason for becoming the primary caregiver to their grandchildren or kin.<sup>v</sup>

Children experience trauma from being removed from the care of parents, but international research affirms that children in kinship care experience fewer behavioral problems and mental health disorders as well as improved well-being compared with children placed in foster care.<sup>vi</sup> Nonetheless, kinship caregiving is not a simple task, and many kinship caregivers struggle to identify and navigate the various social service support systems that may assist them in caring for children. Furthermore, many kinship caregivers are living in poverty. In 2021, the U.S. Census Bureau found that, nationally, 18.3 percent of grandparents responsible for their coresident grandchildren lived in poverty.<sup>vii</sup> A New Mexico Voices for Children study found that, in 2022, 25.6 percent of New Mexican grandparents who are responsible for their own grandchildren were living in poverty.<sup>viii</sup>

Kinship caregivers may also choose to pursue kinship guardianship, which is a legal arrangement that transfers many parental rights to the kinship guardian. In fact, legal service providers in New Mexico have seen a dramatic increase in request for assistance with kinship guardianship cases.<sup>ix</sup> In the First Judicial District Court alone, kinship guardianship cases increased 68 percent from 2007 to 2022.<sup>x</sup>

## **PERFORMANCE IMPLICATIONS**

ALTSD will be required to submit by December 1, 2025, and December 1<sup>st</sup> of each subsequent year a report to the legislative finance committee assessing the impact and outcomes of the program. This report shall be prepared in consultation with the Early Childhood Education and Care Department and any other appropriate state agency.

## **ADMINISTRATIVE IMPLICATIONS**

Prior to the implementation of the pilot program, ALTSD will need to assign an ALTSD employee to prepare for the implementation of the project. ALTSD will need to quickly promulgate rules for the pilot program to meet the June 1, 2025, deadline required in the Act. Additionally, ALTSD will need to make appropriate logistical arrangements to create positions and appropriately staff those positions.

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

### **TECHNICAL ISSUES**

### **OTHER SUBSTANTIVE ISSUES**

### **ALTERNATIVES**

Increase legislative appropriation to CYFD's kinship navigation program.

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

New Mexico will not be able to provide the support needed support to increasing number of grandparents raising grandchildren.

### **AMENDMENTS**

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<sup>i</sup> "Resilient Families: Helping Grandparents and Kin Raise Children in New Mexico," LANL Foundation Report (Jan. 2024), 1, <https://lanlfoundation.org/research/resilient-families-helping-grandparents-and-kin-raise-children-in-new-mexico/>

<sup>ii</sup> Annie E. Casey Foundation Kids Count Data Center, 2022-2024. "Children in kinship care in the United States." Last Updated September 2024. <https://datacenter.aecf.org/data/tables/10455-children-in-kinship-care?loc=1&loct=2#ranking/2/any/true/2638/any/20161>

<sup>iii</sup> Ibid.

<sup>iv</sup> New Mexico Department of Health. "New Mexico Substance Use Disorder Treatment Gap Analysis," January 2020.

<sup>v</sup> "Resilient Families: Helping Grandparents and Kin Raise Children in New Mexico," 10.

<sup>vi</sup> Ibid., 7.

<sup>vii</sup> [gksnetwork.org/kinship-data/](https://gksnetwork.org/kinship-data/). Accessed February 5, 2025.

<sup>viii</sup> Annie E. Casey Foundation Kids Count Data Center, 2022. "Grandparents Who Are Responsible for Own Grandchildren and are Living in Poverty in New Mexico.

<sup>ix</sup> Ibid., 12.

<sup>x</sup> Ibid.