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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Stewart</u>	<b>LAST UPDATED</b> _____ <b>ORIGINAL DATE</b> <u>02/18/2025</u>
<b>SHORT TITLE</b> <u>Confirmatory Adoptions</u>	<b>BILL NUMBER</b> <u>Senate Bill 417</u>
	<b>ANALYST</b> <u>Chilton</u>

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

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>CYFD</b>	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	<b>General Fund</b>

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

Relates to and partially conflicts with House Bill 373

### Sources of Information

LFC Files

Agency Analysis was Solicited but Not Received From  
 Children, Youth and Families Department (CYFD)  
 Office of Family Representation and Advocacy (OFRA)  
 Health Care Authority (HCA)  
 New Mexico Attorney General (NMAG)  
 Administrative Office of the Courts (AOC)

Because of the short timeframe between the introduction of this bill and its first hearing, LFC has yet to receive analysis from state, education, or judicial agencies. This analysis could be updated if that analysis is received.

## SUMMARY

### Synopsis of Senate Bill 417

Senate Bill 417 amends sections of the Adoption Act, Section 32A-5 NMSA 1978 and the New Mexico Uniform Parentage Act, Section 40-11A NMSA 1978, to better define the parameters needed in determining parenthood of children conceived through assisted reproductive methods.

Section 1 of the bill changes the definition of “alleged father” to exclude a “presumed parent”, a person whose parental rights have been terminated, or a donor. The bill adds a new definition for assisted reproduction, meaning a method of causing pregnancy other than sexual intercourse.

Infants or children born through assisted reproduction are then subject to “confirmatory adoption” to confirm parentage. The bill defines “Donors” as those who contribute genetic material or an embryo to another person, but not someone who provides the genetic material to their spouse, gives birth to a child by assisted reproduction, is a parent of a child of assisted reproduction according to Section 7 of the New Mexico Uniform Parentage Act, or is an intended parent in a surrogacy agreement. The bill defines a parent-child relationship to mean a relationship where the child’s parent gave birth to them, adopted them, is adjudicated to be the child’s parent or is presumed to be the parent or acknowledged to be the parent or consented to assisted reproduction – all referring to New Mexico Uniform Parentage Act definitions.

Section 2 assumes that any Adoption Act provision applying to a father-child relationship also applies to mother- and parent-to-child relationships, and vice versa.

Section 3 amends Section 32A-5-14 NMSA 1978 regarding pre-placement studies. The requirements prescribed for most adoptions are not to apply to confirmatory adoptions. Section 4 amends Section 32A-5-27 NMSA 1978, regarding notices of petition, again stating that the section does not apply to confirmatory adoptions. Section 5 amends section 32A-5-34 NMSA 1978 regarding fees and charges for adoption proceedings and again states that it does not apply to confirmatory adoptions.

Section 6 of the bill creates new material regarding confirmatory adoptions for parents who did not give birth to a child conceived through assisted reproduction and specifies the information that must be included in a petition to confirm adoption, including specifying the method(s) used for achieving the assisted reproduction. If a donor was used for the assisted reproduction, that person’s consent is not required. Background checks of those requesting confirmatory adoptions are not to be required. Confirmation of the details of the assisted reproduction would enable the court to decide on the petition within thirty days. Facts not to be considered by the court include marital status of the petitioners or number of petitioners and previous determinations of one or more of the petitioners’ rights to be considered a parent of the given child.

Section 7 amends Section 40-11A-704 to allow for consenting for assisted reproduction before, on, or after the child’s birth date in written or oral form. Absence of such an agreement would not be held against a person residing in the same place as the birthing parent and stating that they were a parent.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

## **FISCAL IMPLICATIONS**

There is no appropriation in Senate Bill 417. There will be expenses, likely to the Children, Youth and Families Department (CYFD), for updating forms and databases and promulgating regulations, but these are expected to be minimal.

## **SIGNIFICANT ISSUES**

According to the Centers for Disease Control and Prevention, 2.3 percent of all infants born within the United States were conceived using one of the techniques of assisted reproductive

technology. This bill would update New Mexico law to make it easier for parents of children who may or may not bear their genetic material to claim parenthood and to make it easier for courts to expeditiously assign parenthood in births that used assistive technology.

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

Related to House Bill 373, Revised Uniform Parentage Act. Senate Bill 417 refers to and modifies multiple subsections of Section 40-11A, all of which would be repealed if House Bill 373 were passed.

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