

LFC Requester:

Carlie Malone

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 1/28/26

Check all that apply:

Bill Number: HB 181

Original X Correction
Amendment Substitute

Sponsor: Reps. Rebecca Dow, Tonya Moya and Alan T. Martinez

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

Short Title: Reporting on Children Staying in CYFD Offices

Person Writing Analysis: Nick Nunez
Phone: 505-607-7145
Email: Fir.request@nmdoj.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Table with columns: Appropriation (FY26, FY27), Recurring or Nonrecurring, Fund Affected

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Table with columns: Estimated Revenue (FY26, FY27, FY28), Recurring or Nonrecurring, Fund Affected

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

Table with columns: FY26, FY27, FY28, 3 Year Total Cost, Recurring or Nonrecurring, Fund Affected

Total					
--------------	--	--	--	--	--

(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

Synopsis:

HB181 proposes appropriating \$100,000 from the general fund to the Children, Youth, and Families Department for fiscal years 2027 and 2028. The funds will be used to report weekly to the office of child advocate and monthly to appropriate interim committees on the status of children in CYFD custody who have had to stay overnight in an office. The reports will include reasons for the stay, stay duration, and the current status or resolution of each child's placement.

FISCAL IMPLICATIONS

None to the NMDOJ.

SIGNIFICANT ISSUES

The Office of the Child Advocate Act NMSA 1978 § 32A-30-1 *et seq.* already allows the child advocate to access information or records that the department would be entitled to access or receive that are necessary for carrying out the provisions of the Office of the Child Advocate Act. *See* NMSA 1978 § 30-30-6(A)(12)-(13).

CYFD is already obligated to maintain most of the information on office stays sought in HB 181 through its obligations under the *Kevin S.* settlement. In Appendix B, Targeted Outcome 1.1 of the Final Settlement Agreement, CYFD was obligated to ensure that by December 1, 2020, no child under 18 will be placed in any state agency office unless in extraordinary circumstances necessary to protect the safety and security of the child as documented in the child’s record and approved by the Secretary or the Protective Services Director. CYFD has failed to achieve this targeted outcome, and *Kevin S.* Co-Neutral's have monitored compliance with office stay requirements in each year since the settlement. Co-Neutral annual reports track the number of children in state custody staying in office settings, the duration of their stay, and whether extraordinary circumstances exist for that stay. The legislature may consider whether an appropriation is necessary to effectuate reporting requirements of information that CYFD is already largely bound to track and report to other entities.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A