

LFC Requester: _____

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

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(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

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

Date Prepared: _____ *Check all that apply:*
Bill Number: HB282 Original Correction
 Amendment Substitute

Sponsor: L Terrazas, G Ramos, B Baca **Agency Name and Code** CYFD - 690
Short Title: SCHOOL & JUVENILE PROBATION COOPERATION **Number:** _____
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		2,000.0	2,000.0	6,000.0	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

The bill amends the Attendance for Success Act (Act) as follows:

- Adds the definition of “juvenile probation services” in accordance with Section 32A-2-3 of the Delinquency Act.
- Adds “Immediately upon request, a public school shall provide juvenile probation services (JPS) with a student’s attendance records and records of any attendance interventions and responses to those interventions” to Section 6 of 22-12A-6, Public School Attendance Policies.
- Mandates that JPS initiate enforcement of the Act for chronically absent students who are subject to a delinquency petition.
- Requires JPS to investigate whether a report received for an excessively absent student is a neglected child or a child in a family in need of family services.
- Requires the local superintendent or head administrator of a charter or private school to provide records of the school’s interventions and the student’s and parent’s response to the interventions to the JPS’ office.
- Requires a CYFD caseworker meets with the family at the child’s school if JPS determines that the child is in a family in need of family services.
- Authorizes JPS to call a meeting to review interventions for an excessively or chronically absent student at any time, if JPS determines the student is the subject of a delinquency petition or complaint or an alleged serious youthful offender, said meeting to be held within 5 business days for students with excessive absences and within 10 business days for students with chronic absences. For chronically absent students who are also subjects of a delinquency petition or complaint, the meeting shall include the child, the child’s parents, the school principal or head administrator and any other school personnel or service providers deemed necessary by JPS.
- Authorizes the children’s court to order the suspension of an excessively absent student’s driving privileges for a specified time not to exceed 90 days for the first finding of excessive absenteeism or for a specified time not to exceed one year for a second or subsequent finding.

Once an excessively absent student has been reported to JPS, it is a violation of the Act for a parent of the student to cause or allow the student to be absent from school. The local school board or governing body of the charter or private school is mandated to refer the parent to the local district attorney for prosecution, after consultation with the local superintendent or head administrator of the charter or private school. A violation of the Act is a petty misdemeanor subject to a fine of less than \$50 and no more than \$100 for a first conviction; and a fine of no more than \$500 and imprisonment for a term not to exceed six months or both for a second or subsequent conviction.

The bill amends the Delinquency Act to:

- Require JPS to review a child’s school attendance during a preliminary inquiry and call a meeting to initiate or review interventions as described above for chronically or excessively absent students.
- Require JPS to give notice of the chronically or excessively absent student to the children’s court attorney (CCA) of the district attorney’s office after completion of a preliminary inquiry involving a delinquency complaint. In addition to proceeding with the delinquency case, the district attorney CCA shall determine if the child’s family is a family in need of

court ordered services (FINCOS) and if the CCA determines that the family is a FINCOS, file a petition in accordance with the FINCOS Act. A FINCOS petition alleging chronic or excess absence from school must be accompanied by an affidavit file by a school official or the JPS officer.

FISCAL IMPLICATIONS

There is no appropriation contained within this bill. CYFD cannot absorb the fiscal implications of this bill.

The bill will have significant fiscal implications for CYFD JPS. In FY25, JPS received 827 school absenteeism referrals, representing the second most common referral category and approximately 7% of total referrals statewide. The proposed changes, along with increased school participation, will likely result in additional absenteeism referrals to JPS.

The current number of JPS field staff, statewide, cannot accommodate a substantial increase in referrals. CYFD JPS estimates the need for approximately 20 additional staff statewide to handle increased workload and responsibilities pursuant to this Bill, costing an estimated additional 2 million dollars (\$2,000.0) in operating budget would be required by CYFD JPS to accommodate 20 new employees, including office space, computer equipment for attendance review, and vehicle availability.

SIGNIFICANT ISSUES

The requirement that JPS initiate enforcement of the Act adds increased responsibilities to the preliminary inquiry process which is governed by statutory timelines and procedural requirements under the Children's Code. Additional responsibilities of attendance review will be difficult to complete without proper training and timely access to school records and files which are not currently immediately available. The information may not be obtained in matters involving children in detention before the delinquency petition is filed. The preliminary inquiry for children arrested and held in detention must be completed and the complaint referred to the district attorney office's CCA within 48 hours. The JPS cannot delay the referral and filing of a delinquency petition based on school attendance. In these circumstances, attendance information is needed immediately. The requirement that JPS seek immediate access to accurate public and private school records can be a barrier for several reasons: school enrollment not known, federal privacy laws concerning school records, and the unavailability of school personnel during summer, fall and spring breaks or school holidays, or after school hours, for confirmation or verification purposes.

The bill will require additional meetings focused on attendance concerns separate from the delinquency preliminary inquiry. These meetings would involve different participants and will extend overall case processing timelines for JPO referrals. Any increase in case processing time increases would impact all JJS delinquent referrals and delinquent case outcomes are expected to be negatively impacted. For example, for youth who are arrested and detained, juvenile probation officers are required to conduct a preliminary inquiry and refer the case to the district attorney within 48 hours. To meet the timeline required by this bill, attendance information must be provided by school districts prior to the preliminary inquiry. Any delay in the receipt of that information from the schools would put the child's delinquent case in jeopardy. It should be noted that school attendance and behavioral information is self-reported by the juvenile and the family at every PI conducted. Concerns regarding the juvenile's school behaviors and attendance are already included in dispositional recommendations on JJS cases.

Law enforcement delinquency referrals do not include school enrollment information. As a result, juvenile probation services may not know which school a youth attends at the time the preliminary inquiry is conducted, therefore limiting access to attendance records. Additionally, requesting attendance information from school districts for each delinquency referral raises confidentiality concerns related to delinquency proceedings. By requiring attendance reviews for all delinquency cases, the bill may result in attendance issues being addressed primarily for youth alleged to have committed a delinquent act, while students without delinquency referrals would not be subject to the same process. This may affect how attendance enforcement is applied across student populations and could influence referral patterns. Not every JJS delinquent referred youth has attendance issues at school and not every attendance issue case has a delinquent referral.

JPS already include school behavior and attendance information in the delinquency recommendations to the district attorney office's CCA and the court.

According to the confidentiality provisions of the children's code, a child's JPS records can be made available to the school if the records concern the child's education needs, but that disclosure is limited to the information necessary to provide for the child's education planning and needs. JPS is subject to the confidentiality provisions of the Children's Code. The bill requires JPS to conduct meetings on attendance concerns in addition to a Juvenile Probation Officer's regular duty. The required meetings involving school participants and parents on JPO referrals add timely requirements that will likely impact the timeframe JPS referrals are processed and sent to the district attorney office's CCA.

If a student with attendance issues is also involved in a delinquency case, it is likely that the school would have initiated referrals or interventions under existing law. The bill alters the current referral process for school attendance and adds the initiation of attendance enforcement and convening meetings responsibility to JPS. The unavailability of school personnel, the child and parents also affect whether the meeting can be conducted in the mandated timeframe.

The bill contains differing provisions regarding which entity is responsible for initiating a FINS court process, and clarification may be necessary to ensure consistent application. If a Family in Need of Services (FINS) case is pursued by the district attorney office's CCA, the bill does not specify which entity would be responsible for case supervision. Existing statutes regarding FINCOS, gives the "department" responsibilities according to 32A-3B-15 and does not identify JPS as being responsible. CYFD does have an existing family services division.

Adding language that gives the children's court authority to suspend an excessively absent student's driving privileges for a specified time not to exceed ninety days for a first finding of excessive absenteeism or for a specified time not to exceed one year for a second or subsequent finding of excessive absenteeism creates an additional barrier for the child to attend school and may be unrelated to the underlying issue resulting in excessive or chronic absenteeism. Transportation issues may be one of the factors contributing to the students' absenteeism. By prohibiting a student's ability to drive, the bill removes the way that these students get to school adds a punishment that is contrary to the purpose and intent of FINS and FINCOS.

The bill requires JPS to investigate whether a report received for an excessively absent student is a neglected child or a child in a family in need of family services, which is in conflict with the statutory powers and duties provided in Section 32A-2-5 of the Delinquency Act.

There is also a conflict with the Children's Bill of Rights, which provides that a child age 14 or

older may refuse certain treatment services. The bill's language of "intervention" is consistent with the use of treatment services in FINS and FINCOs. The Bill promotes an enforcement process and no identified exceptions to the Act based on the child's decision to pursue a GED and the limited availability of alternative schools to address specific educational needs, in-home education and recurring medical issues that prevent the student from being able to be present and perform in a public or private school setting.

The bill includes references to "parole," a term that has been replaced in statute with "supervised release." Conforming language changes will be necessary to ensure consistency with current law.

Finally, Section 2(G), page 8, line 17 requires public schools to immediately provide juvenile probation services with a student's attendance records and documentation of attendance interventions upon request. Clarification is needed regarding compliance with the federal Family Educational Rights and Privacy Act (FERPA) and the confidentiality of student records.

PERFORMANCE IMPLICATIONS

This bill strengthens communication, coordination and collaboration between schools and JPS regarding excessive and chronically absent students.

ADMINISTRATIVE IMPLICATIONS

None Identified for JJS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to HB218, HB219

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None proposed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed.