

LFC Requester:

Kelly Klundt

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(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: 2/4/2026 *Check all that apply:*
Bill Number: HB 293 Original Correction
 Amendment Substitute

Sponsor: Rebecca Dow/Andrea Reeb **Agency Name and Code Number:** ECECD 61100
Short Title: ECECD Investigation Team **Person Writing Analysis:** Elizabeth Groginsky
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

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						

(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

Synopsis:

HB 293 proposes to add a new section to the Early Childhood Education and Care Department Act that creates an investigation team within the Early Childhood Education and Care Department (ECECD) to investigate reports of critical incidents and serious critical incidents of children that occur in a program or facility receiving funds from the department. Critical incidents are defined as any action or inaction that implicates the well-being or safety of a child in a program or facility receiving funds from the department. Serious critical incidents are any violations of state statutes related to abuse, neglect, exploitation, or crimes against children, or violations of rules adopted by ECECD. HB 293 further details requirements for the investigations and reporting. ECECD would be required to promulgate rules to carry out the provisions of the act no later than September 30, 2026.

The investigation team consists of a team coordinator, locally assigned ECECD investigation units, and other personnel necessary to carry out the duties of the team. The investigation team is responsible for investigating reports of critical incidents and serious critical incidents referred to the team by ECECD. The team coordinator is responsible for handling the intake of reports of critical incidents or serious critical incidents, assigning the appropriate investigation unit to investigate each report, assisting each investigation unit with any necessary coordination, collaborating with law enforcement, and any other duties as assigned by ECECD.

HB 293 outlines requirements for the investigation of critical incidents and serious critical incidents by the investigation unit. The initiated investigation must commence within 24 hours of assignment to the investigation unit and include, as necessary, interviews, review of incident reports, expert consultations and unannounced visits. The investigation must be completed within 60 days of assignment, unless the team coordinator documents good cause for an extension. In conducting an investigation, the unit must be provided immediate and unrestricted access to the alleged victim, program or facility administrators and staff, the physical premises of the program and facility, and any relevant records for the investigation, including personnel files, incident reports, video or audio recordings, medical records, treatment plans, and licensing or contract compliance materials.

At the initial contact with an alleged perpetrator, the investigation unit must provide the perpetrator written notice of the allegations and a description of the investigation process. If the investigation unit determines that the alleged victim or another child faces immediate risk to health or safety, the investigation unit must coordinate with ECECD and appropriate authorities to implement or recommend a plan for immediate protective action.

HB 293 requires the full documentation in a report of investigations of critical incidents and serious critical incidents. The report must include determinations as to whether the allegations are substantiated or not substantiated, any concerns that are identified about the program's facility or caregivers at the facility, and whether the incident was referred to law enforcement. The report must also include notifications that were provided about the findings, not to include investigative materials, to the following parties: the alleged victim; the alleged victim's parent, guardian, or custodian; the administrator, director, or similarly titled manager of the program or facility where the alleged incident occurred; and appropriate law enforcement if criminal activity is suspected. Lastly, the report must include any required corrective actions or monitoring to ensure compliance with applicable licensing or contract requirements.

HB 293 provides that the investigation unit shall, as appropriate, require corrective actions or monitoring to ensure that the program or facility is compliant with the applicable licensing or contract requirements.

FISCAL IMPLICATIONS

To establish an investigative team with investigative lead as defined in HB 293, the Early Childhood Education and Care Department would be required to hire a team lead and 12 investigators at a cost of more than \$1.3 million per year.

Outside of staffing, HB 293 would require New Mexico to invest in several major operational systems to make the investigative framework function effectively. The biggest non-personnel costs would come from building or upgrading a centralized case-management and data-tracking system. Additional expenses would stem from specialized training programs, and expert consultation fees (medical, behavioral health, forensic),

SIGNIFICANT ISSUES HB 293 shifts the existing ECECD child care regulatory and complaint investigation system from a primarily regulatory compliance model to a quasi-protective-services model for ECECD-funded programs.

PERFORMANCE IMPLICATIONS

HB 293 outlines the existing duties of staff within the Regulatory Oversight Unit of the Early Care, Education and Nutrition Division in the Early Childhood Education and Care Department. These are investigations that ECECD is already conducting within the current regulatory system. In FY25, ECECD investigated 2092 complaints and incidents.

ADMINISTRATIVE IMPLICATIONS

While HB 293 mirrors much of the ECECD's existing protocol for case intake and conducting investigations, it introduces several notable changes. Most significantly, the bill establishes a more stringent prioritization requirement by mandating that all investigations be initiated within 24 hours regardless of the level of severity. This accelerated timeline carries meaningful performance implications. The department may need to redesign workflow processes to support rapid case triage, and hire numerous additional staff to consistently meet the 24-hour initiation requirement.

HB 293 also necessitates a restructuring of the current organizational model within the Regulatory Oversight Unit. Creating a dedicated investigative team would require the department to establish new leadership roles and hire specialized investigative staff. This structural shift may also require updated supervisory frameworks, revised job classifications, and new performance metrics to ensure the investigative unit operates efficiently and aligns with the department's broader regulatory responsibilities.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with the licensing authority of the Public Health Act.

TECHNICAL ISSUES

HB 293 introduces several technical challenges because it creates a new investigative structure that overlaps with ECECD's existing licensing system. It also mandates investigations to begin within twenty-four hours for all complaints regardless of severity, a timeline that may be difficult to meet given current staffing levels, rural coverage gaps, and the absence of a 24/7 response system. The creation of a parallel investigative team risks duplication or conflict with existing licensing investigations.

Of significant importance is that this bill only applies to facilities receiving funds from the department and does not give investigatory authority to the department for facilities licensed by the department by law who do not get public funds but still care for children through a license granted by the department. The bill also requires that those facilities receiving funds from the department allow access to the facility to investigate. This means that those facilities who do not receive these funds can deny the licensing authority access to investigate serious incidents relating to the safety of children in the facility. This is in contradiction to the Public Health Act that requires licensed child care facilities to allow access of the licensing body for the purposes of investigations including compliance with health and safety regulations.

Mandate for specific positions which duplicate current processes and requires duplicate investigations with unnecessarily strict requirements all without any additional funding.

Although the bill requires the department to develop rules to effectuate the mandates of this bill by September of 2026, it does not contain rule making authority that would allow the department the ability to update rules when needed.

OTHER SUBSTANTIVE ISSUES

The bill does not clearly define how findings will interact with licensing sanctions, contract decisions, or CYFD investigations, which leaves gaps that could lead to inconsistent outcomes.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB 293 is not enacted, ECECD would not establish a separate investigative team. Complaints and incidents would continue to be handled by the Regulatory Oversight Unit, which would maintain responsibility for conducting all investigations under the current structure.

AMENDMENTS