

## AGENCY BILL ANALYSIS - 2026 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:** 1/22/2026

*Check all that apply:*

**Bill Number:** HJR 4

Original  Correction

Amendment  Substitute

#### **Agency Name**

Eleanor Chavez and Joseph F.

**and Code** OFRA

**Sponsor:** Hernandez

**Number:**

**Short** CYFD Commission

**Person Writing** Lara Sundermann

**Title:** \_\_\_\_\_

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### **SECTION II: FISCAL IMPACT**

#### **APPROPRIATION (dollars in thousands)**

<b>Appropriation</b>		<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY26</b>	<b>FY27</b>		

#### **REVENUE (dollars in thousands)**

<b>Estimated Revenue</b>			<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY26</b>	<b>FY27</b>	<b>FY28</b>		

(Parenthesis ( ) indicate revenue decreases)

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

	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

HB 5, 2025 created the of Office of Child Advocate to provide independent oversight of CYFD.

Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: Legislation seeks to amend Article 5 of the New Mexico Constitution, to create a CYFD Commission, with members appointed by the Governor, Speaker of the House of Representatives, and President Pro tem of the Senate, to make policy for, and direct operations of the executive agency, the Children, Youth and Families Department.

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### **SIGNIFICANT ISSUES**

Parameters for a CYFD Commission and it's role are not clear, including whether the Commission would merely be a reporting agency or would be empowered to act, to make agency decisions, to affect agency policy, and direct the provision of services to New Mexico children and families. A significant change in this proposed legislation is the addition of other parties' appointment of commission members for CYFD oversight, and appointment not exclusive to the Governor.

While oversight continues to be an important necessity for the provision of child welfare services to the citizens of New Mexico, "boots on the ground" action to address concerns of a lack of training and support for child welfare workers, to address a lack of available resource homes for children who are removed from their families, and to provide more trauma-informed services to families and children to prevent abuse and neglect is also critical to address the needs of children and families in New Mexico.

At present, attorneys and co-neutrals involved in the Kevin S. settlement provide oversight for CYFD directives and provision of services as they relate to the multi-party civil suit against CYFD, and publish progress reports on CYFD efforts to make substantive change to meet the needs of children and families in New Mexico. In 2025, the legislature created the Office of the Child Advocate, wherein one Child Advocate is appointed to provide similar oversight of the Department, respond to complaints against CYFD, make referrals, and prepare reports to state partners and officials.

#### **PERFORMANCE IMPLICATIONS**

#### **ADMINISTRATIVE IMPLICATIONS**

It is unclear whether the CYFD Commission be administratively housed in CYFD, or another state agency, or whether the Commission would create an independent office with its own staff and budgetary requirements.

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

In 2025, the State passed HB 5, creating the Office of the Child Advocate, with the responsibility of the Child Advocate being, to provide oversight of CYFD, including, review of the department's provision of services, and review of CYFD policy. The Child Advocate was

appointed by the Governor in January 2026 and will be administratively housed in the New Mexico Department of Justice.

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

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

**AMENDMENTS**