

LFC Requester:

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: _____ *Check all that apply:*
Bill Number: HJR004 Original Correction _____
Amendment _____ Substitute _____

Sponsor:	E CHAVEZ JF HERNANDEZ	Agency Name and Code	CYFD - 690
Short Title:	CYFD COMMISSION, CA	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						

(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: This joint resolution places before the voters at the next general election or special election, whichever comes first, an amendment to the state constitution establishing the “children youth and families commission”, establishing the membership of that commission, and charges the commission with making policy for, and directing the operations of, a state agency responsible for child welfare “as provided by law”.

FISCAL IMPLICATIONS

There is no appropriation contained within this joint resolution. There is no language in the joint resolution concerning compensation for the commission. In the absence of any statute which establishes compensation for the commission, there is no fiscal implication for CYFD.

SIGNIFICANT ISSUES

This joint resolution charges the commission with making policy for, and directing the operations of, a state agency responsible for child welfare “as provided by law”. As there is no comma to indicate that “as provided by law” in Section 1, paragraph A, line 24, modifies anything other than “agency... responsible for child welfare”, the plain reading of the sentence is that the commission is charged with making policy for, and directing the operations of, a state agency that is under statute responsible for child welfare. In the absence of any statute which amends NMSA 1978 §9-2A to revoke the governor’s authority over the child welfare agency (CYFD), this amendment is in direct conflict with §9-2A.

This joint resolution further requires commission members to have credentials and experience “as provided by law”. Law does not currently provide for this.

Finally, this joint resolution requires that commission member terms be staggered “as provided by law”. Law does not currently provide for this.

In the event that the constitutional amendment is approved by the voters, in the absence of any statute supporting the “as provided by law” clauses within the constitutional amendment, the commission’s authority will be in direct conflict with the governor’s authority.

Creation of a commission with executive director oversight has significant issues, and even more so if the commission and oversight authority are established by constitutional amendment. Enshrining an agency’s structure within the state constitution places significant barriers on the agency’s subsequent ability to adjust to a changing social, legal, and political landscape at both the state and federal levels, which can be particularly problematic when the agency in question is often tasked with dealing with both emergent issues and true emergencies, and requires unimpeded access to the resources and support of its fellow agencies in general and the Executive in particular. CYFD works extremely close with other Executive agencies on complex issues and cross collaborate to meet the needs for New Mexicans. Taking CYFD out of the Executive creates division and siloes, and the inability to work closely on emergent needs.

There is no recent precedent to inform the financial impact on CYFD associated with moving CYFD outside of the Executive branch. This is a drastic departure from established practice and will result in significant impacts for both CYFD and the State.

SERVICE IMPACT: Title IV-E of the Social Security Act provides for partial federal reimbursement for the cost of providing foster care, adoption assistance, and kinship guardianship assistance to children who meet federal eligibility criteria. Title IV-E also provides funds for related case management activities, training, data collection, and other costs of program administration. To be eligible to claim federal support under Title IV-E, New Mexico must have a Title IV-E Plan that is approved by the U.S. Department of Health and Human Services, Administration for Children and Families. The effect of moving an entire state-wide department to a commission, outside of the Executive financial infrastructure, presents a level of uncertainty with respect to continued use of federal funds outside of the current CYFD-specific approved plan. At the very least, there is a high possibility that this move will delay CYFD's ability to seek adequate federal reimbursement to ensure the timely provision of services to children, and possibly delay the provision of services themselves.

While child protective services account for slightly more than the majority of CYFD's mission, the fact remains that CYFD is also responsible for juvenile justice, children's behavioral health, prevention and early intervention programs, and community-based supports across the continuum of care. CYFD is bound by federal and state law to work closely with the tribal nations under both the Indian Child Welfare Act and the Indian Family Protection Act, and any plan to restructure CYFD's leadership and oversight must take all of these into account.

FISCAL IMPACT: There is an enormous fiscal impact associated with rebranding the State's child welfare program, not just for outreach and educational purposes, but, more importantly, to ensure that mandatory reporters and the public at large know how and to whom abuse and neglect reports can be made. Further, reestablishing the hundreds of contracts and other agreements, including Joint Power Agreements, intergovernmental agreements, and intragovernmental agreements, would be required. The Website would need to be completely redesigned, and all social media would have to be adjusted.

AGENCY CULTURE IMPACT: The systemic issues that CYFD employees face cannot be changed by changing the leadership of the agency. Employee turnover rates, child maltreatment rates, repeat child maltreatment rates, and vacancy rates cannot be solved simply by changing the person in charge. The ability of CYFD to hire professional social workers versus those with other varying types of degrees does not change by changing the structure of CYFD. The systemic issues that CYFD faces are seen nationwide and are not issues that can be eliminated by a structural change from a cabinet secretary overseen by the governor to an executive director overseen by an independent commission.

PERFORMANCE IMPLICATIONS

CYFD has no performance measures concerning the existence of a commission. CYFD does have performance measures related to its ability to respond timely and efficiently to emergent and emergency situations which could be affected by the dilution of authority and accountability caused by placing three people of equal authority in charge of a single agency.

ADMINISTRATIVE IMPLICATIONS

The administrative implications of placing three people of equal authority in charge of a single agency whose nature requires it to be able to respond timely and efficiently to emergent and emergency situations cannot be anticipated at this time.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to SB draft 232467, creating the child welfare authority, HM001, study CYFD as an independent executive department. Companion to HB086, CYFD commission.

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.