

LFC Requester:

Carlie Malone

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://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:** 1/20/2026*Check all that apply:***Bill Number:** HM 5Original ☒ Correction ☐Amendment ☐ Substitute ☐**Sponsor:** Patricia Roybal Caballero and
Pamela Herndon**Agency Name
and Code** AOC 218
Number:**Short Title:** STUDY CYFD AS INDEP.
EXECUTIVE DEPT**Person Writing** Alison B. Pauk**Phone:** 505-470-6558 **Email** aocabp@nmcourts.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
N/A	N/A	N/A	N/A	

(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				N/A	N/A	

(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: House Memorial 5 seeks to have the Legislative Finance Committee (LFC) to create a task force to study whether it is feasible to amend the New Mexico Constitution to create a separate children, youth, and families department, independent of the Executive and not under the Governor's control or direction. The Memorial requests that any restructuring proposal be carefully studied and evaluated to determine whether it would enhance the department's ability to effectively carry out its duties.

HM 1 requires input from various groups to include: key department staff from various levels of the department, child welfare, behavioral health, foster care and juvenile justice experts, advocacy organizations, tribal governments, and families impacted by programs administered by the department. The Memorial also calls for the task force to identify potential benefits, challenges, and costs; identifying any positive or negative implications or outcomes; and compare similar structures in other states to determine whether the proposed structure and governance model would improve outcomes for NM families.

The Memorial requires LFC to provide administrative and staff support allowing the task force to meet at least monthly. The task force will be composed of no more than eighteen members, including:

- Bipartisan legislative representation
- Key CYFD staff
- Subject-matter experts in:
 - Social work
 - Behavioral health
 - Foster care
 - Juvenile justice
 - Tribal government representation
 - Stakeholders and advocacy groups representing stakeholders.

The task force is charged with studying, recommending, and reporting on the following:

- A. potential advantages and disadvantages of transitioning from cabinet-level executive oversight to an independent governing commission structure;
- B. estimated costs of the creation and maintenance of a new commission;
- C. similar commission structures in other states and whether those states with that structure have measurable improved child welfare outcomes;
- D. potential impact on accountability, transparency and coordination with other state agencies;
- E. appropriate qualifications for commission members and the executive director of the newly structured department;
- F. a path for ensuring a smooth transition process and a time line;
- G. potential legal and constitutional issues, including the need for, and pursuit of, a constitutional amendment;
- H. input from tribal governments on how the proposed restructuring would impact Indian child welfare; and

I. any other relevant considerations the task force deems appropriate.

The deadline for the task force to make recommendations to the legislature and governor is November 15, 2026.

There is no appropriation listed in this memorial.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. New laws, amendments to existing laws and new hearings have the potential to increase court hearing time, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

House Memorial 1 seeks to have the Legislative Finance Committee convene a bipartisan task force to study the “feasibility and implications” of presenting a constitutional amendment to the citizens of New Mexico to on the creation of a separate children, youth and families department led by a commission, independent of the Executive Department and not under control or direction of the Office of the Governor. The task force would thoroughly study this option, including the cost and impact as well as whether other states have successfully used similar structures.

The structure of child welfare agencies vary from state to state, with the majority of states having an established, centralized administrative system including New Mexico. These are called state-administered child welfare systems. According to the fact sheet entitled *State vs. County Administration of Child Welfare Services* and written by the federal Children’s Bureau, nine states have county-administered systems, and two states have hybrid systems (as of the date the fact sheet was written). See <https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/services.pdf>. The possible constitutional amendments that may be proposed by the task force created by HM 1 would not change New Mexico from a state-administered child welfare system, but it would allow the department to be an independent state agency, similar to the Law Offices of the Public Defender or the Office of Family Representation and Advocacy.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

The clause on page 3, starting on line 22 and continuing to page 4 states that New Mexico does

not have a federally approve Family First Prevention Services Act plan. In early fall of 2025, New Mexico's plan was approved and is listed as approved on the federal Children's Bureau website found here: <https://www.cyfd.nm.gov/wp-content/uploads/2025/09/NMFFPSA-revised-final.8.25.pdf>

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS