

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: January 20, 2026 **Check all that apply:**
Bill Number: HM 1 **Original** **Correction**
 Amendment **Substitute**

Sponsor: <u>Patricia Roybal Caballero</u> Short Title: <u>Study CYFD as Independent Executive Dept.</u>	Agency Name and Code Number: <u>Regulation and Licensing Department - 420</u>
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
0	0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
0	0	0	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	0	0	0	0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Memorial 1 (HB1) requests the Legislative Finance Committee to appoint a bipartisan task force to study the feasibility and implications of amending the constitution of New Mexico in order to create a Children, Youth and Families Department (CYFD) independent of the Executive Department and not under the control or direction of the Office of the Governor, and establish an independent governing commission to hire and oversee an executive director to assume the management and operations of that new department.

It is requested that:

- The task force comprise no more than eighteen (18) members, including bipartisan legislative representation, key CYFD staff, subject-matter experts in social work, behavioral health, foster care and juvenile justice, tribal government representatives, stakeholders and advocacy groups representing stakeholders; and
- The Legislative Finance Committee (LFC) would be required to provide sufficient administrative and staff support for the task force to meet at least monthly and move its work forward in a structured, consistent, public and transparent manner.

The following rationale are stated in support of the need for the task force:

- Increased obligations and responsibilities that have been assumed by CYFD since its creation in 1992;
- Allegations that CYFD's work has been plagued by operations missteps, leadership changes, high turnover, and vacancy rates; and
- A 2025 LegisStat report published by the LFC.

It is requested that the task force study, recommend and report on:

- Potential advantages and disadvantages of transitioning from the current cabinet-level oversight to an independent governing commission structure;
- Estimated costs associated with creating and maintaining the new commission;
- Similar commission structures in other states;
- Potential impact on accountability, transparency and coordination with other state agencies;
- Qualifications for commission members and the Executive Director;
- How to ensure a smooth transition process and timeline;
- Potential legal and constitutional issues, including pursuing a Constitutional Amendment; and
- Input from Tribal Governments on the impact to Indian child welfare.

It is requested that the Task Force make recommendations to the Legislature and the Governor by November 15, 2026, for consideration during the 58th legislature.

FISCAL IMPLICATIONS

No financial or operational impact is anticipated for the Regulation and Licensing Department as

a result of this memorial (RLD).

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

The memorial would assign significant administrative and staffing responsibilities to the LFC with a relatively narrow timeframe for completion (report due by November 15, 2026) but provides no appropriation to the LFC or other involved agencies to address any associated costs.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Joint Resolution 4 would likewise impact the CYFD.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

The scope of change to the structure of the CYFD that would be required to be studied under this memorial appears to greatly overmatch the time period that would be allotted to conduct the study (March 2026 – November 2026). A study that would produce meaningful recommendations for the reorganization of an agency with such broad and impactful responsibilities would necessarily involve immense focus and attention. It appears highly doubtful the task could be completed within only a few months and still provide the careful attention and consideration that would be necessary.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS