

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: 1-23-26 *Check all that apply:*
Bill Number: SB-67 Original Correction
 Amendment Substitute

Sponsor: <u>Brantley/Armstrong</u>	Agency Name and Code	<u>AODA 264</u>
Short Title: <u>Best Interests of Child Standards</u>	Number:	
	Person Writing	<u>Dustin O'Brien</u>
	Phone: <u>505-486-5806</u>	Email: <u>animasrio@gmail.com</u>

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

SB 67 amends section (§32A-1-3) and section (32A-4-2) of the Children's Code to make the best interests of the child the primary and controlling standard for all proceedings under the Code. These global provisions apply to every article, including delinquency, detention, probation, and disposition, thereby altering the legal framework governing juvenile prosecutions.

The bill also amends the Abuse and Neglect Act to:

- clarify and expand "aggravated circumstances,"
- require courts to issue written findings supporting decisions made under the best-interests standard, and
- require the Children, Youth and Families Department (CYFD) to adopt rules necessary to implement the new statutory hierarchy.

Although the substantive amendments occur in abuse/neglect provisions, the changes to §§32A-1-3 and 32A-1-4 apply across the entire Children's Code and therefore affect delinquency and detention proceedings handled by District Attorneys.

FISCAL IMPLICATIONS

SB 67 may increase workload for District Attorney offices due to:

- additional litigation over detention, release, and disposition decisions
- increased evidentiary development to support best interest findings
- more contested hearings as courts interpret the new controlling standard

No appropriation is included in the bill.

SIGNIFICANT ISSUES

1. Best interests standard now controls delinquency and detention decisions

Under current law, delinquency proceedings balance multiple co-equal purposes, including public safety, accountability, rehabilitation, and the child's welfare. Detention decisions are governed by statutory criteria such as risk of flight and danger to the community.

SB 67 changes this framework by making the best interests of the child the controlling standard for all Children's Code decisions. Prosecutors will need to frame detention, release, and disposition arguments through a best interest lens rather than primarily through public safety or accountability. The public will likely see this as placing public safety in the back seat behind the interests of the accused, this may exacerbate that view. It will also have actual negative effects on public safety as juvenile crime has become an increasing problem, particularly when it comes to violent crimes. Courts will be required to release offenders who pose even significant public safety risks if it is the offender's best interest.

2. Higher evidentiary burden at detention hearings

Judges must issue written findings showing how detention aligns with the child's best interests. District Attorneys will need to present more detailed evidence regarding the youth's welfare, treatment needs, and risk factors. This may make detention more difficult to obtain in borderline cases. This could have implications that raise a public concern that public safety is not paramount to the judicial system. As stated above it may also have negative consequences for public safety by requiring the release of violent juvenile offenders.

3. Disposition hearings shift toward treatment centered outcomes.

Because the best-interests standard is controlling, courts may favor treatment-oriented or community-based dispositions over commitment or restrictive placements. Prosecutors will need to demonstrate how accountability measures also serve the youth's long-term welfare.

4. Increased litigation as courts interpret the new standard

Any major shift in statutory purpose generates litigation. District Attorneys should expect more motions and appeals challenging:

- detention decisions
- probation conditions
- commitments
- the sufficiency of best interest findings

This will increase the workload.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS –

District Attorney offices will need to:

- update internal training on the new controlling standard
- revise detention-hearing templates and disposition recommendations
- develop best-interests-based argument frameworks
- coordinate with juvenile probation and CYFD to obtain welfare-related information needed for hearings

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP –

SB 67 may create tension with existing delinquency statutes that prioritize public safety and accountability. Conforming amendments may be needed to clarify how the controlling best-interests standard interacts with detention criteria in §§32A-2-11 and 32A-2-12.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES –

ALTERNATIVES -

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL –

The Children's Code will continue to treat the best interests of the child as one purpose among several in delinquency and detention proceedings, rather than the controlling standard. Courts will retain broader discretion to prioritize public safety or accountability over the child's welfare in certain cases.

AMENDMENTS