

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: SB085 Original Correction
 Amendment Substitute

Sponsor: AS Lopez **Agency Name and Code** CYFD - 690
Short Title: AMEND ABUSE & NEGLECT ACT **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 bill amends existing statute as follows:

- Amends the Abuse and Neglect Act, NMSA 1978 §32-4-3, to require CYFD to, upon determining that a member of the United States military is involved, notify the designated authority of the military installation to which the member is assigned. There is no geographical limit placed upon these notifications.
- Amends the Abuse and Neglect Act, NMSA 1978 §32-4-3, to require CYFD to seek a memorandum of understanding with a designated authority for each military installation in the state to facilitate the above-described notification.
- Amends NMSA 1978 §40-13-3 to require the court to authorize remote appearance for all parties to a hearing on a petition for an order of protection provided for in the Family Violence Protection Act if requested.
- Amends NMSA 1978 §40-13-6 to require service of an order of protection granted under the Family Violence Protection Act on a designated authority of the military installation to which the member is assigned.
- Amends NMSA 1978 §40-13-7 to require a law enforcement officer responding to a request for assistance upon determining that a member of the United States military is involved, notify the designated authority of the military installation to which the member is assigned. There is no geographical limit placed upon these notifications.
- Amends NMSA 1978 §40-13-7 to require local law enforcement agencies to seek a memorandum of understanding with a designated authority for each military installation in the state to facilitate the above-described notification.

FISCAL IMPLICATIONS

There is no appropriation contained within this bill. Any fiscal implications to CYFD for providing notice to the designated authority of the military installation once satisfactory memoranda of understanding have been negotiated will be absorbed by existing resources.

SIGNIFICANT ISSUES

This bill requires CYFD to notify a military authority when a service member is involved in an allegation of child abuse or neglect but does not amend or cross-reference NMSA 1978 §32A-4-33 which strictly limits the disclosure of abuse and neglect information. This creates a risk that CYFD could be required to make notification that exceed what is allowed under the confidentiality statute, potentially exposing CYFD to claims of improper disclosure of confidential abuse and neglect information. Any memoranda of understanding negotiated with a military installation will therefore need to be written so as to ensure that (a) the designated authority is the equivalent of an entitled entity under the Abuse and Neglect Act and (b) the confidentiality of any information or record provided to that designated authority.

PERFORMANCE IMPLICATIONS

CYFD has performance measures concerning the safety of children which may be affected by this bill.

ADMINISTRATIVE IMPLICATIONS

This bill requires CYFD to establish a procedure for notification, and determining what level of

effort CYFD is required to undertake to determine whether an individual involved in an investigation into allegations of child abuse or neglect is a member of the United States military and, if so, identify their assigned installation. This bill also requires CYFD to negotiate memoranda of understanding with state military installations concerning the notice provided.

The bill does not place any geographical restrictions on which military installations are to be notified. Consequently, military service personnel involved in investigations in New Mexico whose duty post is outside New Mexico will trigger this notification requirement. However, the directive to negotiate memoranda of understanding is limited to military installations in New Mexico. CYFD will need to establish a protocol which allows for provision of notification to out-of-state installations concerning in-state activities without violating NMSA 1978 §32A-4-33.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

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

Amend NMSA 1978 §32A-4-33(G) to allow for notification to military authority as designated in memoranda of understanding.