

<b>LFC Requester:</b>	
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**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** SB126 Original  Correction   
 Amendment  Substitute

<b>Sponsor:</b> <u>A Maestas</u>	<b>Agency Name and Code</b> <u>CYFD - 690</u>
<b>Short Title:</b> <u>GUARDIAN AD LITEM CAPACITY</u>	<b>Number:</b> _____
	<b>Person Writing</b> <u>Kathleen Hardy</u>
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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
<b>Total</b>						

(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 the Children's Code to limit the number of children a guardian ad litem appointed under the Children's Code may represent at any given time to 20.

### **FISCAL IMPLICATIONS**

None for CYFD.

### **SIGNIFICANT ISSUES**

This bill recognizes the importance of the guardian ad litem's role, and the increased responsibilities and tasks associated with this representation as compared to representing older youth, respondents, or CYFD. Given that their clients are children 13 and younger, guardians ad litem must affirmatively initiate contact and communicate with their clients, rather than relying on their clients to initiate the contact and must also contact the children's providers and obtain and review any relevant reports or records to fully understand what is in the child's best interests.

In New Mexico, the attorneys who represent children, youth, and respondents in abuse and neglect cases are all employed or contracted by the Office of Family Representation and Advocacy (OFRA), who assigns the cases and determines which client an attorney is assigned, and thus which role an attorney will serve in. Prior to OFRA's creation, attorneys contracted with the Administration of the Courts and determined if they wanted to represent children or adults, with many specializing as either a guardian ad litem or respondent attorney.

OFRA contractor attorneys are paid based on the number of cases they are assigned. If an attorney who typically only serves as a guardian ad litem is capped at 20 cases, and they are paid based on number of cases, it would limit their pay or require attorneys who specialize as guardians ad litem to instead represent respondents. This could deter attorneys from pursuing guardian ad litem (GAL) work. Additionally, if attorneys are limited to 20 GAL cases, OFRA will be required to spread out the GAL assignments and assign GAL cases to attorneys who may not typically represent children or have experience doing so, or they will have to recruit and hire more attorneys.

This would also require that when attorneys have more than 20 GAL cases, the excess above 20 would have to be reassigned. This would disrupt those children's existing relationships with their attorneys and would require the newly assigned guardians ad litem to get caught up, possibly delaying the case.

The National Association of Counsel for Children recommends a caseload for guardians ad litem higher than 20 cases, saying that "an attorney providing full-time legal representation to children and youth in dependency proceedings should represent no more than 40–60 individual clients, assuming one case = one client (not an entire sibling set), at a time."

### **PERFORMANCE IMPLICATIONS**

CYFD has performance measures concerning the safety and stability of children which may be affected by reducing a guardian ad litem's caseload.

### **ADMINISTRATIVE IMPLICATIONS**

None for CYFD.

**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**

None proposed.