

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: SB237 Original Correction
 Amendment Substitute

Sponsor: C Brantley **Agency Name and Code** CYFD - 690
Short Title: CYFD Critical Incident Investigation Team **Number:** _____
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
	250.0	Recurring	General

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		1,850.0 – 5,750.0	1,850.0 – 5,750.0	5,550.0 – 17,250.0	Recurring	General

(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 appropriates \$250.0 from the state general fund to the children youth and families department for expenditure in FY2027 to create a critical incident investigation team. This team must consist of a coordinator, local units, and other personnel as necessary. The team is charged with investigating reports of critical incidents or serious critical incidents, as defined in the bill, referred to the team by CYFD or local law enforcement, if the incident involves a child in a placement location as defined in this bill.

Upon completion of an investigation, CYFD is directed to report its findings to the Office of Child Advocate and, if substantiated, to the cabinet secretary of CYFD and the Health Care Authority. The team is also required, as appropriate, to issue corrective actions to the placement, or monitor the placement, to ensure compliance with applicable licensing or contract requirements.

CYFD is required to promulgate new rules no later than September 30, 2026.

FISCAL IMPLICATIONS

This bill appropriates \$250.0 from the state general fund to the children youth and families department for expenditure in FY2027, with any remaining amount reverting.

To accommodate the bill's requirement for local units, minimally estimated at one four-person team per region, plus a coordinator (4 FTE x 5 regions + 1 FTE = 21), each position averaging \$100.0, CYFD requires at minimum \$2,100.0 (\$250.0 appropriation + \$1,850.0 additional). To accommodate the bill's requirement that investigations conducted by the critical incident investigation team commence within 24 hours of assignment, an optimal staffing of two investigators per office, one coordinator per region, and one central coordinator (2 FTE x 27 offices + 1 FTE x 5 regions + 1 FTE = 60 FTE), CYFD requires \$6,000.0 (\$250.0 appropriation + \$5,750.0 additional), not including infrastructure and support (office space, vehicle leases, per diem, administrative support).

SIGNIFICANT ISSUES

This bill requires the establishment of a critical incident investigation team charged with investigating critical incidents, defined as "any action or inaction that implicates the well-being or safety of a child" or serious critical incidents, defined as "an allegation that a child in a placement location is abused or neglected as provided in: (1) the Abuse and Neglect Act; (2) Sections 30-6-1 through 30-6-4 NMSA 1978; (3) the Sexual Exploitation of Children Act; (4) Sections 30-9-1 or 30-9-11 through 30-9-13 NMSA 1978; or (5) rules adopted by [CYFD]", occurring in placement locations, defined as "a program or facility at which [CYFD] places a child in [CYFD] custody, whether or not the program or facility is administratively connected to [CYFD], receives state or federal funds or is licensed or certified to serve children, and includes emergency or temporary placements". The bill further requires that critical and serious critical incidents must be investigated within 24 hours by the team, in collaboration with law enforcement or appropriate tribal authorities; and that investigation findings be reported to the office of child advocate.

The definition of serious critical incident cites to sections of the Criminal Code which CYFD does not otherwise have the authority or expertise to investigate or make rulings on. This, combined with the fact that neither critical incident nor serious critical incident align with the definitions of

child abuse or neglect within the Children's Code to require that the action or inaction be perpetrated by a parent, guardian, or legal custodian, means that this new team will be investigating matters previously left to law enforcement, and require new training and new procedures to address the significant divergence from CYFD's civil authority to investigate parents, guardians, or legal custodians.

In addition to not appropriating adequate funds for this team, the bill duplicates functions already being handled by other units within CYFD, including the child placement agency bureau, the licensing and certification authority, and the office of the inspector general, which could result in as many as three different teams simultaneously investigating the same incident, issuing corrective action plans, and establishing monitoring.

It is unclear whether the amendment requiring the new team to collaborate with law enforcement to investigate critical or serious critical incidents in facilities administratively attached to CYFD includes the secure facilities for adjudicated youth, when the youth who is the subject of the alleged abuse or neglect is also in CYFD custody pursuant to an action under the Abuse and Neglect Act.

PERFORMANCE IMPLICATIONS

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

ADMINISTRATIVE IMPLICATIONS

CYFD cannot absorb the administrative implications with existing resources. See fiscal implications. Additional implications beyond hiring FTE without sufficient budget include developing new organizational and physical infrastructure, completing the rule-making process no later than September 30, 2026, establishing new protocols for intake, tracking, reporting, and recording, and developing procedures for inter-agency collaboration and cooperation.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

Appropriate sufficient resources to adequately expand the existing investigation and quality assurance review teams.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed.