

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: SB242 Original Correction
 Amendment Substitute

Sponsor: S Pinto **Agency Name and Code** CYFD - 690
Short Title: Indian Family Protection Act Compliance **Number:** _____
Person Writing Kathleen Hardy
Phone: 505-660-8508 **Email** Kathleen.hardy@cyfd.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
	3,000.0	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						

(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 \$3,000.0 from the state general fund to the children youth and families department for expenditure in FY2027 for the office of tribal affairs to contract for a field liaison to ensure compliance with the Indian Family Protection Act and the Indian Child Welfare Act.

FISCAL IMPLICATIONS

This bill appropriates \$3,000.0 from the state general fund to the children youth and families department for expenditure in FY2027 with any remaining amount reverting. The language of the bill implies that one (1) FTE individual would be hired for \$3,000. If this is not correct, the language should be adjusted. If the entire amount is intended for a single contract, procurement code requires a contract of this size go through a full proposal process, which will likely delay the issuance of the contract and the liaison's start date.

SIGNIFICANT ISSUES

The bill provides no details as to how the field liaison will ensure compliance, how long the contract will last, nor whether existing Office staff will be expected to absorb the liaison's duties following the expiration of the contract.

Currently, the CYFD Office of Tribal Affairs has two FTE staff Indian Child Welfare Consultants who provide coaching, training, consultation, and technical assistance statewide to ensure CYFD protective services and permanency staff comply with the statutory mandates of IFPA and ICWA.

Overall, OTA consists of eight FTE and a Director position, and in addition to the consultants' work discussed above, its responsibilities include in-person contact with CYFD staff and community stakeholders across the state to promote compliance, understanding, and connectedness; to build internal and external relationships; to engage in continuous collaboration, tribal communication, policy development, education and professional development for CYFD workers and stakeholders on IFPA best practices; to support the resource parents of native children; and to ensure the availability of the children in state custody have access to traditional activities, cultural healing, and cultural connectedness.

While the Office would benefit greatly from additional fiscal support and FTE, bringing in a single outside contractor would require the Office staff to spend time bringing that person up to speed on the internal practices, projects, operations, responsibilities and roles of OTA staff and historical knowledge within the agency and OTA to avoid duplication of efforts. A contractor would need to be trained in ICWA, IFPA, CYFD policies and procedures, Kevin S. requirements, and be able to coordinate, collaborate, and participate in important meetings, case consultation, tribal contact without conflicting with or duplicating the work that OTA is already doing. There is also the risk of confusing Protective Services staff, tribal partners, county offices, resource families, providers, Children's Court Attorneys, the courts, Respondent attorneys, child attorneys and Guardian Ad Litem, as the Office has been established as the primary point of contact for tribally related issues regarding native children in state custody, and ensuring compliance with IFPA and ICWA.

For long-term sustainable support and compliance monitoring, OTA, CYFD, and their tribal partners would be better served by hiring sufficient FTE (one per county office) into the Office of

Tribal Affairs to support its mission to promote compliance, understanding, and connectedness.

PERFORMANCE IMPLICATIONS

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

ADMINISTRATIVE IMPLICATIONS

Any administrative implications resulting from the proposal process will be absorbed by existing resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

Fund and fill sufficient FTE to ensure long-term sustainable support and compliance monitoring.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed.