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HOUSE MEMORIAL 1

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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A MEMORIAL

REQUESTING THE LEGISLATIVE FINANCE COMMITTEE TO CREATE A TASK FORCE TO STUDY THE FEASIBILITY AND IMPLICATIONS OF AMENDING THE CONSTITUTION OF NEW MEXICO IN ORDER TO CREATE A CHILDREN, YOUTH AND FAMILIES DEPARTMENT AS AN INDEPENDENT EXECUTIVE DEPARTMENT NOT UNDER THE CONTROL OR DIRECTION OF THE OFFICE OF THE GOVERNOR AND ESTABLISH AN INDEPENDENT GOVERNING COMMISSION TO HIRE AN EXECUTIVE DIRECTOR TO ASSUME MANAGEMENT AND OPERATIONS OF THE DEPARTMENT.

WHEREAS, when it comes to child welfare, it is imperative to have a well-structured system that timely and effectively serves vulnerable children and families; and

WHEREAS, the system of care must meet the needs of children and families in a manner that encompasses the best interests of the children and families it serves; and

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1 WHEREAS, the children, youth and families department was
2 created by the legislature in 1992 in response to the efforts
3 of former First Lady Alice King to consolidate all services for
4 children and families under one cabinet secretary and to carry
5 out as its primary responsibilities the effective
6 administration of protective services for children and
7 families; supervision and services for delinquent youth and
8 youth who are at risk of becoming delinquent offenders and
9 improvement of their ability to thrive in their communities;
10 and the administration of a behavioral health system for all
11 children in New Mexico; and

12 WHEREAS, over the past three decades, the children, youth
13 and families department has assumed numerous other obligations
14 and responsibilities, which has diminished its effectiveness
15 and focus on its primary areas of service; and

16 WHEREAS, identifying an organizational structure that will
17 best fulfill the children, youth and families department's
18 primary responsibilities is critical to system improvement; and

19 WHEREAS, the mission and work of the children, youth and
20 families department have been plagued by operational missteps,
21 leadership changes and high turnover and vacancy rates, all
22 combining to result in dismal outcomes for New Mexico's
23 vulnerable children and families; and

24 WHEREAS, a snapshot-in-time view of the broad reach of the
25 children, youth and families department was captured in a May

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1 2023 KOB-TV website post of the department's online dashboard,
2 which revealed that at the time there were one thousand seven
3 hundred forty-four children in state custody, one thousand
4 seven licensed foster homes and four thousand two hundred
5 thirty-eight pending department investigations, showing that at
6 any given time, the department touches the lives of thousands
7 of New Mexico children and families; and

8 WHEREAS, in that same KOB-TV website post, the dashboard
9 indicated a children, youth and families department vacancy
10 rate of twenty-five and four-tenths percent, and the
11 department's high turnover rate has been identified as a key
12 obstacle to operational stability and performance; and

13 WHEREAS, according to a June 25, 2025 LegisStat report
14 published by the legislative finance committee, the 2023 data
15 available from the federal administration for children and
16 families shows that New Mexico's child maltreatment rate was
17 twelve and six-tenths per one thousand children, seventy
18 percent higher than the national average of seven and four-
19 tenths per one thousand children, and New Mexico's repeat child
20 maltreatment rate for fiscal year 2024 was fifteen percent
21 compared to the national benchmark of nine percent; and

22 WHEREAS, the same LegisStat report notes that, although
23 the children, youth and families department has submitted
24 proposed federal Family First Prevention Services Act plans,
25 which are federal plans requiring states to implement

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1 evidence-based prevention programs in order to receive plan-
2 related Title 4 federal funds, the most recent plan submitted
3 by the department was not approved, meaning that New Mexico
4 continues to be one of only a few states without an approved
5 plan and that the state continues to miss out on the
6 opportunity for associated federal reimbursement; and

7 WHEREAS, the failure of the children, youth and families
8 department to obtain approval of a federal Family First
9 Prevention Services Act plan is just one example of the
10 department's continuing performance struggles, and the
11 LegisStat report indicates that in fiscal year 2025, the
12 department inappropriately used the majority of a twenty-
13 million-dollar (\$20,000,000) appropriation intended to provide
14 start-up costs for behavioral health services that would have
15 been eligible for medicaid or other federal reimbursement; and

16 WHEREAS, a June 11, 2024 report on New Mexico's child
17 welfare system by the child welfare subcommittee of the
18 legislative finance committee provides a suggested framework to
19 improve outcomes for New Mexico's children and families to
20 include:

21 A. implementation of evidence-based prevention and
22 early intervention programs;

23 B. development of a professional social work
24 workforce;

25 C. expansion of access to behavioral health and

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1 other services; and

2 D. strengthening oversight and accountability
3 mechanisms; and

4 WHEREAS, organized pursuant to the Executive
5 Reorganization Act, the children, youth and families department
6 is a cabinet-level executive department that, among other
7 duties, provides juvenile justice services, child protective
8 services, behavioral health services and program support; and

9 WHEREAS, some stakeholders have proposed that
10 consideration should be given to whether the current executive
11 branch structure best serves the mission of the children, youth
12 and families department and that perhaps the department should
13 be restructured separate from the office of the governor and
14 instead established as a department governed by an independent
15 commission to provide enhanced transparency and more direct
16 oversight of the department; and

17 WHEREAS, implementing such a structural change would
18 likely require amending the constitution of New Mexico to
19 create a children, youth and families commission appointed by
20 the legislature; and

21 WHEREAS, the proposed restructuring would change the
22 governance and operations of the children, youth and families
23 department by providing that a commission would be charged with
24 the hiring and oversight of the department's executive
25 director; and

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1 WHEREAS, before the time and expense of pursuing a
2 constitutional amendment is expended, a restructuring proposal
3 should be carefully studied and evaluated to determine whether
4 it would enhance the children, youth and families department's
5 ability to effectively carry out its duties in furtherance of
6 its statutory obligations; and

7 WHEREAS, a study of any proposed restructuring of the
8 children, youth and families department should include input
9 from key department staff with experience at various pertinent
10 levels within the department, child welfare, behavioral health,
11 foster care and juvenile justice experts, advocacy
12 organizations, tribal governments, families impacted by the
13 services or programs administered by the department and other
14 relevant stakeholders; and

15 WHEREAS, the study should identify the potential benefits,
16 challenges and costs of moving forward with the proposed
17 changes and identify any positive or negative implications or
18 outcomes; and

19 WHEREAS, the study should provide a comparison of how
20 similar commission structures function in other states,
21 followed by findings and recommendations regarding whether the
22 proposed structural and governance model would likely improve
23 outcomes for New Mexico's children and families;

24 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
25 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the legislative

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1 finance committee be requested to appoint a bipartisan task
2 force to study the feasibility and implications of amending the
3 constitution of New Mexico in order to create a children, youth
4 and families department as an independent executive department
5 not under the control or direction of the office of the
6 governor and establish an independent governing commission to
7 hire and oversee an executive director to assume the management
8 and operations of the department; and

9 BE IT FURTHER RESOLVED that the task force be composed of
10 no more than eighteen members, including bipartisan legislative
11 representation, key children, youth and families department
12 staff, subject-matter experts in social work, behavioral
13 health, foster care and juvenile justice, tribal government
14 representatives, stakeholders and advocacy groups representing
15 stakeholders; and

16 BE IT FURTHER RESOLVED that the legislative finance
17 committee be requested to provide sufficient administrative and
18 staff support for the task force to enable the task force to
19 meet at least monthly and move the task force's work forward in
20 a structured, consistent, public and transparent manner; and

21 BE IT FURTHER RESOLVED that in evaluating the proposed
22 changes, the task force be requested to study, recommend and
23 report on:

24 A. the potential advantages and disadvantages of
25 transitioning from the current cabinet-level executive

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1 oversight to an independent governing commission structure;

2 B. the estimated costs associated with creating and
3 maintaining a new commission, including staffing, operations
4 and necessary infrastructure changes;

5 C. similar commission structures in other states
6 and whether those states have experienced measurable improved
7 child welfare outcomes;

8 D. the potential impact on accountability,
9 transparency and coordination with other state agencies;

10 E. appropriate qualifications for commission
11 members and the executive director of the newly structured
12 department;

13 F. the path forward for ensuring a smooth
14 transition process and a time line if the proposed changes were
15 implemented;

16 G. potential legal and constitutional issues,
17 including the need for, and pursuit of, a constitutional
18 amendment;

19 H. any input from tribal governments on how the
20 proposed restructuring would impact Indian child welfare; and

21 I. any other relevant considerations the task force
22 deems appropriate; and

23 BE IT FURTHER RESOLVED that the task force be requested to
24 make recommendations to the legislature and the governor by
25 November 15, 2026 for consideration during the first session of

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1 the fifty-eighth legislature; and

2 BE IT FURTHER RESOLVED that copies of this memorial be
3 transmitted to the members of the legislative finance
4 committee, the director of the legislative finance committee
5 and the governor.

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