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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

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

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

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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