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FISCAL IMPACT REPORT

SPONSOR Sanchez, M. **ORIGINAL DATE** 02/08/10 **LAST UPDATED** _____ **HB** _____
SHORT TITLE Infant Abuse and Neglect Petition Dismissal **SB** 258
ANALYST Peery-Galon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$1.0-\$2.0		\$1.0-\$2.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

No Responses Received From

Children, Youth and Families Department

SUMMARY

Synopsis of Bill

Senate Bill 258 amends Section 24-22-5 NMSA 1978 the Safe Haven for Infants Act by adding language that the Children, Youth and Families Department make all reasonable efforts to find permanent placement for the infant left pursuant to the Act, and upon finding permanent placement in the infant's best interest, any abuse and neglect petition is to be dismissed.

FISCAL IMPLICATIONS

AOC stated there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

AGO reported the purpose of the Safe Haven for Infants Act (Act) is to promote the safety of infants and to immunize a parent from criminal prosecution for leaving an infant, ninety days of age or less, at a hospital. Section 24-22-1.1 NMSA. The proposed legislation makes the dismissal of an initial abuse and neglect investigation pursuant to Section 24-22-5(B) mandatory. The mandatory nature of the dismissal pursuant to the amendment is without regard to the abuse and neglect being substantiated or unsubstantiated, or whether there are other children subject to abuse or neglect. The proposed legislation could lead to a situation where a permanent placement in the infant's best interest has been found, and pursuant to the amendment any abuse and neglect petition must be dismissed, but the parent still seeks reunification. This may pose a conflict between the parent seeking reunification, and the dismissal of the abuse and neglect petition preventing a full investigation and proceedings to best protect the safety, well-being and best interests of the infant, or other siblings/children.

PERFORMANCE IMPLICATIONS

AOC noted the proposed legislation may have an impact on the following performance measures for district courts: cases disposed of as a percent of cases filed and percent change in case filings by case type.

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