

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Lopez/ Trujillo, J ORIGINAL DATE 2/19/19
LAST UPDATED 2/27/19 HB _____

SHORT TITLE Family Representation Task Force SJM 10/aSRC

ANALYST Torres

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	\$96.0	NFI	\$96.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 443.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Children, Youth, and Families Department (CYFD)

SUMMARY

Synopsis of SRC Amendment

The Senate Rules Committee amendment to Senate Joint Memorial 10 increases the membership of the requested taskforce by adding the following representatives:

1. A representative of the national council of juvenile and family court judges,
2. A permanency planning worker from CYFD, and
3. The CYFD coordinator for the federal Family First Prevention Services Act.

Synopsis of Original Bill

Senate Joint Memorial 10 asks the Administrative Office of the Courts (AOC) to establish a family representation task force to look at representation of children and families in child welfare by:

- (1) recommending models for legal representation of children and parents;
- (2) recommending strategies for ensuring parties in children's court cases are prepared to

- proceed and to enable courts to resolve proceedings justly, efficiently and quickly;
- (3) considering feasibility, costs and benefits of creating a system for providing legal representation to parties in child welfare cases, including creating a child welfare legal representation agency; and,
- (4) if the task force recommends the creation of a child welfare legal representation agency, making recommendations in specified areas, including trial and appellate standards, training, mentoring and retention, compensation, accessibility to experts, social workers, paralegals and administrative support, a complaint process, and recruitment, retention and support and resources strategies in rural districts.

The memorial requests the task force to provide a report to the legislature and any relevant interim committees prior to the 2021 legislative session and details what the report must address; and further requests the task force to provide a report to the appropriate interim committees setting forth the task force’s recommendations by July 15, 2020.

Finally, this memorial specifies the participants on the task force that the AOC is requested to invite.

FISCAL IMPLICATIONS

The Administrative Office of the Courts estimates that the administrative costs associated with facilitating and managing the task force are \$96 thousand for a contract facilitator/project manager.

SIGNIFICANT ISSUES

AOC adds:

Parents and children who are parties to an abuse and neglect case are statutorily required to be represented. §32A-4-10(B)(C) NMSA 1978. Currently, the attorneys in all thirteen districts are independently contracted through the AOC. There are roughly 600 new abuse and neglect cases filed yearly, and about 1900 cases are pending during each fiscal year. The AOC has about 120 contracts across the state for abuse and neglect representation at the trial level only. The court appointed funds are appropriated to the AOC via the general fund and totaled \$6,037,100 in FY19. The funds also compensate attorneys in other types of cases where counsel is required including cases arising under the: Uniform Probate Code §45-5-503(C), the Adult Mental Health and Developmental Disabilities §43-1-4, Children’s Mental Health §32A-6A-13, the Kinship Guardianship Act §40-10B-9, Adult Protective Services Act §27-7-27, and the Uniform Parentage Act §40-11A-608(C), and appellate level abuse and neglect cases...

The Task Force may want additional members or input from:

- Corinne Wolfe Center on Child and Family Justice
- Court Appointed Special Advocates
- Juvenile Justice
- New Mexico Child Advocacy Networks
- Tribal Representatives
- Substitute Care Review Board

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB433 is related to SJM10, and appropriates \$100 thousand of general fund for the purpose of SJM 10.

IT/gb/sb