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## FISCAL IMPACT REPORT

ORIGINAL DATE 3/7/19

SPONSOR Sedillo Lopez LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Task Force for Safety of Certain Children SM 92

ANALYST Daly

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB 422 and HB 389

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of Memorial

House Memorial 92 requests the New Mexico Coalition Against Domestic Violence (NMCADV) create a task force to study the relationship between allegations of domestic violence in contested child custody cases and the safety and well-being of children in those cases. The task force is to report its findings and recommendations of the study to the appropriate interim committees on or before December 1, 2019. Copies of this memorial are to be transmitted to the governor, the executive director of NMCADV and the heads of those public and private entities which are to be represented on the task force listed in subparagraphs A through H in the second Resolved paragraph.

### FISCAL IMPLICATIONS

The task force requested to be established by this memorial includes representatives from three public entities: the University of New Mexico School of Law; the Administrative Office of the Courts, and the Children, Youth and Families Department. LFC staff assumes the participation of these three representatives can be handled within each agency's regular operating budget, with no additional fiscal impact to the State.

**SIGNIFICANT ISSUES**

According to the memorial, New Mexico is one of only eight states that presume that joint legal custody is in the best interest of the child in every case; a finding of domestic violence is a factor to consider to rebut that presumption. Additionally, the memorial reports that there is a national trend to eliminate presumptions and preferences in favor of broad judicial discretion applied with close attention to the facts of each case. Further, the National Council of Juvenile and Family Court judges recommends that courts consider the safety and well-being of the child and the abused parent above all other best interest factors in disputed custody cases where there has been a finding of abuse by one parent or the other.

In New Mexico, the memorial states, judges routinely appoint experts to evaluate the child and the parents in disputed custody cases, without requiring any specialized training or knowledge of the dynamics of domestic violence, nor requiring them to meet the legal standard for rendering expert opinion. Similarly, mediators in child custody dispute cases are not required to be trained in domestic violence dynamics, nor to screen for domestic violence.

**RELATIONSHIP**

SB 422 and HB 389 are duplicates of each other, and each create a presumption that joint custody with equal time sharing is in a child’s best interest. They also remove existing statutory language that requires a court consider whether a judicial adjudication has been made in a prior or the present proceeding that either parent or other person seeking custody has engaged in one or more acts of domestic abuse, and instead allow a court to consider only pending charges or a conviction for domestic violence.

MD/sb