

LFC Requester: _____

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original X **Amendment** _____
Correction _____ **Substitute** _____

Date Prepared: January 16, 2024

Bill No: HB 95

Sponsor: Rep. S. Lord; Rep Vincent

Short Title: FAMILY IN NEED OF
COURT-ORDERED
SERVICES

Agency Name and Code Number: 305 – New Mexico
Department of Justice

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: House Bill 95 proposes to amend the Family in Need of Court-Ordered Services Act. The amendment would enable the Children, Youth, and Families Department (CYFD) to seek a court's protective custody order for a child based on a CYFD investigation that uncovers credible evidence of abuse or neglect by the child’s parent, guardian, or custodian. See NMSA 1978, Section 32A-3B-7 (1993).

Specifically, the bill introduces an additional criterion to the definition of a “family in need of court-ordered services,” (FINCO) a situation where the CYFD, upon investigating a child's parent, guardian, or custodian, finds credible evidence of the child being abused or neglected. This is further defined in the Children’s Code, under the Abuse and Neglect Act, NMSA 1978, Chapter 32A, Article 4.

An "abused child" is characterized as one who has experienced serious harm or is at risk of such harm, has been subjected to physical, emotional, or psychological abuse, has fallen victim to various sexual crimes or exploitative activities, and has been placed in conditions detrimental to life or health (through negligence at least), or has been tortured or inappropriately punished by a parent, guardian, or custodian. See NMSA 1978, Section 32A-4-2(B) (2018).

A “neglected child” is defined as one who has been abandoned, improperly cared for in different ways by a parent, guardian, or custodian, or placed for care or adoption in a manner that violates the law. See NMSA 1978, Section 32A-4-2(G) (2018).

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

It is not clear how this bill would interact with either the state’s Indian Family Protection Act, which codifies the federal Indian Child Welfare Act and expands protections and procedures for Native children, or the Office of Family Representation and Advocacy Act, an independent office for the representation of children and families in abuse and neglect matters.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The expansion of FINCOS might intersect with existing laws and policies, including the *Kevin S. Settlement*, potentially leading to conflicts, inefficiencies, or duplications in service provision.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS

N/A.