

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

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SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 2024-01-23
Bill No: *SB152

Sponsor(s) Siah Correa Hemphill
:

Agency Name ECECD 611
and Code
Number:
Person Writing Shelley Strong
Analysis:

Short CYFD INVESTIGATIONS
Title: & BACKGROUND
CHECKS

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI		
NFI	NFI		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI		

NFI	NFI	NFI		
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ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

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

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

SB152 amends ECECD's background check authority to include employees and volunteers of ECECD.

SB152 also adds definitions to CYFD's background check authority to specify who CYFD can conduct background clearances on including individuals who serve children through:

- * Behavior management skills development services
- * Case management services
- * Child placement agencies
- * comprehensive community support services
- * day treatment services
- * group homes
- * intensive outpatient programming services
- * Juvenile correction facilities
- * juvenile detention facilities
- * shelter care services
- * supervised visitation and safe exchange services
- * residential treatment facilities
- * treatment foster care services
- * foster or adoptive parents
- * adult residents of foster or adoptive parent homes

FISCAL IMPLICATIONS

None

SIGNIFICANT ISSUES

Prior to ECECD becoming an independent agency, with FBI approval, CYFD conducted background checks on all child care providers, employees of programs and facilities that provided services to children, and foster and adoptive families and placement agencies. When ECECD became an independent agency the FBI required ECECD to have its own statutory authority to conduct background clearances for child care providers and department contractors, volunteers, and employees. In response, SB 38 was unanimously passed in 2022 which provided independent authority for ECECD to conduct the necessary background clearances. When this statute was reviewed by the FBI, they requested further clarification in the definitions for approval. In response, HB 377 was passed unanimously in 2023 creating the definitions and technical fixes requested by the FBI. In the summer of 2023, the FBI granted background authority for all ECECD programs, but only provided a grace period through September of 2024 for ECECD employees because that category of individual to be cleared was not in the proper section.

Additionally, in the summer of 2023, when ECECD submitted the newly amended statute for FBI review, the CYFD statute came under FBI scrutiny and found to have insufficient definitions for who CYFD continued to have the authority to perform background clearances on. the FBI reduced CYFD's authority to a grace period through September of 2024 to allow for CYFD to pass legislation amending their statutory authority.

SB 152 addresses the concerns raised by the FBI and is necessary for CYFD to continue conducting background clearances on those who serve New Mexico's most vulnerable children, and for ECECD to continue conducting background clearances on ECECD volunteers and employees as required by ECECD's enabling statute.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Not enacting this bill could cause CYFD to lose its authority to conduct background checks on those who provide services to New Mexico's most vulnerable children and for ECECD to lose its authority to conduct background checks on ECECD volunteers and employees as required by ECECD's enabling statute.

AMENDMENTS

None.