

AGENCY BILL ANALYSIS  
2024 REGULAR SESSION

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**SECTION I: GENERAL INFORMATION**

*Check all that apply:*

Original  Amendment  
Correction  Substitute

Date Prepared: 2024-01-29  
Bill No: SJR17

Sponsor(s) William P. Soules  
:

Agency Name CYFD 69000  
and Code  
Number:  
Person Writing Drew Roybal-Chavez  
Analysis:

Short RIGHTS OF CHILDREN,  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$0	\$0		

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0	\$0	\$0		

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

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>		\$2.5B	\$2.5B	\$5.0B	Recurring	General Fund

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation

Act:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Proposing an amendment to Article 2 of the NM constitution. Adding Section 25 to establish for each child in New Mexico:

- A. the right to medical and dental health care that is timely and accessible;
- B. the right to behavioral health care that is solution-focused and culturally sensitive, available to all children's families and household members;
- C. the right to nutritious food without having to endure hunger, food insecurity or stigma;
- D. the right to stable, healthy and safe housing with electricity, plumbing, heat and internet access;
- E. the right to transportation in order to reach educational, recreational and vital services;
- F. the right to live in a community that provides home visitation programs starting at birth to ensure safe households, parental support and education and navigation to local vital services;
- G. the right to early childhood learning programs that prepare children for school;
- H. the right to fully resourced community schools, with staffing to ensure an enriching academic and cultural experience, as well as a school-based health center to provide medical, dental and mental health care to students and family members;
- I. the right to youth mentorship programs in many forms in order to support recreational activities a strengthen physical health, academic skills and interpersonal communication skills; and
- J. the right to acquire all the skills needed to maintain quality employment, including education aligned with job markets and job readiness and placement programs.

**FISCAL IMPLICATIONS**

If this resolution were enacted, there are multiple areas across many state agencies including the Children, Youth and Families Department that would require additional general funding to accomplish the new constitutional requirements. These costs include, but are not limited to, the costs related to ensuring timely medical and dental care, behavioral health care, nutritious food, housing, electricity, plumbing, internet services, transportation for recreation and vital services, home visitation services, early childhood services, fully resources and staffed schools, school-

based health centers, youth mentorship services, and skills to maintain employment.

Further, the amendments would require several agencies to implement new programs and provide additional services to children statewide. The bill includes electricity, plumbing, building and staffing school-based health centers and internet services which would need to be funded through an infrastructure or capital outlay appropriation. It is difficult to estimate the total cost of this bill without more detail as to just how much each child in New Mexico would get for these services and it is estimated the amendments, if implemented, could cost multi-millions for many state agencies including the Children, Youth and Families Department. For example, a rough estimate of \$5.0 thousand per child in New Mexico, multiplying by 500 thousand children in the state, would result in a fiscal implication would be \$2.5 billion dollars.

### **SIGNIFICANT ISSUES**

The resolution does not establish which state agencies and/or private entities are responsible for ensuring the availability of the services and supports identified in the resolution. Building the type of cradle-to-grave social supports that would be needed to ensure these rights are protected would take years of careful coordination of efforts. If this constitutional amendment is enacted before the necessary infrastructure is built, there may be liability implications that could result in significant legal settlements and fees.

The resolution does not specify if all of these services must be available at the community level or if availability anywhere in the state would be considered availability of a particular service. If the former is true, it does not define community, nor proximity, in order to be considered available. The bill also does not address if potential waitlists for services would comply with the requirements set forth in the resolution. The bill states children are entitled to home visiting services but it does not indicate if these services will remain voluntary. In sum, there are myriad unknown and unintended consequences that may negatively impact the rights of both parents and children.

### **PERFORMANCE IMPLICATIONS**

To achieve what is being proposed would require an entire child welfare workforce capable of being deployed across the entire state with full access to service providers who can provide services upon demand. Until this ideal circumstance is achieved, the department would not be able to fulfill the requirements of the resolution.

### **ADMINISTRATIVE IMPLICATIONS**

If CYFD was tasked with this amendment, CYFD would need to develop all new policies and procedures around these rights.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

### **TECHNICAL ISSUES**

None.

### **OTHER SUBSTANTIVE ISSUES**

The lack of clarity around how this resolution would be operationalized makes it difficult to determine what other substantive issues exist.

### **ALTERNATIVES**

None.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

CYFD is currently working to ensure children have the right to live with their families in a safe environment while supporting families to become stable members of their communities and these duties will not be affected if this resolution does not pass.

### **AMENDMENTS**

None.