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FISCAL IMPACT REPORT

SPONSOR Lopez/Sedillo Lopez ORIGINAL DATE 2/14/22
LAST UPDATED _____ HB _____
SHORT TITLE Children's Code Reform Task Force SM 20
ANALYST Chenier

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$0 to \$150.0	\$0 to \$150.0	\$0 to \$300.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Memorial 20 requests the Children's Court Improvement Commission (CCIC) create a children's code reform task force to study and make recommendations for amendments to the children's code. But it would require support services. This task force would be a large multi-disciplinary stakeholder task force charged with the study of and any subsequent recommendations for amendments to the Children's Code. The memorial requests members be appointed or sought out for input from an enormous number of entities and organizations specifically enumerating 39 examples although there is some duplication or redundancy. It also seeks to have two members of the task force come from senate appointment and two from house appointment.

The task force would report its findings to the appropriate interim committees by November 1, 2023.

FISCAL IMPLICATIONS

The memorial does not include an appropriation.

AOC said, the large number of taskforce participants requested to participate combined with the depth of the Children’s Code would consume a large portion of the workload assignment of the current two CCIC Administrative Office of the Court’s employees. To be functional at least one additional half-time if not full-time position would be required within the unit. If staff were tasked with legal research, data and resource collection or with drafting, scheduling, or any other time intensive tasks that projection could increase to two or three additional positions. In addition to the requested staff and support work for this taskforce, this mission may also require the retaining of experts (as was required by the Family Representation Task Force) to assure that statistical and other impact data is collected. There may also be mileage, per diem and other costs associated with this proposed task force.

Given AOC’s concern of an increased administrative workload it is estimated that AOC would have to add 0 to 2 FTE to support the work of the taskforce. AOC’s average FTE cost for administrative staff is about \$75 thousand. Therefore it is assumed the cost of implementing this memorial ranges from \$0 to \$150 thousand.

SIGNIFICANT ISSUES

CYFD said that the New Mexico Children’s Code has been comprehensively rewritten on more than one occasion, and smaller pieces of it have been regularly amended or replaced to reflect the evolving understanding of the best practices for ensuring the health, safety, and security of children and families, and the changing requirements of our federal partners. A reform task force studying the entirety of the system with the expertise to help ensure all the parts work together is a more efficient method of identifying and addressing how the statute can best support New Mexico children and families.

AOC provided the following:

The Family Representation Task Force, created by the 2019 Legislative Session Senate Joint Memorial 10 to study and make recommendations for enhancing the quality of representation for children and parents in child welfare legal representation ultimately included nineteen (19) appointed positions. While the Children’s Code is arguably a larger undertaking the inclusion of thirty-nine or more members on the task force will constrain the functionality of the taskforce and complicate organization and function.

Also, the Children’s code is extensive and covers abuse and neglect cases, family services, families in need of court ordered services, juvenile delinquency cases, court appointed special advocates, adoptions, children’s mental health, children’s shelter care, fostering connections, and numerous other sections. The review of Children’s Court Rules (Rules 10-101 to 10-352 NMRA) will likely need to be included in any review and discussion as some sections of the code contradict or are modified by the detail in the children’s court rules (for example §32A-4-11 Use Immunity and NMRA 10-341¹).

¹ Pursuant to NMSA §32A-4-11 only the children’s court attorney may seek use immunity for a respondent but pursuant to Rule 10-341 such immunity may be sought by any party or on the court’s own motion.

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