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FISCAL IMPACT REPORT

SPONSOR <u>Reeb</u>	LAST UPDATED _____
	ORIGINAL DATE <u>2/10/2023</u>
SHORT TITLE <u>CYFD Child ID Cards</u>	BILL NUMBER <u>House Bill 231</u>
	ANALYST <u>Chenier</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
		\$0-\$88.8	\$0-\$62.1	\$0-\$124.2	Recurring	General Fund

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From
Children, Youth and Families Department (CYFD)
Taxation and Revenue Department (TRD)
Attorney General’s Office (NMAG)

SUMMARY

Synopsis of House Bill 231

House Bill 231 would amend existing statute to grant CYFD authority to apply for and receive, on behalf of a child “who has been placed under its supervision,” an identification card and enacts new legislation requiring CYFD to apply for an identification card no later than 90 days after the child has been placed under the supervision of the department. If circumstances with the child prevent this application, CYFD is to apply for the card no later than 90 days from the date when circumstances cease to prevent an application.

The effective date of this bill is January 1, 2024.

FISCAL IMPLICATIONS

The costs of implementing this bill could be absorbed within the respective agencies. However, the agencies’ concerns are noted below and, in the table, above.

CYFD stated four-year nondriving identification cards are \$10 per card, eight-year nondriving identification cards are \$18 per card, and it is often necessary to first secure a birth certificate in

the event that a card compliant with Real ID is required. Between the Juvenile Justice Services population, based on the FY22 unique client referral population of 4,467, and the Protective Services foster care point-in-time population of 1,746, the fiscal impact to CYFD will be an average \$62,130 per year. There is no appropriation contained within this bill, and while CYFD can absorb the fiscal implication in the first year following passage, CYFD will need additional budget in subsequent fiscal years.

TRD said implementation of this bill will have a moderate impact on the Information Technology Division of TRD. The estimated time to develop, test, and implement the changes is approximately 480 hours, or three months, for an estimated soft cost of \$26,700 for state IT resources. This bill requires configuration changes to Tapestry to allow the CYFD to get identification cards for children under its supervision. Application changes also required to consider CYFD as guardian for the children applying for this identification card.

SIGNIFICANT ISSUES

CYFD provided the following:

Protective Services already secures identification and similar documents for children in foster care in their regular course of business. Juvenile Justice Services do not have processes in place for obtaining identification on behalf of its clients and will require additional administrative support to establish and maintain the business process required to fulfill the mandate of this bill.

It is unclear which type of identification card is to be secured for the children under CYFD's supervision. Real ID compliant cards require significant additional documentation of birth, social security number as applicable, residence, and lawful status, which may not be readily available for children under CYFD's supervision.

It is also unclear which CYFD population this bill intends to target. While Section 1 is helpfully named "children in foster care – identification card," children in foster care are not under CYFD supervision. Children under CYFD supervision are those involved with the CYFD Juvenile Justice Services Division. ... Absent clarity, it appears the bill requires CYFD to secure identification cards for both populations.

NMAG provided the following:

Under 42 U.S.C. § 675(5)(I), child welfare agencies must provide youth who leave the child welfare system at age 18 or older the original or certified copy of several vital documents including a *state identification card* or driver's license. The American Bar Association notes that it is recommended these documents be obtained well before discharge, ideally around age 16 or 17, to make sure they are available when a youth discharges and to facilitate effective discharge planning, which may include application for benefits, housing, and other crucial services that require ID. See <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2017/fall2017-proving-i-exist-strategies-assessting-youth-obtaining-id-docs>.

As written, the bill would apply to *any* child "placed under the supervision" of CYFD. HB231 would not only apply to those children old enough to obtain driver's licenses, but to every child from infancy to majority. The word "placed" is undefined in HB231 and in

the Code section but arguably could be interpreted very broadly to include any child under CYFD's purview. As to the remainder of the sentence, CYFD has all manner of child under its "supervision" from those housed with caregivers being investigated for alleged abuse and/or neglect, those living with guardians ("in-home services"), children in emergency placed care, children in temporary (but voluntary) care, children in protective custody, children in temporary custody (non-voluntary), and children in permanent foster or other care situations. See, e.g., NMSA 1978, Section 32A-3A-6, Section 32A-3A-11, Section 32A-3B-3, and Section 32A-4-8. Sometimes the placement of a child under CYFD supervision is even located out of the state of New Mexico. As a result of all of this variety, the "supervision" CYFD provides could last for limited durations of time—including for less time than the compliance period set forth in HB 231 (ninety days).

TECHNICAL ISSUES

NMAG said there appears to be some inconsistency within the bill as to whether CYFD is required or only permitted to obtain identification cards. Section 1 states that CYFD "shall obtain" identification cards for the children in its supervision, but Section 2 (the amendment to the Motor Vehicle Code) states that CYFD "may" apply for and receive the cards. Section 1 presents a mandatory duty for CYFD, while Section 2 seems to present a discretionary process. This may create some confusion.

EC/rl/hg/al