

LFC Requester: _____

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION
WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

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

Date Prepared: _____ *Check all that apply:*
Bill Number: HB5Amended Original _____ Correction _____
 Amendment Substitute _____

Sponsor: Rep. Abeyta **Agency Name and Code** HCA 630
Short Title: Office of Child Advocate Act **Number:** _____
Person Writing John Emery
Phone: 505-699-5073 **Email** Johnr.emery@hca.nm.

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0	-	-

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0	-	-

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	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

BILL SUMMARY

Synopsis:

The bill adds a new section to the Children's Code to create an Office of Child Advocate, which is administratively attached to the Department of Justice. The Office is headed by a State Child Advocate, which is a gubernatorial appointment ~~to a six-year term~~ from a list of candidates nominated by a selection committee made up of persons appointed by the legislature, the governor, the attorney general, and the chief justice of the supreme court. The duties of the office include monitoring the work of the Children, Youth and Families Department, investigating complaints from children who are in custody or are receiving services from CYFD, making referrals for further action to the Department of Justice or other agencies, and filing an annual report with the Legislative Finance Committee, the Governor's Office, the State Supreme Court and CYFD detailing CYFD's performance. Although the bill creates the new position of the State Child Advocate and makes reference to office staff, it does not contain an appropriation.

FISCAL IMPLICATIONS

There are no direct fiscal implications to the HCA. However, if the Office of Child Advocate identifies systemic issues requiring remediation, there could be downstream financial impacts on CYFD and potentially other state agencies, including HCA, if increased funding is needed to address deficiencies.

SIGNIFICANT ISSUES

Although the office's oversight and investigation activities are exclusive to CYFD, it is conceivable that HCA could be implicated in cases where a child subject to a complaint is also receiving services from an HCA program.

PERFORMANCE IMPLICATIONS

HCA may need to establish internal procedures to facilitate information-sharing with the Office of Child Advocate in cases where children receiving CYFD services are also enrolled in Medicaid or other HCA programs.

ADMINISTRATIVE IMPLICATIONS

No IT impact.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

New Mexico Children's Code, NMSA 1978 Ch. 32A

TECHNICAL ISSUES

The requirement for an annual report to multiple government entities may increase transparency but should clarify whether these reports will be made public.

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Staus quo

AMENDMENTS

None