

LFC Requester: _____

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

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SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original Amendment
Correction Substitute

Date 1/29/2025

Bill No: HB 205

Sponsor: Meredith A. Dixon; Gail Armstrong
Short Title: CYFD Nominating Committee

Agency Name and Code Number: Children Youth and Families Department
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	8,926.6	8,926.6	17,853.2	recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Section 9-2A-3 NMSA 1978; Section 32A-1-4 NMSA 1978; 31-19-1 NMSA 1978; HB 173;
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 205 creates The Secretary of Children Youth and Families Nominating Committee; Requires the Secretary of Children Youth and Families (CYFD) to be selected from a list of qualified nominees created by the Nominating Committee; Moves rule making authority for the Plan of Care Process from CYFD to the Health Care Authority (HCA); updates requirements for the Plan of Care; requires CYFD to implement the Multilevel Response System statewide; Enacting the Families First Act within the Children’s Code; Requires CYFD to develop and implement a strategic plan for approval by the Federal Administration; Transferring the Substitute Care Advisory Council from RLD to the Administrative Office of the Courts; Amending the Citizen Substitute Care Advisory Council; transfers employees, property and contractual obligations.

FISCAL IMPLICATIONS

Implementation of HB205 would require 84 additional FTE to support Statewide Central intake, administrative support, CARA and Family Preservation services, Multilevel Response FTE, Epidemiologists, and data analysts. Total salary, benefits for additional FTE and curriculum and training is estimated at \$8,926,583.41.

SIGNIFICANT ISSUES

Nominating Committee: SB205 specifically amends 9-2A-3NMSA, a section of the Executive Reorganization Act which was enacted to allow for the more efficient management of the Executive Branch through the creation of an executive cabinet staffed by Secretaries appointed by the Governor with the consent of the Senate. The creation of a nominating committee undermines the intent of 9-2A-3 through an extensive process outside the control of the Governor. This process may be repeated multiple times when a secretary leaves the office during any administration. The Nominating Committee further diminishes the authority of the Governor by requiring the candidate to be selected from a list of 5 from limited geographic locations. Members of the Nominating Committee are required to be “knowledgeable about child welfare”, however the qualifications of a secretary in the Governor’s cabinet require credentials, essential qualities, experience, and knowledge beyond the specific subject matter of the department. HB205 limits the Governor’s pool of candidates. The purpose of the Senate confirmation hearing already exists to ensure that a qualified candidate is selected.

Families First:

CYFD has submitted their Family First Prevention Services Act (FFPSA) Title IV-E Prevention Plan for federal approval. The plan identifies a continuum of prevention services to support families. Each program utilizes evidence based/evidence informed programming. These programs are not in the Title IV-E clearinghouse at this time, however, that does not mean they will not be in the future. The prevention services clearing house for well-supported, supported, or promising interventions does not currently have interventions that are tailored to work with Native families. This has been a problem at the federal level and limits Nations, Pueblos, and Tribes from accessing this funding because their cultural interventions are not considered unless they are taken through a western-framed evaluation process. HB 205 appears to be taken directly out of the Program Information guidance on ACF's website which CYFD did utilize when writing the Family First Prevention Services Act Title IV-E Prevention Plan. The request for a Family First strategic plan is confused with FFPSA Title IV-E Prevention Plan, to be approved by AFC.

Plan of Care:

CYFD is in the process of transferring the CARA program to DOH. This program currently includes completing a review of the Plan of Safe Care with the family and completing a comprehensive family assessment. This assessment identifies further needs the family may have to support the infant and caretaker's well-being. HCA has had care coordinators monitor the plan of safe care since NM adopted CARA. Under this bill, the managed care organization Care Coordinator must notify CYFD if a family does not comply with their Plan of Safe Care. It does not define non-compliance. It does not define the risk level of the family when identifying non-compliance. It requires CYFD to complete a family assessment and offer services. Still, the parents may decline any service or program offered. This decline of CYFD is currently in the process of transferring the CARA program to the Department of Health (DOH). This program involves reviewing the Plan of Safe Care with the family and conducting a comprehensive family assessment. The family assessment aims to identify any additional needs the family may have to support the well-being of both the infant and the caretaker.

Under the new bill, if a family does not comply with their Plan of Safe Care, the managed care organization's Care Coordinator is required to notify CYFD. However, the bill does not specify what constitutes non-compliance or the risk level associated with identifying non-compliance.

The Bill indicates CYFD is obligated to complete a family assessment and offer services if the family is non-compliant with their plan of safe care while monitored by the Care Coordinator, however, parents have the right to decline any services or programs offered. This situation can be confusing for the family as it allows for parents to decline services and unless the service is needed to address concerns about potential imminent harm to the child and investigation would not be conducted. The bill does not indicate what is to occur if the decline in services does not create imminent risk for the infant. Since New Mexico adopted CARA, HCA has had care coordinators monitoring the Plan of Safe Care.

It is important to note that while assessments are a crucial step, there may be instances where an immediate report and investigation are necessary before conducting a family assessment. To avoid any misunderstandings, it is beneficial to clarify that all mandated reporters are still responsible for fulfilling their statutory duty to report suspected abuse and neglect. Compliance with this bill does not exempt them from that obligation.

Multilevel Response System:

CYFD developed track one of the multi-level response system. This track allows for reports received via State-Wide Central Intake (SCI) that are screened out for abuse or neglect to be referred to the Family Outreach program. This program offers support and services to families to avert a crisis and/or support the family's well-being. Multi-level Response track two has been developed with support and guidance from the Casey Family Programs. This track is designed to divert non-emergent screened-in neglect reports to a family support specialist rather than an investigator. The family support specialist will contact the family and conduct a comprehensive family assessment, ensuring a thorough understanding of the family's situation, including assessing for risk and safety in the home. The family will be referred to the community or CYFD program that best supports their needs. The family support specialist will facilitate the family's connection with the referred service and will continue checking in to ensure the family's engagement. CYFD has developed all job descriptions and is currently hiring for the positions to begin the pilot of multi-level track two.

Citizen Substitute Care Review Act: HB205 moves the Substitute Care Advisory Council (Council) from RLD to the Administrative Office of the Courts. The Council reviews and coordinates the activities of substitute care review boards and makes an annual report with its recommendations regarding statutes, rules, policies, and procedures relating to substitute care to CYFD, the courts, and the appropriate legislative interim committees. Moving the Council to the AOC is potentially a conflict of interest and would impede the evaluation, as the Council reviews the cases in their entirety, which includes court involvement.

Proposed membership of the Council does not include specific participation from nations, tribes or pueblos. Similarly, Substitute Care Review Board review of an Indian child would provide notice pursuant to the Indian Family Protection Act, but lack of participation by ICWA/IFPA experts in the actual review lacks cultural sensitivity and awareness.

PERFORMANCE IMPLICATIONS

Result in need for additional FTE workforce in CYFD for Family Services, Statewide Central Intake and Investigations.

Result in need to provide ongoing monitoring of service engagement related to the plan of care for the parents, relatives, guardians, and/or caregivers of the infant;

Result in need to develop monitoring process specific to identification of premature termination of services related to the plan of care for child by parents, relatives, guardians, and/or caregivers.

Result in CYFD's Family First Prevention Services Act Title IV-E prevention programs state-wide mandated to use a curriculum from the IV E clearinghouse. This requires CYFD to retrain all workers, hire specifically for credentialing of the curriculums, and potentially use

curriculum not aligned with Nations/Pueblos/Tribes.

ADMINISTRATIVE IMPLICATIONS

If enacted, HB 205 has the following administrative implications:

If enacted, this bill will require all parents, relatives, guardians, and/or caretakers to accept and comply with a plan of care;

If enacted, this bill will require all parents, relatives, guardians, and/or caretakers who fail to comply with a plan of care to receive a comprehensive family assessment;

If enacted, this bill will require all parents, relatives, guardians, and/or caretakers who fail to comply with a services that result from a family assessment to receive an investigation.

There may be unexpected administrative challenges due to the diversity and complexity of all the areas addressed in this bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP: HB 173

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Secretary of Children Youth and Families will continue to be appointed by the Governor. CARA will be transitioned as planned to DOH; Families First plan submitted by CYFD for federal approval will continue and the current Multilevel Response System will be implemented by CYFD. The Substitute Care Review Council will remain administratively attached to RLD.

AMENDMENTS