

LFC Requester: _____

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION
WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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(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: HB373 Original Correction
 Amendment Substitute

Sponsor: Rep. Herndon
Short Title: Revised Uniform Parentage Act
Agency Name and Code: HCA 630
Number: _____ Taylor Lieuwen, Melanie Vigil and Jill Goodmacher
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	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 revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Nominal	Nominal	Nominal			

(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

This bill revises the Uniform Parentage Act and uses gender neutral language to encompass more diverse family structures like same-sex couples and children born through assisted reproduction (surrogacy and artificial insemination). Additional definitions are added to bring clarity to the statute as it relates to the establishment of a parent-child relationship and what constitutes a “parent”. It also adds a timeframe to report sexual assault that resulted in pregnancy in order to preclude the man from establishing a parent-child relationship but still allow child support to be established.

Synopsis:

Key areas:

- 24-14-13 and other statutes outside the Uniform Parentage Act revised to reflect HCA’s name change and the proposed new name of the UPA, the Revised Uniform Parentage Act.
- 40-4-9.1 “Both parents” replaced with “each parent,” probably due to 40-11B-613’s (below) contemplation of more than two parents. Similar changes to some other non-UPA statutes.
- 40-11B-201 and other provisions throughout restructured to eliminate “mother/woman” and “father/man” in favor of using terms like individual and parentage.
- 40-11B-204 Adds more language for “presumed parent” to encompass more family structures including the presumption of parentage outside of marriage.
- 40-11B-301 Allows for any “parent” as defined to sign an Acknowledgment of Parentage (AOP) including same-sex parents.
- 40-11B-503(G) Requires denial of genetic testing where the person requesting testing is barred from establishing parentage by Article 6 (Proceeding to Adjudicate Parentage)
- 40-11B-613 Allows the court to adjudicate competing claims of parentage in the best interest of the child, based on several factors. This bill allows the court to adjudicate the child to have more than two parents if failure to do so would be detrimental to the child.
- 40-11B-614 Where a child results from criminal sexual penetration or comparable crime, subject to limitations, the perpetrator is adjudicated nonparent but may be ordered to pay child support and related expenses.
- 40-11B-617 Allows parentage and child support proceedings to commence before birth.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

Bill omits a few items significant to HCA/CSSD.

40-11B-102 Definition of “support-enforcement agency” should also include medical support obligations.

40-11B-304 Allows for an AOP to be signed prior to the child’s birth but is not effective until

child's birth or filing of the document, whichever is later. This may require CSSD to change its business process.

40-11B-306 and 24-14-13 Additional language should be added that "support enforcement agency shall be provided copies of acknowledgment of parentage or denial of parentage free of charge" instead of requiring reimbursement.

40-11B-401 Unclear if the putative father registry will be updated to the "putative parent registry" since "intended parents" would now be allowed to sign an AOP. The mention of the Punitive Father Registry is duplicated in 32-A-5-20 which goes into more detail about the registry; however, the language here contradicts the revised UPA language and added definitions of "parent" language.

40-11B-503(B) Could hinder CSSD's authority to administratively order genetic testing.

40-11B-613- C Allows the court to adjudicate a child to have more than two parents if there is a finding that failure to recognize more than two parents would be detrimental to the child – could impact how a child support obligation may be determined.

40-11B-614 States that a woman must file an allegation within two years of sexual assault that resulted in pregnancy if she wishes to preclude the man from establishing a parent-child relationship but would still allow child support to be established. CSSD does not pursue cases involving rape or incest when customers on TANF request a "Good Cause" determination to not be required to cooperate with CSSD when it is not in the best interest of the child(ren).

40-11B-617 Unclear how this relates to 40-11B-503(C) (in utero genetic testing may not be ordered). CSSD cases are initiated *after* the birth of the child. Also, 40-11B-622 still says child support starts at the date of the child's birth at the earliest, so any child support judgment entered before birth might be for a right that has not accrued. This could create extra litigation. *See generally Britton v. Britton*, 1983-NMSC-084, ¶¶ 12-20, 100 N.M. 424, 671 P.2d 1135 (considering whether "accrued and unpaid periodic child support installments mandated in a New Mexico divorce decree are considered final judgments in New Mexico on the date they become due" and deciding that they are so considered, at least for purposes of the statute of limitations).

40-11B-622 G Language is unclear regarding CSSDs standing for "right to reimbursement of public assistance" of the household, or child.

40-11B-805 Language is unclear regarding CSSD role involving surrogacy and contracts parties may have with each other.

24-14-13 and 40-4-20 (page 89-119) Have inconsistent language and no longer conform to gender neutral language in regard to parentage.

40-4-9.1 This section does not seem to belong here and may need to be revised and placed in another Article.

PERFORMANCE IMPLICATIONS

This bill could impact CSSD's federal performance measures which include but are not limited to parentage establishment and cost effectiveness ratio.

ADMINISTRATIVE IMPLICATIONS

1. 8.50.107 NMAC (Determination of Parentage) will require updates. Possibly other parts of NMAC will need to be updated as well.
2. Additional policy and procedures and staff training will be needed to support diverse family structures and cases involving assisted reproduction.
3. CSSD forms and legal pleadings will need to be updated.
4. CSSD will need to produce a brochure or written material explaining implications of signing an Acknowledgement of Parentage (AOP)

It is anticipated that any IT system updates required for the Child Support Enforcement System (CSES) such as modernizing language and family structures will be conducted under existing or future contracts and will be completed at no additional cost. Work could not start, however, until state fiscal year 2026.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

Updates to CSSD's automated system will be needed for gender neutral language and various family structures.

OTHER SUBSTANTIVE ISSUES

- If this bill passes with allowances for a 3rd parent, a new guideline schedule will need to be looked into when CSSD Quadrennial Guideline Commission commences in 2026 or prior to the effective date of this Bill.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

N/A