

LFC Requester:	Felix Chavez
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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: February 21, 2025 *Check all that apply:*
Bill Number: HB 305 Original Correction
 Amendment Substitute

Sponsor: <u>Lujan and Herndon</u>	Agency Name and Code Number: <u>AOC 218</u>
Short Title: <u>Domestic Relations Mediation Program</u>	Person Writing: <u>Kienna Rodriguez</u>
	Phone: <u>505-390-0202</u> Email: <u>aocker@nmcourts.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(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: HB 503 gives parents participating in the Domestic Relations Mediation Program the right to be represented by counsel and have counsel available at advisory and priority consultations, evaluations, and mediation. Parents shall enter the program when told to do so by the court.

A judicial district may establish a domestic relations mediation program by court rule or approval from the Supreme Court. This district may employ counselors for consultations, evaluations, and mediation.

Parents will pay the cost of the mediation program, which will be based on their ability to pay for specific services. These fees will be paid to the relevant district court.

FISCAL IMPLICATIONS

The bill does not provide a method to appoint counsel for parties, nor does it have an appropriation to pay the appointed attorneys.

Courts would likely not be able to refer unrepresented parties to mediation if this bill is enacted as there are no funds to pay for attorneys, there is a small number of attorneys who do domestic relations work in New Mexico, and many of them do not live or work in rural areas.

SIGNIFICANT ISSUES

1. HB503 amends the Domestic Relations Mediation Program to include that parents in a mediation program through courts shall have a right to counsel. See, proposed section 40-12-5(B). The bill does not provide a method to appoint counsel for parties nor does it have an appropriation to pay for the appointed attorneys.

2. Courts would likely not be able to refer unrepresented parties to mediation if this bill is enacted as there are no funds to pay for attorneys, there is a small number of attorneys who do domestic relations work in New Mexico, and many of them do not live or work in rural areas. Mediation is a valuable tool for parents to come to agreements about the custody and care of their children. This would result in parents having to litigate their case instead of learning through mediation how to come to an agreement. This would also result in significant delay in the resolution of family court cases as all pro se cases (the vast majority of family court cases) would need to be set for trial.

3. HB503 requires parties to be able to have attorneys present during custody evaluations, advisory consultations, and priority consultations. These evaluations are all completed by trained mental health professionals who conduct the evaluations by interviewing parties, observing parent/child interactions, and utilizing other accepted evaluative methods in order to make recommendations as to the care and custody of the children. The focus is the prioritization of children's best interests through observation, sometimes psychological testing, and structured interviews, along with other modalities. When attorneys speak for their clients or interfere in the evaluative process, the process is rendered meaningless and thus unusable by the courts and the

parties to the case. Attorneys are part of the process when an evaluation is finished and a hearing is held to determine what the evaluator learned and what that person recommends. Evaluators can be cross examined about the methods and the recommendations. However, attorneys cannot interfere with the assessment for it to be a valuable tool. Courts would no longer be able to use evaluations to help determine the best interests of the parties' children.

PERFORMANCE IMPLICATIONS

Please see “Significant Issues” above.

ADMINISTRATIVE IMPLICATIONS

Please see “Significant Issues” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS