

LFC Requester:	Feliz Chavez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 2/21/2025

Check all that apply:

Bill Number: HB503

Original Correction
 Amendment Substitute

Sponsor: Rep. Tara L. Lujan
Rep. Pamela Herndon

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Short Title: Domestic Relations Mediation
Program

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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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: HB503 amends Section to NMSA 40-12-5, adding a section that allows parties participating in a domestic relations mediation the right to have legal counsel present. It also adds that legal counsel can be present for evaluations, advisory consultations, and priority consultations. Lastly, HB503 adds wording to NMSA 40-12-5 that parties may request evaluations.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

HB503 seems to lack mechanisms necessary for implementation. It is unclear what should happen if a parent doesn’t have counsel. It’s unclear if the court should appoint counsel and, if so, whether appointment should be automatic or upon request. Consider clarifying the procedure for appointing counsel.

Assuming the court appoints counsel, it is unclear who would qualify. Consider providing guidelines for determining who is eligible for court-appointed counsel.

It is unclear who would bear the cost and which attorney the court would appoint. In criminal matters, the cost of court-appointed counsel is borne by the public defender department. *See* NMSA § 31-16-3 (providing guidelines for appointment of counsel for a “needy person.”); *State v. Brown*, 2006-NMSC-023, 139 N.M. 466, 134 P.3d 753 (interpreting Section 31-16-3 in the context of funding for expert witness fees). But there is no such provision here.

Further, the court in *Brown* says, “The purpose of the Indigent Defense Act is to ensure the protection of a defendant's Sixth Amendment constitutional rights and the Public Defender Act provides the administrative framework for accomplishing that objective.” *Id.* at ¶15. Declaring a right to counsel is only half of what is needed. An administrative framework (or at least a signal to it elsewhere) is missing from HB503.

Since HB503 would create a right to counsel for parents, consider whether the court should also appoint an attorney or a guardian ad litem for the child.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS

N/A