

<b>LFC Requester:</b>	<b>Rachel Mercer-Garcia</b>
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**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:** 1/24/2025 *Check all that apply:*  
**Bill Number:** HJR 5 Original  Correction   
 Amendment  Substitute

**Sponsor:** ELEANOR CHAVEZ **Agency Name and Code** AOC 218  
**Short Title:** CYFD COMMISSION **Number:** \_\_\_\_\_  
**Person Writing** Alison B. Pauk  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	N/A	

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
None	None	None	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
<b>Total</b>	Unknown	Unknown	Unknown	Unknown	N/A	

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None  
Duplicates/Relates to Appropriation in the General Appropriation Act: None

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

HJR 5 seeks to amend the New Mexico Constitution by adding a new section creating a separate children, youth, and families department, a children, youth, and families commission, and an executive director to manage the department.

The children, youth, and families commission will be composed of five members appointed for six year terms beginning January 1, 2027. Each of the following positions will appoint one member to the commission:

- the governor
- president pro tempore of the senate
- the speaker of the house of representatives
- minority floor leader of the senate
- minority floor leader of the house of representatives

The appointment terms will initially be staggered with the governor's appointee filling a two-year position, with the rest of the appointees serving four year terms. The professional qualifications for appointees shall be provided by the legislature.

No later than July 1, 2027, the commission shall hire an executive director to assume the management and operations of the department and enforce laws under the department's jurisdiction. The professional qualifications for the executive director shall be provided by the legislature.

There is no appropriation listed in this bill.

#### **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

#### **SIGNIFICANT ISSUES**

HJR 5 seeks to present a constitutional amendment to the citizens of New Mexico to vote for the approval or rejection of the creation of a separate children, youth and families department. This would be an agency independent from the executive branch of government that is governed by a children, youth, and family commission and led by an executive director appointed by the commission.

The structure of child welfare agencies vary from state to state, with the majority of states having an established, centralized administrative system including New Mexico. These are called state-administered child welfare systems. Nine states have county-administered systems, and two states have hybrid systems. See <https://cwig-prod-prod-drupal-s3fs-us-east-1.s3.amazonaws.com/public/documents/services.pdf>. The constitutional amendments proposed by HJR5 would not change New Mexico from a state-administered child welfare system, but it would allow it to be an independent state agency, similar to the Law Offices of the Public Defender.

## **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None identified.

## **TECHNICAL ISSUES**

None identified.

## **OTHER SUBSTANTIVE ISSUES**

None identified.

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**