

LFC Requester:	
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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}

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 2025-02-15
Bill No: SB362

Sponsor(s) Michael Padilla
:

Agency Name CYFD 69000
and Code
Number:
Person Writing Ramona J. Martinez
Analysis:
Phone:

Short COURT INTERVENTION
Title: AFTER CYFD
DETERMINATION

Email: ramona.martinez@cyfd.nm.go
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0		
0	0		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0		

0	0	0		
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ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	Recurring	General Fund

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

SB 362 amends 32A-3B-2 NMSA 1978 Chapter 77, Section 74 to expand the definition of family in need of court-ordered services to include a family who has failed to follow through with family services and to allow for CYFD to file a petition for court intervention for families "in which the allegations of child abuse or neglect against the child's parent, guardian or legal custodian have been investigated by CYFD and found to be substantiated and it has been determined that court intervention is necessary to ensure the safety and well-being of the child or to facilitate access to services for the family, but the department determined that filing an abuse or neglect petition was not in the child's best interest."

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

This bill enhances child safety and well-being by ensuring that families with substantiated abuse or neglect cases receive necessary interventions through court-ordered services. It provides CYFD with an additional tool to address situations where voluntary compliance is insufficient, enabling a more proactive approach to protecting children and supporting families in crisis. This could result in a shift from filing fewer abuse and neglect cases, which can be a more supportive way of working with families. Additionally, it has the potential to reduce the likelihood of children and youth entering the foster care system in the future.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 382 conflicts as it expands FINCOS eligibility to those cases where CYFD found "credible evidence" of abuse or neglect rather than to substantiated cases as defined in SB 363 which clarifies the types of cases eligible to be filed.

TECHNICAL ISSUES

None identified

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

None identified

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Failing to enact SB 362 would continue to restrict CYFD's ability to intervene in cases before adjudication. This limitation could prevent families who would benefit from support services from participating, increasing the future risk of children who need these services entering the child welfare system.

AMENDMENTS

None.