

LFC Requester:	Rachel Mercer-Garcia
-----------------------	-----------------------------

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: 2-17-25 *Check all that apply:*
Bill Number: SB 363 Original Correction
 Amendment Substitute

Sponsor: Michael Padilla **Agency Name and Code Number:** Office of Family Representation and Advocacy, 6800
Short Title: Child Protection Authority Act **Person Writing:** Beth Gillia
Title: _____ **Phone:** 505-231-9864 **Email:** Beth.gillia@ofra.nm.g

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: **This bill relates to the bills to create a child ombud (HB 391 and SB 307), as well as the bill to create an Office of the Child Advocate, HB 5.**

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

This bill would create an independent agency, the Child Protection Authority (the Authority), administratively attached to the Regulation and Licensing Department, which would:

- Operate a toll-free hotline and electronic portal to receive complaints concerning the handling of “child abuse, neglect, and foster care cases by the” Children, Youth and Families Department (CYFD) and “other child welfare agencies” that the Authority would investigate;”
- Monitor and evaluate CYF’s policies and practices for compliance with federal and state child welfare laws;
- Make recommendations;
- Issue public reports;
- Access records and data; and
- Provide education and outreach concerning child welfare rights and responsibilities;

Nine members (5 appointed by the governor and four appointed by leaders of the NM Legislature) would govern the Authority. The Governor’s appointees would include at least one child welfare professional and one representative of a child advocacy agency.

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.

No appropriation was included in the bill, creating an unfunded mandate for a new agency requiring staff and establishing significant duties.

SIGNIFICANT ISSUES

Section 3(D)(1): No definition of “other child welfare agencies” is included in the bill even though the bill would allow for investigations of these “other child welfare agencies.” Clarification is needed.

Section 3(D)(5) allows access to undefined confidential “records and data.” This grant of authority is too sweeping (with no limit on the kinds of records to be accessed or in what circumstances, for what purposes).

Section 4: Paragraph A does not provide minimum qualifications for the Authority Director.

Paragraph C implies that all staff (presumably including administrative staff) should have expertise in child welfare, juvenile law or social services. This is unnecessary. Only program staff should be required to have this expertise.

Section 5 allows anonymous complaints to be filed and investigated. Anonymous complaints can be used for harassment and will be difficult to investigate. If anonymous complaints are permitted, how will the Authority “maintain communication with the complainant until the complaint is resolved,” as is required by Paragraph D of this section?

Section 6(B): Requiring quarterly public meetings to “discuss child welfare concerns and policy proposal” seems unduly burdensome.

Section 6(C): State agencies already undergo an annual audit and are subject to additional auditing, Section 12-6-3(C). Allowing the political branches to order an additional audit may create significant administrative burdens for the agency impacted.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The authority and responsibilities of the Child Protection Authority that would be created by this bill overlap with functions described in bills to create an ombud and a Child Advocate. These bills should be consolidated so one coherent approach is adopted and so that the work of the existing Substitute Care Advisory Council is not duplicated.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

OFRA continues to be concerned about the growing number of bills that directly affect the Children, Youth, and Families Department (CYFD) and the child and family welfare system more broadly. While these bills may not directly conflict with one another or duplicate efforts, this piecemeal approach could lead to a patchwork of uncoordinated requirements. Together, these changes would create significant administrative and programmatic burdens on CYFD.

Additionally, many of the requirements proposed in the multitude of bills would not improve practices or lead to better outcomes for children and families. OFRA is concerned that these bills, if passed without coordination, would negatively impact our clients and their ability to work with CYFD to reunify their families.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS