

LFC Requester:

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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: 02/18/2025

Check all that apply:

Bill Number: SB 406

Original Correction
Amendment Substitute

Sponsor: Sen. Linda Lopez
Sen. Antoinette Sedillo Lopez

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

Short Title: Termination of Parental
Rights

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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: SB 406 would amend the Children’s Code section containing the Abuse and Neglect Act, NMSA 1978, Section 32A-4-1 to -35 (1978, as amended through 2023), to remove the current presumption of abandonment as a basis to consider termination of parental rights in abuse or neglect cases.

Specifically, the Act has certain subsections which lay out instances where a court can terminate parental rights. One such instance is where a child has been placed in the care of others and where certain conditions are met, such as length of time left in that alternative location, the status of the parent-child relationship, preference of the child, and desire by substitute family to adopt. This instance when conditions are met creates a presumption of abandonment for termination of parental rights purposes. The proposed amendment would delete all the language creating or referring to the presumption.

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.

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 429 has some relationship to SB 406. SB 429 consists of new material to the Children’s Code

and would allow for reinstatement of parental rights where SB 406 addresses terminating those rights. There is no apparent conflict between these two bills.

SB 430 also has some relationship to SB 406 in that SB 430 amends a separate portion of the same Abuse and Neglect Act here, Section 32A-4-2, and clarifies and otherwise expands the definition of what is meant by “neglected child.”

Similarly, SB 406 is somewhat

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

None.