

LFC Requester:	Mercer-Garcia, Rachel
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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: 2/18/25 *Check all that apply:*
Bill Number: SB 428 Original Correction
 Amendment Substitute

Sponsor: Sen. Linda M. Lopez **Agency Name and Code:** AOC 218
Short Title: Crossover Youth Act **Person Writing:** Alison Pauk
Title: Crossover Youth Act **Phone:** 505-470-6558 **Email:** aocabp@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	\$100	Nonrec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(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	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Conflicts with HB 134, HB 163, HB 434, SB 26 and SB 326 (also amending Section 32A-2-3 NMSA 1978, defining terms as used in the Delinquency Act). HB 134 and SB 326 also amend Section 32A-2-24 NMSA 1978.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 428 enacts the “Crossover Youth Act,” within the Children’s Code, Chapter 32A NMSA 1978, to create the “Crossover Youth Program” within the Children, Youth and Families Department (CYFD) with a CYFD-appointed program coordinator required to

(1) facilitate collaboration between the protective services division and the juvenile justice division of CYFD in all cases involving crossover youth;

(2) facilitate collaboration between the fostering connections program and the adult criminal justice system in all cases involving dually involved eligible adults;

(3) collect data, including data related to New Mexico crossover youth who are housed in a facility in another state or who have been adjudicated in the juvenile justice system in another state, regarding final determinations by the courts in all cases involving crossover youth and dually involved eligible adults;

(4) act as CYFD’s lead coordinator to develop and deliver annual mandatory training materials to the department, the Judiciary, the Law Offices of the Public Defender (LOPD), the district attorneys' (DA) offices and the Office of Family Representation and Advocacy (OFRA). The training materials shall include information on the Crossover Youth Act and issues related to crossover youth as required under Section 4 of the Crossover Youth Act; and

(5) assist CYFD with the promulgation of rules pursuant to the provisions of the Crossover Youth Act.

SB 428 defines “crossover youth” to mean a child simultaneously involved in both the child welfare and juvenile justice systems, whether adjudicated in those systems, or not, and defines “dually involved eligible adult” to mean a person being served by the Fostering Connections Program and who is simultaneously involved in the juvenile justice system or adult criminal justice system.

SB 428, Section 4, requires CYFD to develop and deliver annual mandatory training to all staff assigned to the Protective Services Division (PSD) and the Juvenile Justice Division (JJD) of CYFD, including all Children’s Court attorneys, and specifies the information the training is required to include. Other entities required to develop and deliver annual mandatory training for specified individuals, in collaboration with CYFD, are the Law Offices of the Public Defender (LOPD), all DA’s offices, OFRA, and the Administrative Office of the Courts (AOC).

SB 428, Section 5, requires the PSD and the JJD of the CYFD to jointly manage all cases involving crossover youth, and requires CYFD to develop protocols to ensure that case coordination between the divisions occurs on a formal basis. Section 5 also requires interagency collaboration between CYFD, the Public Education Department (PED), the Department of Health (DOH), the Health Care Authority (HCA) and any other appropriate departments and agencies.

SB 428, Section 6, sets out basic rights of a crossover youth with regard to visitation with siblings and a parent, guardian or custodian of the crossover youth, unless a court finds that visitation would be contrary to the safety or well-being of any sibling or unless the court finds that the best interests of the crossover youth preclude any visitation.

SB 428 also amends existing statutes as follows:

- **Section 32A-2-3 NMSA 1978:** adds a definition of “crossover youth” as used in the Delinquency Act.
- **Section 32A-2-7 NMSA 1978:** requires that prior to a probationary services preliminary inquiry with a crossover youth who is detained, to determine the best interests of the child and of the public with regard to any action to be taken, following the referral of a complaint alleging delinquency, the crossover youth’s parent, guardian or custodian, the crossover youth’s attorney and guardian ad litem and the PSD of CYFD be given reasonable notice by the juvenile probation and parole officer and an opportunity to be present at the preliminary inquiry.
- **Section 32A-2-24 NMSA 1978:** requires that, during a probation revocation proceeding for a crossover youth, the petition to revoke probation shall include a statement filed by the juvenile justice division of the department that the division made reasonable efforts to help the crossover youth with the successful completion of all probation requirements, including the specific details of such efforts.

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 the required development and delivery of annual mandatory training regarding crossover youth to all judicial officers assigned to children’s court divisions of the district courts, including training that might cause a delay in court proceedings, as well as any increase in required proceedings related to crossover youth, including those related to visitation. 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.

SB 428, Section 4, requires CYFD, in collaboration with AOC, to develop and deliver annual mandatory training to judicial officers regarding crossover youth. There may be an additional cost to the judiciary to provide these mandatory trainings.

SIGNIFICANT ISSUES

- 1) In June 2024, the Children’s Code Reform Task Force (CCRTF) published its initial report and put forth a “Crossover Youth Act” (COYA). The task force noted that the COYA, “defines terms that will permit the accurate tracking of data concerning crossover youth and ensure that the broadest group of youth and young adults are served appropriately by multiple agencies and discreet divisions within agencies through collaborative efforts.” See *Report from the Children’s Code Reform Task Force*, June 2024, https://childlaw.unm.edu/assets/docs/childrens_code_reform_task_force_june_2024_report.pdf.

The task force also published a *Crossover Youth Fact Sheet* that notes that the COYA is “borne from the desire to create better communication and collaboration that will assist

high-risk, vulnerable crossover youth and prevent them from being overlooked or getting lost in complex systems.” *Id.* at p. 68, Appendix A.

Additionally, the CCRTF June 2024 report contained recommendations from the Children’s Court Improvement Commission’s (CCIC’s) Crossover Youth Workgroup and adopted by the CCIC, that were delivered to the Children’s Court Judges Association, the Supreme Court/Rules Committee, CYFD, LOPD, the AOC, the DAs’ office, and all recipients. *Id.* at p. 69, Appendix D.

- 2) See *Is there an effective model for serving youth involved in both the child welfare and juvenile justice systems?*, Casey Family Programs, November 2022, <https://www.casey.org/crossover-youth-practice-model/#:~:text=Is%20there%20an%20effective%20model,youth%20%E2%80%94%20require%20a%20special%20focus.&text=An%20intentional%20approach%20is%20needed,placement%20stability%20and%20permanency%20outcomes.&text=Unfortunately%20C%20the%20quality%20and%20consistency,permanency%20planning%20activities%20in%20place.&text=Crossover%20youth%20also%20require%20special,options%20for%20placement%20and%20support.>
- 3) As of 2022, the Center for Juvenile Justice Reform reports, a Crossover Youth Practice Model developed by the Center had been implemented in 23 states. See *Crossover Youth Practice Model*, Center for Juvenile Justice Reform, <https://cjjr.georgetown.edu/our-work/crossover-youth-practice-model/>.

PERFORMANCE IMPLICATIONS

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

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

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with HB 134, HB 163, HB 434, SB 26 and SB 326 (also amending Section 32A-2-3 NMSA 1978, defining terms as used in the Delinquency Act). HB 134 and SB 326 also amend Section 32A-2-24 NMSA 1978.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS