

LFC Requester:	Rachel Mercer-Garcia
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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}

Date Prepared: 2/19/2025 *Check all that apply:*
Bill Number: SB 428 Original Correction
 Amendment Substitute

Sponsor: Senator Linda Lopez **Agency Name and Code** Office of Family Representation & Advocacy 6800
Senator Antoinette Sedillo Lopez **Number:** _____
Short Title: Crossover Youth Act **Person Writing** Wolfgang J. Bomgardner
Title: Crossover Youth Act **Phone:** 505-538-0134 **Email** wolf.bomgardner@ofra.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
-	100	No	CYFD
-	-	-	-

(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

BILL SUMMARY

Synopsis:

Section 1: Creates a new act in the Children’s Code relating to “crossover youth” – children who are simultaneously involved in the child-welfare and juvenile-justice systems.

Section 2: Defines key terms relating to crossover youth in the Children’s Code.

Section 3: Creates a “Crossover Youth Program” within the Children Youth and Families Department (CYFD). The Program will be responsible for coordinating cooperation between a variety of agencies in the child-welfare and juvenile-justice systems (including agencies in other states), collecting relevant data, providing training both within CYFD and to external agencies, and assisting in promulgating rules within CYFD.

Section 4: Details the training the Program will be responsible for. The training will be for CYFD staff, Children’s Court, the Law Offices of the Public Defender (LOPD), all District Attorney offices, the Office of Family Representation and Advocacy (OFRA), and associated contract attorneys. The training would cover a variety of issues, including the Indian Child Welfare Act (ICWA), victims’ rights, Fostering Connections, foster care, juvenile justice, and the Children’s Code.

Section 5: Details procedures of collaboration between CYFD’s protective services division and the juvenile justice system and procedures for collaboration between CYFD the Public Education Department (PED), the Department of Health (DOH), the Health Care Authority (HCA), and any other agencies.

Section 6: Creates the basic right for children in custody to have visits from family when the court allows.

Section 7: Defines key terms relating to crossover youth in the Delinquency Act.

Section 8: The law already requires that allegations of delinquency be referred to probation services for a preliminary inquiry to determine the best interest of the child and public. This section would now require that, prior to a preliminary inquiry, notice be provided to a crossover youth’s parent or guardian, youth attorney and *Guardian Ad Litem* (GAL), and the protective services division of CYFD, and that those people be given an opportunity to be present for the preliminary investigation.

Section 9: Requires that when there is a probation revocation hearing for a child, the petition shall include a statement from the CYFD juvenile justice division with specific details on the reasonable efforts made by the division to assist the child with successful completion of probation.

Section 10: Appropriates a non-recurring appropriation of \$100,000 for fiscal year 2025 to the general fund for CYFD, allowing unencumbered money revert to the general fund.

FISCAL IMPLICATIONS

A one-time appropriation of \$100,000 is likely insufficient to sustainably staff a new program that will be responsible for coordinating and training multiple agencies.

This bill will not have a fiscal impact on OFRA unless Guardians ad Litem and youth attorneys in the foster care case are required to participate in juvenile justice planning or proceedings. Such an expansion of our attorneys' workload will either require additional attorneys or additional compensation to existing contract attorneys.

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

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

There are several other bills that deal with the related sections of the Delinquency Act: HB 134, HB 163, HB 434, and SB 326.

There are several other bills that deal with related sections of the Children's Code: HB 5, HB 133, HB 307, HB 343, HB 391, SB 363, SB 441.

SJR 8 also deals with the rights of children.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS