

<b>LFC Requester:</b>	<b>Rachel Mercer-Garcia</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 2-18-2025 *Check all that apply:*  
**Bill Number:** SB 430 Original  Correction   
 Amendment  Substitute

**Sponsor:** L. Lopez and A. Sedillo Lopez **Agency Name and Code** 6800, OFRA  
**Short Title:** Revising the definition of "neglected child" **Number:** \_\_\_\_\_  
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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
<b>Total</b>						

(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:

This bill would:

- (1) amend the definition of “neglected child” to distinguish neglectful behavior of a parent, guardian, or custodian from general conditions of poverty;
- (2) require the Children, Youth and Families Department (CYFD) caseworker to make reasonable efforts to help the family of an allegedly neglected child to obtain financial and other practical supports needed to provide for the basic needs of the child;
- (3) require CYFD to release the child from custody if the sole reason for placement was poverty and the family has accepted resources that enable them to meet the child’s basic needs; and
- (4) require the court at disposition to make findings about the conditions that justify the continued out of home placement of a child *other than* the inadequate financial resources of the parent, guardian or custodian.

#### **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**

This bill addresses a problem common across the country, where poverty is confused with neglect, causing children to enter or linger in foster care even when the parent, guardian or custodian has not willfully withheld basic, necessary “resources [like clothing and food] from a child. Poverty alone does not constitute neglect and is not a rationale for child welfare involvement.” <https://www.casey.org/economic-supports-research/>.

#### **PERFORMANCE IMPLICATIONS**

This bill would require CYFD workers to provide additional up-front work with families struggling with poverty in order to prevent removal of a child and placement in foster care, including by assisting the family obtain concrete supports (like public benefits, food, car seats, clothing, and the like). This effort will reduce trauma and costs to the state by keeping children out of the foster care system.

In addition, attorneys will have to present evidence, and the court will have to make findings at disposition, about the neglectful conditions or circumstances that justify continued out-of-home placement *other than* poverty. Presentation of this evidence and making these findings should not be burdensome.

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo (children in families experiencing poverty may continue to suffer the trauma of removal from their families solely due to lack of financial means, not due to neglectful behaviors of their parents).

## **AMENDMENTS**