

LFC Requester:	
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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}*

Check all that apply:

Original                      Amendment  
Correction                      Substitute    X

Date Prepared: 2025-03-03  
Bill No: SB458

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### SECTION II: FISCAL IMPACT

#### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0			
0	0		

#### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0		

0	0	0		
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**ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	0	8,900.0	8,900.0	17,800	Recurring	General Fund

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Senate Bill 458 creates The Secretary of Children Youth and Families Nominating Committee: Requires the Secretary of the Children Youth and Families (CYFD) to be selected from a list of qualified nominees created by the Nominating Committee; Moves rule making authority for the Plan of Care Process from CYFD to the Health Care Authority (HCA); Updates requirements for the Plan of Care; Requires CYFD to implement the Multilevel Response System statewide; Enacting the Families First Act within the Children's Code; Requires CYFD to develop and implement a strategic plan for approval by the Federal Administration; Transferring the Substitute Care Advisory Council from RLD to the Administrative Office of the Courts; Amending the Citizen Substitute Care Advisory Council; Transfers employees, property and control obligations.

**FISCAL IMPLICATIONS**

Implementation of SB 458 would require 84 additional FTE to support Statewide Central Intake, Administrative support, CARA and Family Preservation services, Multilevel Response FTE, Epidemiologists, and data analysts. Total salary, benefits for additional FTE and curriculum and training is estimated at \$8,926,583.41

**SIGNIFICANT ISSUES**

#### Nominating Committee:

SB 458 specifically amends 9-2A-3NMSA, a section of the Executive Reorganization Act which was enacted to allow for the more efficient management of the Executive Branch through the creation of an executive cabinet staffed by Secretaries appointed by the Governor with the consent of the Senate. The creation of a nominating committee undermines the intent of 9-2A-3 through an extensive process outside the control of the Governor. This process may be repeated multiple times when a secretary leaves the office during any administration. The Nominating Committee further diminishes the authority of the Governor by requiring the candidate to be selected from a list of 5 from limited geographic locations. Members of the Nominating Committee are required to be "knowledgeable about child welfare" however, the qualifications of a Secretary in the Governor's cabinet require credentials, essential qualities, experience, and knowledge beyond the specific subject matter of the department. SB 458 limits the Governor's pool of candidates. The Senate confirmation hearing already exists to ensure that a qualified candidate is selected.

#### Families First:

CYFD has submitted its Family First Prevention Services Act (FFPSA) Title IV-E Prevention Plan for federal approval. The plan identifies a continuum of prevention services to support families. Each program utilizes evidence based/evidence informed programming. Some of the curriculums/models for programs are not in the Title IV-E clearinghouse at this time, however, that does not mean they will not be in the future. The prevention services clearing house for well-supported, supported, or promising interventions does not currently have interventions that are tailored to work with Native families. This has been a problem at the federal level and limits Nations, Pueblos, and Tribes from accessing this funding because their cultural interventions are not considered unless they are taken through a western-frames evaluation process. SB 458 appears to be taken directly out of the Program Information guidance on ACF's website, which CYFD did utilize when writing the Family First Prevention Services Act Title IV-E Prevention Plan. The request for a Family First strategic plan is confused with FFPSA Title IV-E Prevention Plan, to be approved by AFC.

#### Plan of Care:

CYFD is in the process of transferring the CARA program to the Department of Health (DOH). This program currently includes completing a review of the Plan of Safe Care with the family and completing a comprehensive family assessment. This assessment identifies further needs the family may have to support the infant and caretaker's well-being. HCA has had care coordinators monitor the Plan of Safe Care since NM adopted CARA. Under this bill, the HCA or a managed care organization Care Coordinator must notify CYFD if a family does not comply with

their Plan of Safe Care. It does not define non-compliance. It does not define the risk level of the family when identifying non-compliance. It requires CYFD to complete a family assessment and offer services. Still, the parents may decline any service or program offered.

Under SB 458, if a family does not comply with their Plan of Safe Care, the HCA or the managed care organization's Care Coordinator, or the contracted Care Coordinator, is required to notify CYFD. However, the bill does not specify what constitutes non-compliance or the risk level associated with identifying non-compliance.

SB 458 indicates that CYFD is obligated to complete a family assessment and offer services if the family is non-compliant with the Plan of Safe Care while monitored by the Care Coordinator. However, parents have the right to decline any services or programs offered. This situation can be confusing for the family as it allows for parents to decline services, and unless the service is needed to address concerns about potential imminent harm to the child, an investigation could not be conducted. The bill does not indicate what is to occur if the decline in services does not create imminent risk for the infant. Since New Mexico adopted CARA, the HCA has had care coordinators monitoring the Plan of Safe Care.

It is important to note that while assessments are a crucial step, there may be instances where an immediate report and investigation are necessary before conducting a family assessment. To avoid any misunderstandings, it is beneficial to clarify that all mandated reporters are still responsible for fulfilling their statutory duty to report suspected abuse and neglect. Compliance with this bill does not exempt them from that obligation.

SB 458 removes collaboration with the Department of Health for the development and distribution of training materials to support discharge planners and social workers related to the Plan of Safe Care. This change has the potential to create confusion for families receiving a Plan of Safe Care as well as hospital discharge planners and social workers in which information to provide to best support the family and infant.

#### Multilevel Response System:

CYFD developed and has implemented track one of the multi-level response system. This track allows for reports received via the Statewide Central Intake (SCI) that are screened out for abuse or neglect to be referred to the Family Outreach program. This program offers support and services to families to avert a crisis and/or support the family's well-being. Multi-level Response track two has been developed with support and guidance from the Casey Family Programs. This track is designed to divert non-emergent screened-in neglect reports to a family support specialist rather than an investigator. The family support specialist

will contact the family and conduct a comprehensive family assessment, ensuring a thorough understanding of the family's situation, including assessing for risk and safety in the home. The family will be referred to the community or CYFD program that best supports its needs. The family support specialist will facilitate the family's connection with the referred service and will continue checking in to ensure the family's engagement. CYFD has developed all job descriptions and is currently hiring for the positions to begin the pilot of multi-level track two.

#### Citizen Substitute Care Review Act:

SB 458 moves the Substitute Care Advisory Council (Council) from RLD to the Administrative Office of the Courts. The Council reviews and coordinates the activities of substitute care review boards and makes annual reports with its recommendations regarding statutes, rules, policies, and procedures relating to substitute care to CYFD, the courts, and the appropriate legislative interim committees. Moving the Council to the AOC is potentially a conflict of interest and would impede the evaluation as the Council reviews the cases in their entirety, which includes court involvement.

Proposed membership of the Council does not include specific participation from Nations, Pueblos, or Tribes. Similarly, a Substitute Care Review Board review of an Indian Child would provide notice pursuant to the Indian Family Protection Act, but lack of participation by ICWA/IFPA experts in the actual review lacks cultural sensitivity and awareness.

### **PERFORMANCE IMPLICATIONS**

If enacted SB 458 will:

Result in need for additional FTE workforce across CYFD Family Services, Statewide Central Intake and Investigations.

Result in need to provide ongoing monitoring of service engagement related to the plan of safe care for the parents, relatives, guardians, and/or caregivers of the infant.

Result in need to develop monitoring process specific to identification of premature termination of services related to a plan of safe care for infant by parents, relatives, guardians, and/or caregivers.

Result in CYFD's Family First Prevention Services Act Title IV-E Prevention programs statewide mandated to use a curriculum from the IV-E clearinghouse. This requires CYFD to retrain all workers, community based providers and require

CYFD and community based providers to hire specifically for credentialing of the curriculums, and potentially use curriculums not aligned with Nations, Pueblos and Tribes.

## **ADMINISTRATIVE IMPLICATIONS**

If enacted, SB 458 has the following administrative implications:

Will require all parents, relatives, guardians, and/or caregivers to accept and comply with a plan of safe care.

Will require all parents, relatives, guardians, and/or caregivers who fail to comply with a plan of safe care to receive a comprehensive family assessment.

Will require all parents, relatives, guardians, and/or caregivers who fail to comply with a service that result from a family assessment to receive an investigation.

There may be unexpected administrative challenges due to the diversity and complexity of all the areas addressed in the bill.

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

HB 205, HB 173, SB 42

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

None.

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

The Secretary of Children Youth and Families will continue to be appointed by the Governor with confirmation of the Senate. CARA will be transitioned as planned to DOH. The Families First plan submitted by CYFD for federal approval will continue and the current Multilevel Response System will be implemented by CYFD. The Substitute Care Review Council will remain administratively attached to RLD.

## **AMENDMENTS**

Senate Rules Committee Substitute for SB 458:

Requires CYFD to implement the Multilevel Response System statewide; Enacting the Families First Act within the Children's Code; Requires CYFD to develop and implement a strategic plan for approval by the Federal Administration; Provides guidance on strategic plan requirements: Provides guidance for consultation with the Early Childhood Education and Care Department, the Health Care Authority, and the Department of Health in development of the strategic plan; Provides guidance regarding requirements for access to an protection of confidentiality of certain records and information.

Families First:

SRC Substitute for SB 458 requires CYFD to develop and implement a strategic plan for the delivery of services and access to programs related to the Families First Act, in consultation with ECECD, HCA, and DOH. SRC/SB458 requires CYFD to maximize the use of programs and curriculum that are rated as promising, supported or well-supported through the Title IV-E prevention services clearinghouse, potentially requiring the use of programs that are not culturally responsive or indicated as evidence based for use with families who are members of Nations, Pueblos, or Tribes. SRC/SB458 includes a provision for CYFD to identify all service providers, services available by population, services by geographic region, services available by specific need and eligibility requirements. This information shall be part of ongoing reporting that CYFD is to provide on an annual basis to the legislative finance committee, the interim legislative health and human services committee, the interim legislative committee that studies courts, corrections and justice, the department of finance and administration and the Governor.

CYFD has submitted the Family First Prevention Services Act Title IV-E Prevention Plan for federal approval. The request for a Family First Strategic Plan appears to be confused with the FFPSA Title IV-E Prevention plan, that is to be approved by ACF. CYFD currently offers a continuum of prevention services throughout the state.

## Multilevel Response System:

SRC/SB458 provides timelines and guidance for the implementation of the Multilevel Response System to include a statewide implementation date of no later than July 1, 2027. CYFD has developed and implemented track one of the multi-level response system, allowing for reports that are received by Statewide Central Intake and screened out for abuse or neglect to be referred for supports and services through the Family Outreach program. Multi-level Response track two has been developed with support and guidance from the Casey Family Programs. This track is designed to divert non-emergent screened-in neglect reports to a family support specialist rather than an investigator. The family support specialist will contact the family and conduct a comprehensive family assessment, ensuring a thorough understanding of the family's situation, including assessing for risk and safety in the home. The family will be referred to the community or CYFD program that best supports its needs. The family support specialist will facilitate the family's connection with the referred service and will continue checking in to ensure the family's engagement. CYFD has developed all job descriptions and is currently hiring for the positions to begin the pilot of multi-level track two.

SRC/SB458 removes discussion of the following: Nominating Committee for the CYFD Cabinet Secretary; CARA program and Plan of Safe Care; Citizen Substitute Care Review Act. SRC/SB458 significantly reduces the potential additional FTE need for CYFD.