

LFC Requester: \_\_\_\_\_

**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:** \_\_\_\_\_ *Check all that apply:*  
**Bill Number:** SB489-630 Original  Correction   
 Amendment  Substitute

**Sponsor:** Representative Lopez **Agency Name and Code** HCA  
**Short Title:** BH for Children **Number:** \_\_\_\_\_  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0	N/A	N/A

(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>	N/A	N/A	N/A	N/A	N/A	N/A

(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: Senate Bill 489 is an act authorizing the Children's Court to require a child who has been adjudicated as abused or neglected over the age of 14 to participate in court-ordered behavioral health services or treatment without the consent of the legal custodian.

#### **FISCAL IMPLICATIONS**

There are no direct fiscal implications for the Health Care Authority (HCA). However, if the bill leads to an increase in demand for behavioral health services, there could be broader cost implications related to Medicaid and state-funded behavioral health services.

#### **SIGNIFICANT ISSUES**

Court-ordered treatment may impact outcomes. Court-mandated treatments imply a dual role for therapy providers not only of caring for, but also of having control over, involuntary clients. The impact of legal coercion on the therapeutic relationship and feelings of stigma is widely regarded as negative and detrimental for treatment outcomes. While mandated therapy provides external motivation to attend treatment, voluntary clients are normally believed to be intrinsically motivated. [Mandated Treatment and Its Impact on Therapeutic Process and Outcome Factors - PMC.](#)

The bill highlights the need for safeguards to ensure that court-ordered treatment is trauma-informed, evidence-based, and does not disproportionately rely on punitive measures. Additionally, balancing the rights of minors to consent to their own treatment (a protection granted to youth aged 14 and older under current law) with the need for intervention in cases of severe risk requires careful judicial consideration.

#### **PERFORMANCE IMPLICATIONS**

Court ordering treatment for those over 14 could increase the need for access to care and expand the need for behavioral health workforce in New Mexico, which may have a performance implication for Health Care Authority (HCA).

The HCA may need to assess network adequacy and collaborate with providers to ensure capacity for increased referrals resulting from court orders. Additionally, performance measures related to treatment engagement and outcomes may need to be tracked to evaluate the bill's impact.

#### **ADMINISTRATIVE IMPLICATIONS**

HCA would collaborate with Children Youth & Families Department to ensure court-ordered treatment for behavioral health and substance use services is available for the specialized behavioral health services such as Certified Community Behavioral Health Clinics and Intensive Outpatient treatment for those over 14. This may involve:

- Strengthening partnerships with behavioral health providers to expand capacity for court-ordered treatment.
- Ensuring Medicaid and other funding streams support services for adjudicated youth.
- Monitoring compliance with federal and state regulations regarding minors' treatment rights.

No IT impact.

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

Although the court or the agency stands in loco parentis for minors adjudicated as abused or neglected, compelling treatment without consent raises potential constitutional concerns. Both federal and state legal precedents emphasize due process rights, particularly in cases involving medical and behavioral health treatment. Ensuring that judicial determinations are individualized, evidence-based, and include due process protections will help mitigate potential legal challenges.

Additionally, this bill intersects with existing policies on youth consent for behavioral health services. The bill should clarify how it aligns with New Mexico's existing statutes that grant minors over 14 the right to consent to their own treatment.

## **TECHNICAL ISSUES**

Section 1. A uses the term "substance abuse" and should be changed to "substance use"

## **OTHER SUBSTANTIVE ISSUES**

The success of court-ordered treatment hinges on provider capacity and engagement strategies. Expanding access to trauma-informed, culturally competent care will be necessary to achieve positive outcomes.

Further clarification may be needed regarding how courts determine when treatment is "necessary" and how youth rights are balanced in the judicial decision-making process.

Consideration should be given to data tracking and reporting requirements to evaluate the effectiveness of mandated treatment on behavioral health outcomes for adjudicated youth.

## **ALTERNATIVES**

None

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

Status Quo

## **AMENDMENTS**

None