

LFC Requester:	
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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}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 2025-02-06
Bill No: SJR8

Sponsor(s) William P. Soules
 :

Agency Name and Code CYFD 69000
Number:

Person Writing Dawn Walters
Analysis:

Short Title: RIGHTS OF CHILDREN,
 CA

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

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ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

SJR8 proposes an amendment to Article 2 Bill of Rights of the New Mexico Constitution and expressly adds a Bill of Rights for children in New Mexico which would provide children in New Mexico with the right to basic necessities including medical, dental, and mental health care, nutritious food, safe housing, education beginning in early childhood, mentorship, recreation, and other services to promote long-term well-being and success. The resolution also acknowledges that these provisions could not be followed or met until additional legislation is passed to make it feasible.

FISCAL IMPLICATIONS

If this resolution were enacted, it would substantially impact many state agencies including the Children, Youth and Families Department and would require the development and implementation of new laws, programs, and services and an indeterminate amount of additional general funding to guarantee these proposed rights. Due to the vagueness and broadness of the Rights, there is no way to calculate and identify just how significant the fiscal impact on the state would be.

For example, to achieve only the first of the ten listed Rights, there would be substantial and incalculable costs to train, recruit, and hire enough medical, dental, and behavioral health providers, given the ongoing shortages and level of need in New Mexico. The proposed Rights in the resolution are broad and far-reaching.

In 2022, there were approximately 527,861 children in New Mexico. The average number of children per household is 1.94, so there were approximately 272,093 households with children in New Mexico in 2022. If internet access in a home

costs \$50/month, that would be a cost of \$163 million annually to ensure childhood access to internet in addition to costs for building additional infrastructure needed to obtain internet access.

SIGNIFICANT ISSUES

The amendment does not set out a mechanism for enforcement of the Rights. Minors lack the legal capacity to initiate legal action, and this would normally be done by a parent or caregiver on their behalf. In this case, this would also likely be the person responsible for violating the Rights. Absent a way to enforce these Rights, it is likely that violations would result in an increase of abuse and neglect referrals and a conflation between a violation of these Rights and the definitions of abuse and neglect under the New Mexico Children's Code.

PERFORMANCE IMPLICATIONS

While the Children, Youth and Families Department already strives to provide these necessities listed in the resolution, the enactment of this amendment would possibly lead to an influx of reports and investigations to CYFD for violations of these rights. If these Rights are enforceable and create a cause of action for children in New Mexico, this would possibly open up CYFD to enormous civil liability and numerous lawsuits on behalf of children in foster care.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

These Bills of Rights are not directly in conflict with the Children's Code's definitions of abuse and neglect.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

This amendment, specifically Right #4, imposes values and norms for all families and does not adequately take into consideration cultural differences and lifestyle choices.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Ensuring the basic necessities set out in the Bill of Rights is key to the success of children in New Mexico, but the amendment is far too broad and lacks the necessary enforcement mechanism to do anything but cause confusion. Without these necessary pieces, SJR8 would likely not achieve its desired outcomes.

AMENDMENTS

None.