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FISCAL IMPACT REPORT

SPONSOR <u>López/Sedillo Lopez</u>	LAST UPDATED _____
	ORIGINAL DATE <u>2/20/2025</u>
SHORT TITLE <u>Crossover Youth Act</u>	BILL NUMBER <u>Senate Bill 428</u>
	ANALYST <u>Garcia</u>

APPROPRIATION* (dollars in thousands)

FY25	FY26	Recurring or Nonrecurring	Fund Affected
	\$100.0	Recurring	General Fund

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
CYFD	No fiscal impact	At least \$100.0	At least \$100.0	At least \$200.0	Recurring	General Fund

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Relates to an appropriation in the General Appropriation Act
Relates to House Bill 134, House Bill 163, House Bill 434, Senate Bill 26, and Senate Bill 326

Sources of Information

LFC Files
Annie E. Casey Foundation
U.S. Office of Juvenile Justice and Delinquency Prevention, Journal of Juvenile Justice
New Mexico Children’s Code Reform Taskforce June 2024 Report

Agency Analysis Received From
Office of Family Representation and Advocacy (OFRA)
Administrative Office of the Courts (AOC)
Administrative Office of the District Attorneys (AODA)

Agency Analysis was Solicited but Not Received From
Children, Youth and Families Department (CYFD)
Law Office of the Public Defender (LOPD)

Because of the short timeframe between the introduction of this bill and its first hearing, LFC has yet to receive analysis from state, education, or judicial agencies. This analysis could be updated if that analysis is received.

SUMMARY

Synopsis of Senate Bill 428

Senate Bill 428 establishes a “cross-over youth program” within the Children, Youth and Families Department (CYFD) to serve:

- “Cross-over youth,” which the bill defines as a child who is simultaneously involved in both the child welfare and juvenile justice systems, whether or not a child has been adjudicated in those systems.
- “Dually involved eligible adults,” which the bill defines as a person who is being served by the Foster Connection program and who is simultaneously involved in the juvenile justice system or adult criminal system.

The program would hire a coordinator to facilitate coordination between Protective Services and Juvenile Justice Services within CYFD, the Fostering Connections Program, and the adult criminal justice system; collect and report data related to people in the program; and deliver mandatory training to professionals in the judicial, juvenile justice, and child protection systems.

Senate Bill 428 also details procedures related to collaboration between CYFD, the Public Education Department (PED), the Department of Health (DOH), and the Health Care Authority (HCA) related to crossover youth and establishes the right for children in CYFD custody to have visits from family when the court allows.

Senate Bill 428 also amends sections of the Delinquency Act to require that the crossover youth’s parent, guardian, or custodian, the crossover youth’s attorney and guardian ad litem, and the Protective Services Division of CYFD must be given reasonable notice of by the juvenile probation officer and an opportunity to be present at the preliminary inquiry of a crossover youth who is detained. Senate Bill 428 would also require a petition to revoke probation of a crossover youth to include a statement filed by the Juvenile Justice Services Division of CYFD that the division made reasonable efforts to help the crossover youth with successful completion of all probation requirement, including the details of such efforts.

Senate Bill 428 appropriates \$100,000 from the general fund to the Children, Youth and Families Department to create and staff the crossover youth program.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

Senate Bill 428 appropriates \$100 thousand to the Children, Youth and Families to establish a crossover youth program within the agency.

The bill requires that the agency hire a coordinator to implement the program and provide coordination and training within CYFD and across agencies. Currently, the average cost of a position with Protective Services and Juvenile Justice, including salary and benefits, is roughly \$100 thousand. This appropriation is not contained with the HAFC substitute for the General Appropriation Act and may be insufficient to establish and implement the program as outlined in

Senate Bill 428. However, CYFD has significant resources, including unused resources, within the Juvenile Justice Services program that could be used to implement the program and support crossover youth. In FY24, the Juvenile Justice Services budget was \$81 million, while actual spending was \$74 million, and the Juvenile Justice Services program within CYFD has had significant reversions in recent years.

The Administrative Office of the Courts (AOC) notes potential minimal administrative costs for statewide update, distribution, and documentation of statutory changes and potential fiscal impacts to any changes to statute that may result in increased court activities. AOC also reports potential costs associated with collaborating with CYFD to develop and deliver mandatory training related to crossover youth.

The Office of Family Representation and Advocacy (OFRA) reports the bill will not have a fiscal impact on the agency unless guardians ad litem and youth attorneys in foster care cases are required to participate in juvenile justice planning or proceedings, which could increase workload.

SIGNIFICANT ISSUES

Youth involved in both the child welfare and juvenile justice systems are referred to as “crossover,” “dually-involved,” or “dually-adjudicated” youth. According to the Annie E. Casey Foundation, involvement in both systems is associated with higher risks for behavioral health, educational, and vocational challenges, higher rates of recidivism, longer stays in detention, and poorer placement stability and permanency outcomes. The foundation reports national data related to crossover youth which indicate:

- 92 percent of crossover youth are first involved in the child welfare system;
- 40 percent are female, which is disproportionately high compared to the general juvenile justice population;
- 83 percent experience challenges with behavioral health or substance use; and
- Youth who experience child maltreatment are at 47 percent greater risk of becoming involved in delinquency, compared to youth in the general population

According to a report developed by the LFC for the Senate Memorial 5 Taskforce, national research indicates between 7 percent and 29 percent of youth with a history of child welfare system involvement are estimated to have also touched the juvenile justice system at some point, and between 45 percent and 83 percent of youth in the juvenile legal system nationally have a history of child welfare involvement.

A 2015 study published by CYFD in the peer-reviewed *Journal of Juvenile Justice* concluded 23 percent of Juvenile Justice Services clients in New Mexico had a history of substantiated Protective Services involvement, and 34 percent had some interaction with Protective Services. This study noted on average children who experience maltreatment begin committing crimes at younger ages, commit nearly twice as many offenses, and are arrested more frequently. The study concluded that the identification of risk factors influencing the development of behavioral challenges that lead to juvenile justice involvement will help to identify future children at risk. The study also noted that preventing a life of crime for a high-risk youth results in an estimated reduction in costs to society of between \$2.6 million and \$5.3 million by age 18.

New Mexico has the ability to track and examine data and trends related to dually-involved youth but has not done this analysis in at least a decade. CYFD has reported to the LFC that a lack of integrated data systems hinders the ability of the department to match and track crossover youth.

In 2024, the Children’s Code Reform Taskforce issued a report recommending the state adopt legislation to define terms related to crossover youth and allow for the accurate tracking of data concerning crossover youth and establish a position within CYFD to support these youth.

PERFORMANCE IMPLICATIONS

AOC notes Senate Bill 428 may have an impact on performance measures which include cases filed and disposed.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with House Bill 134, House Bill 163, House Bill 434, Senate Bill 26, and Senate Bill 326, all of which make changes to the Delinquency Act.

Relates to the HAFC substitute for the General Appropriations Act, would appropriate a total of \$82 million for the Juvenile Justice Services Program within CYFD but does not include a specific appropriation for the purposes outlined in Senate Bill 428.

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