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## FISCAL IMPACT REPORT

ORIGINAL DATE 3/14/07

SPONSOR Komadina LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

Change Children, Youth and Families Department

SHORT TITLE Name SB 157

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ANALYST Lucero

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		Indeterminate*			Non- Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

\*See Narrative

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Children, Youth and Families Department (CYFD)

Aging and Long Term Services Department (ALTSD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 157 proposes to change the name of the Children, Youth and Families Department (CYFD) to the Infants, Children, Youth and Families Department. The bill also transfers all personnel, property, contracts and references in law.

The bill also amends the CYFD enacting legislation to identify the Infants, Children, Youth and Families Department as the responsible agency for the administration of the Adult Protective Services Act.

### FISCAL IMPLICATIONS

The bill does not appropriate funds for costs associated with changing the name of the Department such as: advertising and promotional item changes, publication changes, signage at statewide locations, stationary, business forms and cards etc. These costs are unknown at this time and are not funded.

Additionally, considerable costs would be incurred as all official CYFD policies would have to be revised and those revisions promulgated, requiring publication of notice, public hearings, and

inclusion in the State Register.

Due to what appears to be a technical issue (see below), proposed amendments to the Adult Protective Services Act included in this bill do not reflect previously enacted legislation moving that responsibility to the Aging and Long Term Services Department and, if enacted, this bill appears to supersede that legislation thereby returning the responsibility to CYFD without transferring the resources and funding.

### **SIGNIFICANT ISSUES**

Currently, by definition of law, any person under the age of 18 is considered a child and therefore infants are already included.

In addition to the fiscal concerns noted above, all references to CYFD in the New Mexico Children's Code (Chapter 32A) would have to be amended.

### **PERFORMANCE IMPLICATIONS**

None identified

### **ADMINISTRATIVE IMPLICATIONS**

Considerable administrative efforts would be required to make the required name change and inform CYFD's clients, customers, partner agencies and organizations, and contractors of the name change. Additionally, federal agreements, grants, and contracts could be affected and need modification.

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

None identified

### **TECHNICAL ISSUES**

Sections 21-22, pages 22 (line 21) – 28 (line 12) reference the Adult Protective Services Act as still begin the responsibility of CYFD contrary to legislation enacted in a prior session transferring that responsibility to the Aging and Long Term Services Department.

Section 20 makes reference to the Adult Protective Services Act and changes the name of the Department in charge of Adult Protective Services from the Children, Youth and Families Department to the Infants, Children, Youth and Families Department. This directly conflicts with the enabling legislation of the Aging and Long-Term Services Department, NMSA 9-23-1 to 9-23-12 enacted in a prior session. The Aging and Long-Term Services Department is now in charge of the Adult Protective Services Division which is responsible for the administration of the Adult Protective Services Act. Furthermore, legislation is being introduced this session to amend the Adult Protective Services Act, which would create further conflicts with this bill if this section remains.

Section 21 further relates to the Adult Protective Services Act and amends the Long-Term Care Ombudsman Act to change the name of the agency responsible for that act from the State Agency on Aging to the Aging and Long-Term Services Department. Although the name has

changed from Agency on Aging to the Aging and Long-Term Services Department, NMSA 9-23-1 to 9-23-12 already made that change. Since this section is in further reference to the APS Act, which is being amended this session, additional statutory conflict could occur if this section remains.

**OTHER SUBSTANTIVE ISSUES**

CYFD recognizes the importance of infant and parent services and is strongly emphasizing such program development.

**ALTERNATIVES**

Sections 20 and 21 should be deleted, as they pertain to the Adult Protective Services, which has been completely transferred to the Aging and Long Term Services Department.

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

Status Quo

DL/nt