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FISCAL IMPACT REPORT

ORIGINAL DATE 02/14/13

SPONSOR Padilla LAST UPDATED _____ HB _____

SHORT TITLE Domestic Violence Reports Service Referrals SB 407

ANALYST Aledo-Sandoval

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	-0-	\$9,400.0	\$9,400.0	\$18,800.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General’s Office (AGO)
 Public Defender Department (PDD)
 Department of Public Safety (DPS)
 Children, Youth and Families Department (CYFD)

SUMMARY

Synopsis of Bill

Senate Bill 407 makes the following changes to the Family Violence Protection Act:

- Inserts two legislative findings:
 - Domestic abuse presents a grave threat to the well-being of members of the households in which it occurs, and allegations of domestic abuse must be referred to law enforcement for prompt investigation.
 - Households in which domestic abuse has occurred may be in need of services to assist the household in avoiding further incidents or allegations of domestic abuse.
- Defines “department” and “petitioner”
- Adds a new section: Mandatory Reporting – Investigation – Referral:
 - Any person not privileged as a matter of law that has knowledge or a reasonable suspicion of domestic abuse must immediately refer the allegation of domestic abuse to local or tribal law enforcement.
 - The law enforcement agency receiving the report of domestic abuse is required to transmit details in writing, including the name, address, and

contact information of the reporter to the CYFD who will then coordinate with law enforcement to take immediate actions to ensure prompt investigation and to protect the health and welfare of household members.

- The CYFD is also required to ensure that the members of the household receive behavioral health or social services as appropriate to address the needs of household members after the incident or allegation of domestic abuse and to avoid any further incidents or allegations of domestic abuse.

FISCAL IMPLICATIONS

According to the CYFD, additional staff would need to be hired to take calls, investigate reports of alleged domestic violence, complete assessments and provide case management services to ensure that those families affected received all necessary services. The CYFD states that in 2011, law enforcement reported nearly 19 thousand incidences of domestic violence statewide. The CYFD estimates the costs associated with handling a similar caseload at approximately \$9.4 million to provide intake, investigations, and case management. This is based on 182 FTE.

The CYFD adds that it would need to develop a reporting and tracking system to ensure all reports were investigated and resolved.

The DPS indicated that the fiscal implications of SB 407 are undetermined.

SIGNIFICANT ISSUES

The AGO cautions that there are potential unintended consequences of the mandatory reporting and especially mandatory reporting of the name and personal information of the person calling in to law enforcement, including retaliation against the reporter.

According to the CYFD, SB 407 would increase the number of reports of alleged domestic violence incidents not involving child endangerment for investigation by law enforcement. The CYFD asserts that domestic violence advocates express strong concern regarding any type of mandated reporting for fear of retaliation by the batterer; disempowerment of survivor/victim; unintentional lack of protection by intervening systems; damages relationship between service provider and survivor/victim (Accessing Safety; Futures without Violence, Florida Coalition Against Domestic Violence). However, one article stated that while a focus group of abused women expressed overall opposition to mandatory reporting, they believed it could make needed police protection more easily available (The Future of Children, 2011).

The CYFD provided the following additional information:

There is no evidence-based research related to mandatory reporting of domestic violence not involving children. Kentucky enacted a similar law for married persons only; although there was no research available regarding effectiveness. No national information was found regarding mandatory reporting of domestic violence with no children involved to law enforcement and child welfare agencies responsibility to investigate and make referrals to those families.

Many states identified various service providers such as physicians, nurses, emergency room personnel, dentists, and pharmacists as mandated reporters of domestic violence.

The Florida Coalition Against Domestic Violence published an article stating that mandatory reporting of domestic violence can actually discourage battered women from seeking medical care for injuries. In addition, batterers who withhold medical treatment for their victims as a means of abuse will disallow access to treatment altogether if mandatory reporting becomes the norm (Daire, Rev 2-10-12, The Case Against Mandatory Reporting of Domestic Violence Injuries). However, one study that interviewed 24 female victims of domestic violence in Kentucky indicated that they were generally supportive of the mandatory reporting law and felt that professionals should be required to report. They did not feel that the report placed them at higher risk of revictimization or loss of children to child protective services (Antle, Barbee, Yankeelov, & Bledsoe, 2010, Journal of Family Social Work).

ADMINISTRATIVE IMPLICATIONS

The CYFD stresses that new and existing staff would need to receive specialized training to appropriately assess for domestic violence and ongoing supervision. Staff would also need to develop a database of current resources and referrals relevant to the families they are giving referrals to. This database would need to be updated continuously to ensure that the case management workers are able to make the appropriate referrals. Additionally, a screening tool or assessment would need to be created in order to provide the appropriate services to those families requiring services.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB407 has a relationship to SB 49, SB 132, SB 294, SB 429, SM 26, HM 32, HB 301, and HB 326.

OTHER SUBSTANTIVE ISSUES

The AGO notes that unlike in the cases of criminal misdemeanor penalties for failure to report child abuse and neglect, there are no criminal penalties in this statute for failure to report domestic abuse.

The DPS states that it is unclear if this requirement to transmit information to the CYFD will only apply when there is a belief that a child is involved, could be impacted, or is somehow related to the situation.

AMENDMENTS

The AGO suggests including provisions to encourage reporting while protecting privacy and rights of reporters of domestic abuse.

MCAS/blm