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FISCAL IMPACT REPORT

ORIGINAL DATE 02/19/13

SPONSOR Ryan LAST UPDATED _____ HB _____

SHORT TITLE Child Abuse and Abandonment Reporting SB 411

ANALYST Aledo-Sandoval

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)
 Children, Youth and Families Department (CYFD)
 Administrative Office of the Courts (AOC)
 Department of Health (DOH)
 Department of Public Safety (DPS)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

Senate Bill 411 makes the following changes to the abandonment or abuse of a child section of the criminal code:

- Adds four new section:
 - (L.) Includes a detailed list of persons who are required to report reasonable suspicion that a child has been abandoned or abused. The new section states “every person that is not privileged as a matter of law, who knows or has a reasonable suspicion that a child has been abandoned or abused, shall report the matter immediately.” SB 411 also lists licensed physicians, residents or an interns examining, law enforcement officers, judges, registered nurses, visiting nurses, school officials, social workers, and members of the clergy. This section also specifies that reports are required to be made to a local law enforcement agency, the CYFD, or a tribal law enforcement or social services agency.
 - (M.) The entity receiving the report is required to take immediate action to

ensure prompt investigation and to protect the health and welfare of the alleged abandoned or abused child as well any other child under the same care or exposed to the same circumstances. The bill specifies that a local law enforcement officer trained in the investigation of child abandonment, abuse and neglect is responsible for investigating reports of alleged child abandonment or abuse at schools, universities, daycare, or childcare facilities.

- (N.) Allows law enforcement agency or the CYFD access to any records pertaining to any child abandonment or abuse case maintained by any of the persons named in this section.
- (O.) Provides civil or criminal immunity for a person making a report in good faith or participating in a judicial proceeding as a result of a report.

FISCAL IMPLICATIONS

No fiscal implications were stated by the responding agencies.

SIGNIFICANT ISSUES

The PDD, the DPS, and the CYFD all note that language in this bill already exists in the Children’s Code, except for the good faith provision and that SB 411 does not set forth a penalty for the failure to report.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

CYFD indicated that SB 411 conflict with SB 252. SB 252 amends the Children’s Code such that CYFD, law enforcement, or both shall be responsible for investigating reports of abuse or neglect in childcare facilities, shelter care homes or residential facilities. SB411 states that only a local law enforcement officer shall be responsible for investigating reports of alleged child abandonment or abuse at schools, universities, daycare facilities or childcare facilities.

SB411 is also related to HB 86

OTHER SUBSTANTIVE ISSUES

The PED provided the following additional information:

Current Public Education Statute requires that licensed school employees complete training in the detection and reporting of child abuse, neglect, and substance abuse. This requirement shall be completed within the licensed school employee's first year of employment by a school district, 22-10A-32 NMSA 1978. SB411 protects licensed school employees from civil or criminal liability.

MCAS/blm