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FISCAL IMPACT REPORT

ORIGINAL DATE 2/25/15

SPONSOR Ruiloba LAST UPDATED _____ HB 418

SHORT TITLE CYFD Referrals for Runaway Children SB _____

ANALYST Klundt

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	TBD	TBD	TBD		Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)
 Administrative Office of the Courts (AOC)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 418 amends Chapters 29 Law Enforcement and Chapter 32A Children’s Code of the New Mexico Statutes to create new procedures for dealing with runaway children. Specifically, the bill mandates 1) immediate notification to the Children, Youth and Families Department (CYFD) when a child is a runaway, 2) immediate notification of CYFD when a law enforcement locates the runaway, 3) more contact between CYFD and the child/child’s family in cases of runaway children who return home voluntarily, including the requirement that CYFD will meet with children and their parents to assess whether the family is in need of services (e.g., referrals to services such as school-based health services or other appropriate services) and 4) mandates that parents, guardians, and custodians of children report a child as runaway who has been absent for 36 hours or more, or face a criminal sanction (petty misdemeanor) for failure to report.

FISCAL IMPLICATIONS

There is no appropriation include in this bill, however CYFD believes this bill may have significant fiscal implications regarding caseloads due to the requirement of investigations in this bill.

The AOC reports there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced hearings. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

The bill requires that CYFD be “notified” by law enforcement of every report of a runaway child. Historically, notification of CYFD in such circumstances would be in the form of a referral, which is accepted for investigation only if there was reasonable suspicion of neglect or abuse by the parent, guardian, or custodian. If there is no reasonable suspicion of neglect or abuse then agency states the Protective Services program does not currently have the authority to investigate. This bill includes additional authority and responsibility for CYFD to investigate runaway children under the Abuse and Neglect Act of the Children’s Code.

In addition, this bill requires the department “shall contact” the child and the parent, guardian or custodian to “determine whether the child and family are in need of services” when a child is returned home “voluntarily”. Currently, CYFD is developing a similar system for family services, Families in Need of Court Ordered Services.

Nationally, as many as one in seven youth will run away at some point between the ages of 10 and 18 years of age. Given that approximately 12 percent of New Mexico’s population falls within that age range, this bill could result in as many as 2,000 additional investigations for CYFD per year, an increase of 10 percent the agencies FY14 investigation caseload. The department is concerned this may strain resources.

However, the AOC believes this bill could bring child related cases to the courts’ attention faster and provide additional supports to minor children if needed. Stabilizing and strengthening families through collaborative planning and working collaboratively at the local level with all partners could improve delays within the system.

OTHER SUBSTANTIVE ISSUES

The Protective Services program conducts child abuse and neglect investigations and offers services such as in-home services, treatment, and foster and adoptive placements. Currently, the average monthly caseload is 21.8 for permanency planners and 14.5 for investigators. The Child Welfare League of America recommends permanency planning workers have an average of 12 to 15 and 12 investigations per worker per month. The FTE expansion would decrease the average monthly caseload to 15.4 for permanency planners and 10.4 for investigators. In FY14, the agency reported an increase in the number of children subjected to repeat maltreatment. An LFC evaluation found that 36 percent of children who are the victim of a substantiated case of maltreatment will be abused or neglected again before they are 18. The report found CYFD dedicated little resources for preventative services to reduce repeat maltreatment.