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## FISCAL IMPACT REPORT

ORIGINAL DATE 3/4/15

SPONSOR Ruiloba LAST UPDATED \_\_\_\_\_ HM 111

SHORT TITLE Runaway Child & Family Protective Services SB \_\_\_\_\_

ANALYST Klundt

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

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Education Department (PED)

Children, Youth and Families Department (CYFD)

### SUMMARY

House Memorial 111 requests the Children, Youth and Families Department (CYFD) and certain law enforcement agencies and public schools to study and develop a pilot approach to identify and provide protective or supportive services to runaway children and their families. The task force shall study approaches and costs to improve the communication between agencies to enable earlier identification of children and families in need of protective or supportive services.

The task force should include representatives from the Children, Youth and Families Department, the Bernalillo county sheriff's office and the Albuquerque Public School District. Additionally, it requires that those representatives identify a law enforcement agency from a community with a population of seventy-five thousand or less and a public school in a community with a population of seventy-five thousand or less and them to designate representatives to participate in the task force.

The task force is further requested to report its findings and make recommendations for proposed legislation with funding to the appropriate interim committee dealing with courts, corrections and justice issues by November 15.

### FISCAL IMPLICATIONS

There is no appropriation contained in this bill and any additional resources necessary to execute this memorial can be absorbed by existing resources at the Children, Youth and Families

Department (CYFD).

## **SIGNIFICANT ISSUES**

The U.S. Department of Education's (USDE) requires all state school districts and state chartered schools to submit performance reports on an annual basis. This report is called the Consolidated State Performance Report (CSPR). The CSPR for School Year 2013-2014 identified that New Mexico has at least 11,952 homeless students.

Albuquerque Public Schools (APS) and Moriarty-Edgewood are the only two school districts within Bernalillo County. APS reported 5,530 homeless students in 2013-2014 and Moriarty-Edgewood reported 281.

The National Runaway Safeline estimates that between 1.6 and 2.8 million youth in the U.S. run away in a year. One in 7 kids between the ages of 10 and 18 will run away at some point. Many of these runaways are teens under the age of 18 who leave their home or place of legal residence without the permission of parents or a legal guardian and they come from every social class, race, and religion.

The National Runaway Switchboard notes that family reunification is not always a realistic option for runaway and homeless youth who left homes marked by violence and abuse or other severe family dysfunction. They recommend determining what circumstances would allow for a youth who has been abused or mistreated to safely return home and including intensive family counseling, family mediation, or other treatment or support. These youth may be safer in transitional living programs or emancipation may need to be considered.

Currently, an officer can make a referral to CYFD when there is an allegation of abuse or neglect by a child who is a runaway. In many of the cases which are so referred, CYFD does not have any legal authority to intervene.

However, a recent LFC report stated that while the agency may not authority or intervene, a system of referrals for services to prevent additional or future crisis situations may improve outcomes and keep children safe. New Mexico spends about \$113 million through the Child Protective Services Division responding to child maltreatment, through investigation, in-home services, foster care, adoption and associated administrative costs. CPS spends most of its funding on foster care, adoption and administration.

Research shows that investing in families before it is necessary to remove children is a safer, more cost-effective approach. It is such research on which the implementation of evidence-based programs is based. Evidence-based programs are approaches that have proven results which are demonstrated through rigorous evaluation. Proven results could reflect that programs are effective or that programs are ineffective regarding outcomes of participants.

Casey Family Programs has cited that some states are using one or more evidence-based approaches to prevent unnecessary out-of-home-placements including alternative or differential response systems, family-based services such as parent-child interaction therapy (PCIT) and Triple P Positive Parenting Program, Nurse-Family Partnerships, and SafeCare among others.

## **RELATIONSHIP**

House Bill 29 amends Section 32A-4-3 NMSA 1978, to clarify language regarding the duty to report child abuse and neglect. Specifically, the change simplifies and expands the class of persons having a legal duty to report child abuse and neglect to include “every person” who “has information that is not privileged as a matter of law and who knows or has a reasonable suspicion that a child is an abused or neglected child.”

Senate Bill 456 amends Section 32A-4-3 NMSA 1978, relating to the duty to report child abuse and neglect. This bill strikes language from subsection (A) listing categories required to report, leaving a requirement that “every person” is under a duty to report. Where the codified statute limits the duty to report to instances of abuse committed by parents, guardians or custodians, SB 456 expands this duty by requiring “everyone” to report any person reasonably suspected of child abuse or neglect. This bill also adds a reference to the legal definitions of abuse and neglect for purposes of reporting. Finally, proposed subsection (B) carves out an exception from the duty to report for clergy in receipt of information obtained during confidential spiritual communications.

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.

## **OTHER SUBSTANTIVE ISSUES**

Page 3 indicates that families would be well-served if the law enforcement, CYFD, and public schools were authorized to share information to provide protection and support to runaway children and their families. The process in which different entities would share such information is undefined. Any process would need to adhere to the Family Educational Rights and Privacy Act (FERPA). Additionally, New Mexico has an existing state statute (32A-4-3, NMSA 1978) that addresses reporting requirements and processes in relation to child abuse and neglect that would need to be considered.

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