

<b>LFC Requester:</b>	<i>Felix Chavez</i>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 1/28/25 *Check all that apply:*  
**Bill Number:** HB 57 Original  Correction   
 Amendment  Substitute

**Sponsor:** P Herndon **Agency Name and Code:** NM CVRC/ 78000  
**Short Title:** Attorneys for Indigent Domestic Abuse Victims **Number:** \_\_\_\_\_  
**Person Writing:** Claire Harwell/Frank Zubia  
**Phone:** 505-553-1223 **Email:** Frank.Zubia@cvrc.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	0	0

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	0	0

(Parenthesis ( ) indicate revenue decreases)

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

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	0	0	0	0	0	0

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: SB 26, HB 123  
Duplicates/Relates to Appropriation in the General Appropriation Act: n/a

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

*The bill defines an indigent victim of family violence broadly by including expenses for the victim and dependents and sets the standard as undue hardship for inability to pay. Courts would determine indigency at the victim's first appearance in court. The victim would attest, under penalty of perjury, to her/his ability to pay for legal representation. The courts would assign counsel for representation of qualifying victims. Assigned counsel would be protected from liability for action and inaction in the representation.*

Synopsis: *The proposed law adds a definition of "indigent" to the Family Violence Protection Act, creates a process for courts to determine indigency in Family Violence cases, and insulates legal practitioners from liability for representation of indigent victims in those case.*

#### **FISCAL IMPLICATIONS**

*None to CVRC.*

*CVRC currently provides funds for this type of representation (assistance with orders of protection, emergency custody & visitation procedures, and other civil legal assistance upon approval ) with a \$2000 cap on payment for these services. Attorneys have declined to accept these cases due to the amount of the cap.*

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### **SIGNIFICANT ISSUES**

*Due to New Mexico's high rate of poverty and high rate of family violence, there would be a high demand for this legal representation. Duration of some of the representation would be multi-year. A lot of attorneys would be needed to fill the need for this representation.*

#### **PERFORMANCE IMPLICATIONS**

*The Supreme Court would need to promulgate rules for the attorney assignment process by the court. The Administrative Office of the Courts would need to successfully recruit sufficient numbers of attorneys to take on this representation. A training program for attorneys may be needed.*

#### **ADMINISTRATIVE IMPLICATIONS**

*None noted.*

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

*SB 26 changes the name of the Family Violence Act, this bill would need similar language changes should SB 26 be enacted.*

*HB 123 creates a new cause of action for equitable relief which could be the subject of representation under this bill.*

**TECHNICAL ISSUES**

*None noted.*

**OTHER SUBSTANTIVE ISSUES**

*None noted.*

**ALTERNATIVES**

*None suggested.*

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

*Most family violence victims will continue to be unrepresented and unsuccessful at claiming their legal rights. Crime victims are at considerable disadvantage in attempting self representation in legal processes. Psychological trauma and stress in the unfamiliar legal setting combine to create unjust results.*

**AMENDMENTS**

*None suggested.*