

LFC Requester:	Klundt
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

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(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: 2/18/25 *Check all that apply:*
Bill Number: HB 373 Original Correction
 Amendment Substitute

Sponsor: Rep. Pamela Herndon **Agency Name and Code:** AOC 218
Short Title: Revised Uniform Parentage Act **Person Writing:** Kathleen Sabo
Title: Revised Uniform Parentage Act **Phone:** 505-470-3214 **Email:** aoccaj@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Conflicts with SB 417 (amending the Adoption Act and the Uniform Parentage Act to provide for confirmatory adoptions).

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 373 enacts the Revised Uniform Parentage Act (RUPA), consisting of the following articles and parts:

- **Article 1:** General Provisions
- **Article 2:** Parent-Child Relationship
- **Article 3:** Voluntary Acknowledgment of Parentage
- **Article 4:** Registry of Paternity
- **Article 5:** Genetic Testing
- **Article 6:** Proceeding to Adjudicate Parentage
 - **Part 1:** Nature of Proceeding
 - **Part 2:** Special Rules for Proceeding to Adjudicate Parentage
 - **Part 3:** Hearing and Adjudication
- **Article 7:** Assisted Reproduction
- **Article 8:** Surrogacy Agreements
 - **Part 1:** General Requirements
 - **Part 2:** Special Rules for Gestational Surrogacy Agreements
 - **Part 3:** Special Rules for Genetic Surrogacy Agreements
- **Article 9:** Information About Donor
- **Article 10:** Miscellaneous Provisions

HB 373 also amends existing statutory sections, as follows:

- **Section 24-14-16 NMSA 1978**, governing judicial procedure to establish facts of birth: language change from NM UPA to RUPA.
- **Section 32A-5-20 NMSA 1978**, governing the putative father registry and requiring notice and providing a penalty: language change as above and changing “regulations” to “rules”.
- **Section 40-4-9.1 NMSA 1978**, governing joint custody, standards for determination and parenting plans: language changes to allow, in law, for the existence of more than two parents (e.g. changing “either parent” to “a parent” and “the other” to “another” parent), and to revise the definition of “parent” to mean “a parent as determined pursuant to the provisions of the RUPA or the Adoption Act or...”
- **Section 40-4-20 NMSA 1978**, governing, among other things, determination of paternity when death occurs during specified proceedings: removes “annulment of marriage” and adds “to void a marriage” as a proceeding.
- **Section 40-9-2 NMSA 1978**, governing children, visitation by grandparent, petition for visitation and mediation: language changes to accurately reference the “Uniform Child-Custody Jurisdiction and Enforcement Act” and RUPA.
- **Section 40-10B-3 NMSA 1978**, governing definitions as used in the Kinship Guardianship Act: language change in the definition of “parent” to reference the RUPA.

HB 373 provides that the provisions of the RUPA apply to actions commence on or after January 1, 2026.

The effective date of the Act is January 1, 2026.

FISCAL IMPLICATIONS

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 any increase in the number of parentage cases filed and actions related to gestational agreements, as well as additional judicial resources potentially needed when adjudicating parentage. 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

1. HB 373 seeks to update language used in the Uniform Parentage Act to specify that children born to opposite-sex and same-sex parents can have their parentage established similarly. The language in HB 373 is gender neutral.
2. HB 373 expands who may be established as a parent to include "de facto parent". See, 40-11B-609. A de facto parent can request to be adjudicated the parent of a child based on the relationship the de facto parent has with the child, not based on biology or adoption. This may increase the number of parentage cases filed.
3. Section 40-11B-614 precludes a man from being adjudicated a parent of a child if the child is under two years of age and the woman who gives birth demonstrates by clear and convincing evidence in the parentage action that the man committed criminal sexual penetration and the child was born not later than 300 days after the criminal sexual penetration. Current law requires a conviction of criminal sexual penetration to prevent a man from being adjudicated a parent of the child, or to have his name removed from the birth certification. See Section 40-16-1.
4. HB 373 would specifically authorize gestational agreements in New Mexico. Currently, gestational agreements are not authorized or prohibited. HB 373 provides specific terms for a gestational agreement to be valid and allows the child and the parties to inspect documents related to a gestational or genetic surrogacy but would seal or prevent the production of those documents to anyone other than the parties and the child, absent exigent circumstances. See Section 40-11B-806. This would likely increase the number of cases brought in New Mexico, including by parties who do not live in New Mexico but are seeking jurisdictions that allow for gestational agreements.
5. Section 40-11B-613(C), specifically authorizes the court to adjudicate more than two parents, "The court may adjudicate a child to have more than two parents pursuant to the Revised Uniform Parentage Act if the court finds that failure to recognize more than two parents would be detrimental to the child." This will likely make adjudicating parentage a longer process that involves more parties and extended trial time.
6. According to the Uniform Law Commission, UPA (2017) makes five major changes to the UPA:
First, UPA (2017) seeks to ensure the equal treatment of children born to same-sex couples. UPA (2002) was written in gendered terms, and its provisions presumed that

couples consist of one man and one woman.

...

Second, UPA (2017) includes a provision for the establishment of a de facto parent as a legal parent of a child. Most states recognize and extend at least some parental rights to people who have functioned as parents to children but who are unconnected to those children through either biology or marriage.

...

Third, UPA (2017) includes a provision that precludes establishment of a parent-child relationship by the perpetrator of a sexual assault that resulted in the conception of the child.

...

Fourth, UPA (2017) updates the surrogacy provisions to reflect developments in that area.

...

Finally, UPA (2017) includes a new article – Article 9 – that sets forth requirements and procedures regarding access to non-identifying medical history and identifying information regarding any gamete providers by children born through assisted reproduction and their parents.

See, Uniform Parentage Act (2017), Prefatory Note, <https://www.uniformlaws.org/viewdocument/final-act-96?CommunityKey=c4f37d2d-4d20-4be0-8256-22dd73af068f&tab=librarydocuments> . (Note: downloading the PDF version of the UPA will deliver the Final Act with comments.)

7. Although HB 373 closely follows the model RUPA promulgated by the Uniform Law Commission, there are a few differences, as follows:

- HB 373 does not contain Sections 402-415 that appear in the model Act and govern a registration of paternity.
- HB 373, Section 60, adds Subsection F and H that do not appear in the model Act.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with SB 417 (amending the Adoption Act and the Uniform Parentage Act to provide for confirmatory adoptions).

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

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