

LFC Requester:	Rachel Mercer-Garcia
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to 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: 02/12/2025 *Check all that apply:*
Bill Number: HB 382 Original Correction
 Amendment Substitute

Sponsor: Stefani Lord & Harlan Vincent **Agency Name and Code Number:** Office of Family Representation and Advocacy 68000
Person Writing Leslie Jones
Short Title: Expanding definition of family in need of court-ordered services **Phone:** 505-549-3905 **Email** Leslie.jones@ofra.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
	1,000,000	Non-recurring	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(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						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: **SB 362**
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Expands the Families in Need of Court Ordered Services (FINCOS) Act to include families “in which the parent, guardian or custodian was investigated by [CYFD and CYFD] found credible evidence that the child is an abused or neglected child as provided in the Abuse or Neglect Act.”

Provides a \$1 million appropriation to the Administrative Office of the Courts for FY25 for expansion of the Act.

FISCAL IMPLICATIONS

Extending the Act to include additional families will lead to an increase in FINCOS case filings and increased appointments of the Office of Family Representation and Advocacy (OFRA), which assigns counsel in these cases. The FINCOS Act requires the assignment of attorney guardians ad litem for children under 14 and attorneys for youth 14 and older. Although appointment of counsel for parents, guardians, and custodians is not mandatory in FINCOS cases, courts are likely to appoint OFRA for these parties “in the interests of justice” because of the significant rights and relationships at stake. No appropriation has been made to OFRA to account for the increased caseload that the legislature clearly anticipates (as the bill would appropriate \$1 Million to the courts to manage the expansion).

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

The proposed amendment to the FINCOS Act would expand CYFD and court involvement in the lives of families for whom there is only *credible evidence* of abuse or neglect, but for whom there is insufficient evidence to file an abuse or neglect petition under Article 4 of the Children’s Code (which requires probable cause). The proposed amendment would expand court involvement in the lives of families to situations in which the alleged behaviors by the parents, guardians or custodians would not support a petition alleging abuse or neglect but leaves them without the due process and procedural protections afforded in an abuse or neglect action.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

OFRA is concerned about the growing number of bills that directly affect the Children, Youth, and Families Department (CYFD) and the child and family welfare system more broadly. Some of these bills may directly conflict with one another and/or duplicate efforts. However, even where they do not, this piecemeal approach could lead to a patchwork of uncoordinated requirements. Together, these changes would create significant administrative and programmatic burdens on CYFD.

Additionally, many of the requirements proposed in the multitude of bills would not improve practices or lead to better outcomes for children and families. OFRA is concerned that these bills, if passed without coordination, would negatively impact our clients and their ability to work with CYFD to reunify their families.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If this bill is not enacted, the definition of a family in need of court-ordered services will remain as it is currently.

AMENDMENTS