

LFC Requester:

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}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 2025-02-12
Bill No: HB382

Sponsor(s) Stefani Lord
: John Block

Agency Name and Code CYFD 69000
Number:
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Short Title: FAMILY IN NEED OF COURT-ORDERED SERVICES

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

If enacted, HB 382 amends the Family in Need of Court Services (FINCOS) Act, expanding the definition of a "Family in Need of Court Services." The expanded definition includes families where the child's parent, guardian, or custodian has been investigated by the department, and credible evidence was found that the child is an abused or neglected child as defined under the Abuse and Neglect Act.

The bill appropriates \$1,000,000 to the general fund of the Administrative Office of the Courts for Fiscal Year 2026 to assist with the expansion.

FISCAL IMPLICATIONS

While the bill provides an appropriation for the AOC, it does not provide funding for either the Children, Youth and Families Department (CYFD) or the Office of Family Representation and Advocacy (OFRA). If enacted, this bill could result in more families qualifying as FINCOS cases as it does not take into account whether the CYFD has substantiated abuse or neglect for a family. This potentially may include historical investigations as the language in subsection E states "was investigated by the department." This is vague and ambiguous and needs clarification as this will have potential fiscal and operational implications if not further defined.

SIGNIFICANT ISSUES

HB 382 raises significant legal concerns. The bill allows families to be placed under court supervision based on "credible evidence" of abuse or neglect, but this is a lower standard than a fully substantiated finding. This could lead to unnecessary court involvement and raise concerns about fairness for families.

Additionally, investigations involving Native families are substantiated at a rate nearly 8% higher than all substantiated investigations combined for non-Native families. Most of these substantiations are related to neglect. Consequently, these families are funneled into FINCOS cases where the courts are unable to address poverty-related issues or help families access necessary services and expansion of services should be considered.

The current support systems have the potential to be improved by providing families with more accessible resources and services. For example, while a parent may be court-ordered to seek treatment, expanding the availability of treatment options in rural communities would greatly benefit their situation. Additionally, increasing the number of culturally responsive treatment options in both rural and non-rural areas can help meet the diverse needs of families more effectively.

PERFORMANCE IMPLICATIONS

CYFD has performance measures related to child safety and wellbeing which may be impacted by this bill.

CYFD has performance measures related to repeat maltreatment that may be impacted by this bill.

If the bill does not clarify the types of cases that can be filed under FINCO, it would increase the number of filings of FINCOS cases and would result in the increase of work for CYFD legal staff (Children's Court Attorneys), its investigations staff, and its permanency staff, but the bill does not allocate funding for such positions. CYFD would require legal staff for the filing and handling of each FINCOS case filed as a result of this bill. Investigations staff that would typically make referrals for services after a substantiation would now have to create further plans and provide testimony in court, thereby increasing their workload. Permanency staff would have the cases transferred to them after the required 10-day custody hearing and would carry the case through its life and have to make reasonable efforts to implement the case plan.

HB 382 could lead to an inability to meet the increased workload demands, thereby straining staff and impacting their ability to maintain appropriate caseloads.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with SB 362 which clearly defines that only substantiated cases will be eligible for the filing of a FINCO's petition and maintains discretion within the children's court attorneys within CYFD to determine the filing of such petition.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

If the bill does not clarify the types of cases that can be filed under FINCO, it would increase the number of filings of FINCOS cases and would result in the increase of work for CYFD's legal staff (Children's Court Attorneys), its investigations staff, and its permanency staff, but it does not allocate funding for such positions. CYFD would require legal staff for the filing and handling of each FINCOS case filed as a result of this bill. Investigations staff that would typically make referrals for services after a substantiation would now have to create further plans and provide testimony in court, thereby increasing their workload. Permanency staff would have the cases transferred to them after the required 10-day custody hearing and would carry the case through its life and have to make reasonable efforts to implement the case plan.

HB 382 could lead to an inability to meet the increased workload demands, thereby straining staff and impacting their ability to maintain appropriate caseloads.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.