

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: 2025-02-21
Bill No: HB486

Sponsor(s) Stefani Lord
: Anita Gonzales

Agency Name and Code CYFD 69000
Number:
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Analysis:
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Short Title: BACKGROUND CHECKS
FOR RETURNING
CHILDREN

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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

House Bill 486 requires that background checks, including sex offender registry checks, be conducted before a child is returned to any individual, such as parents, legal guardians, or custodians. Additionally, these checks are mandated for the Children, Youth, and Families Department (CYFD) when placing a child in foster care with a relative. Specifically, CYFD must search the Department of Public Safety's central registry of sex offenders and the Dru Sjodin National Sex Offender Public Website for the individual in question.

The bill establishes that decisions regarding the release or placement of a child must be informed by the results of these background and sex offender registry checks. This process aims to ensure that appropriate steps are taken to assess the safety of individuals involved in the child's care.

FISCAL IMPLICATIONS

No Fiscal Impact to CYFD.

SIGNIFICANT ISSUES

No significant concerns have been identified regarding this proposal. The practice of conducting criminal and sex offender registry background checks prior to the return of custody in permanency cases aligns with existing department procedures followed during most investigations and all emergency holds. The primary effect of this bill would be to formalize this practice, though it would not impose any undue burden on the department in terms of

resources or operational capacity.

PERFORMANCE IMPLICATIONS

The department will need to revise its policies and procedures to align with the provisions of this bill. Currently, the department conducts criminal background checks and sex offender registry checks for most investigations, as well as for all emergency custody holds, regardless of whether custody is returned to the parent, guardian, or custodian. However, in adjudicated cases where children are in care and a reunification case plan is being implemented, the department does not conduct criminal and sex offender registry checks prior to reunification. The enactment of this bill would formalize the practice of conducting these background checks as part of the reunification process.

ADMINISTRATIVE IMPLICATIONS

The department would need to update policy and procedures to align with this bill if enacted. CYFD would also need specificity as to the type of criminal background check being requested by this bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None, this is already a best practice that the department strives for and will incorporate this practice prior to reunification whether the bill is enacted or not.

AMENDMENTS

None.