

LFC Requester:

Allegra Hernandez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 2/24/25

Bill Number: HB 500

Sponsor: Rep. Alan T. Martinez

Short Title: CYFD SUBSTITUTE CARE REVIEW

Check all that apply:

Original Correction
 Amendment Substitute

Agency Name and Code Number: 305 – New Mexico Department of Justice

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(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: HB205 (sections 15 through 26) and this bill significantly overlap.

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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: HB 500 proposes to amend various sections of the Citizen Substitute Care Review Act (the Act) to provide additional oversight and accountability standards.

Section 1 of HB 500 proposes to amend NMSA 1978, Section 32A-4-33(B)(6) to no longer allow records concerning a party to a neglect or abuse proceeding to be disclosed to “any local substitute care review board or any agency contracted to implement local substitute care review boards,” but instead to be disclosed to members of the substitute care advisory council or their staff or a board member that meets the requirements of the Act, if they are requested for the purpose of carrying out the Act.

Section 2 of HB 500 proposes to amend NMSA 1978, Section 32A-8-2, in that the purpose of the Act would no longer include monitoring children placed in the custody of the Children Youth and Families Department (CYFD or the department), instead focusing on the department itself, and will now include evaluating the effectiveness of CYFD in meeting federal requirements for citizen review panels under the Child Abuse Prevention and Treatment Act.

Section 3 of HB 500 proposes to create a new “Definitions” section to the Act, including definitions for terms such as “grievance,” “identified child,” “public member,” and “identified child,” among others.

Section 4 of HB 500 proposes amendments to NMSA 1978, Section 32A-8-4 that would restructure the substitute care advisory council, including, generally, changing the number of members from nine (9) to ten (10), noting the council’s independence from CYFD and the regulation and licensing department (RLD), changing the required appointment and requirements for the public members of the council to include specific related experience, providing per diem and mileage to members of the council, changing the requirement to quarterly rather than biannual meetings, permitting the establishment of work groups and additional authorities provided to the members, modifying the rules requirements to focus on public participation and compliance, and updating the requirements related to reports on the council’s activities.

Section 5 of HB 500 proposes to create a new section of the Act related to the required

education and experience qualifications of the council staff and director, as well as the procedure for how the director and staff are to be hired and operate.

Section 6 of HB 500 proposes to create a new section of the Act that would require the New Mexico Attorney General to advise and consult with the council, acting pursuant to the Act, and render legal services upon request of the council.

Section 7 of HB 500 proposes to create a new section of the Act that addresses the procedures and processes for how the council will address grievances submitted to it, including promulgating rules regarding the same.

Section 8 of HB 500 proposes to create a new section of the Act that would allow for volunteer member participation in the review of cases and establish the preferred makeup and experience level of the volunteers, the training and background procedures for those volunteers, and the allowance for per diem and mileage for the volunteers.

Section 9 of HB 500 proposes to create a new section of the Act that governs how the council shall conduct case reviews and establishes reporting requirements related to the review.

Section 10 of HB 500 proposes to create a new section of the Act that would govern the access to records related to the council's operation. Generally, subject to state or federal law to the contrary, it would provide the council staff access to any records necessary to carry out their council responsibilities in a timely manner.

Section 11 of HB 500 proposes to create a new section of the Act that would install procedures to protect the confidentiality of the information related to records obtained in the course of the council's operation. Generally, information obtained or generated would not be subject to the Inspection of Public Records Act, and will be kept confidential outside of the enumerated exceptions of written consent, oral consent documented immediately by council staff, or court order.

Section 12 of HB 500 proposes to repeal NMSA 1978, Sections 32A-8-5 and 32A-8-6. Generally, this would eliminate sections of law that currently exist that would conflict with the proposals of HB 500 related to the review process and required accountability.

FISCAL IMPLICATIONS

Section 6 of HB 500 would create a new requirement of the Attorney General to advise and consult with the council, as well as provide legal services upon request. This requirement would create additional expense for the New Mexico Department of Justice (NMDOJ), but no appropriations have been provided to account for the additional obligations.

SIGNIFICANT ISSUES

The language in Section 6 of HB 500 limits the Attorney General's role to advise and consult with the council to actions pursuant to the Act, but does not limit the requirement of the Attorney General to provide legal services to only actions pursuant to the Act. The only requirement for the rendering of legal services by the Attorney General is a request from the council.

PERFORMANCE IMPLICATIONS

Section 6 of HB 500 would create a new requirement of the Attorney General to advise and consult with the council, as well as provide legal services upon request, but no appropriations for the additional obligations have been provided. Additionally, as indicated above, Section 6 provides for the attorney general to render legal services upon request of the council without any limitation as to what kind of legal services and/or toward what end such legal services must be provided. As such, the obligation could impose heavily upon the NMDOJ without any additional appropriations.

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB205 and this bill overlap. Sections 15 through 26 of HB205 significantly overlap with the proposed provisions of this bill.

TECHNICAL ISSUES

Section 10(B) and (C) have duplicative language: “The department shall[] establish procedures to provide the requested records in a timely manner.”

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A