

LFC Requester:

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### 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: 1/23/25

Check all that apply:

Bill Number: HJR5

Original x Correction       
Amendment      Substitute     

Sponsor: Rep. Eleanor Chávez

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

Person Writing

Short Title: CYFD Commission  
Constitutional Amendment

Analysis: Ellen Venegas

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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
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

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

**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: HJR5 proposes to amend the Constitution of the State of New Mexico to establish a Children, Youth and Families Commission. The Commission would consist of five members, each appointed for six-year terms by the Governor, the president pro tempore of the senate, the speaker of the House of Representatives, the minority floor leader of the Senate, and the minority floor leader of the House of Representatives. HJR5 further provides that the Legislature shall establish the professional qualifications required for Commission members and the executive director.

HJR5 also specifies that the Commission shall hire an executive director no later than July 1, 2027, to assume the management and operations of CYFD and enforce the laws under the jurisdiction of CYFD.

As this is a constitutional amendment, its adoption is subject to voter approval at the next general election or special election that may be called for this purpose before that date.

**FISCAL IMPLICATIONS**

None for NMDOJ.

**SIGNIFICANT ISSUES**

The establishment of the Commission and executive director will likely necessitate future legislation to clearly set forth the structure and governance of CYFD.

Specifically, special care will be required to ensure continued eligibility for Title IV-E funding. Title IV-E refers to a part of the Social Security Act that provides federal funding to states for the administration of foster care, adoption assistance, and kinship care programs. This funding is meant to help ensure that children in the child welfare system are placed in safe, stable, and permanent homes. Each state is required to submit a Title IV-E State Plan to the U.S. Department of Health and Human Services (HHS). Any significant modifications to CYFD’s structure and governance would likely necessitate revisions to the state plan, subject to federal approval, to maintain compliance with child safety, permanency, and well-being standards.

Potential impacts on the state’s Indian Family Protection Act and the federal Indian Child Welfare Act (ICWA) should also be examined.

## **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

Implementation would likely necessitate updates to New Mexico's Children's Code, NMSA 1978, Chapter 32A; the Children, Youth and Families Department Act, NMSA 1978, Chapter 9, Article 2A; and related provisions of the New Mexico Administrative Code.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

None.

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

Status quo.

## **AMENDMENTS**

None.