

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

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and

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SECTION I: GENERAL INFORMATION

Check all that apply:

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

Date Prepared: 2025-01-23

Bill No: HJR5

Sponsor(s) Eleanor Chávez
:

Agency Name CYFD 69000
and Code

Number:

Person Writing [Jennifer Webber](#)

Analysis:

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0	0	Click or tap here to enter text.	
0	0		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
0	0	0		
0	0	0		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	0	0	1.4 Million	1.4 Million	Recurring	General Fund
Total	0	0	250.0 Thousand	250.0 Thousand	Non Recurring	General Fund

Duplicates/Conflicts with/Companion to/Relates to: [Click or tap here to enter text.](#)

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

This joint resolution creates the “children, youth and families commission” to oversee the Children, Youth and Families Department, consisting of five members to commence their terms on January 1, 2027. These members shall be appointed respectively 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. Commission members will be appointed for terms of six years, with the initial term to be appointed as follows: the member appointed by the Governor shall be for a two-year term, the member appointed by the Speaker of the House, the member appointed by the President Pro Tempore, the member appointed by the minority floor leader of the senate, and the minority floor leader of the house of representatives shall each serve a four-year term. Vacancies shall be filled by the original appointing authority, and that appointee shall serve out the remainder of the unexpired term. Members of the commission shall be removed as provided by law. Professional qualifications for the members of the commission shall be established by the legislature.

The commission shall hire an executive director to oversee the Children, Youth and Families Department beginning July 1, 2027, six months after the commissioners begin their terms.

HJR 5 sends the proposed amendment to the people for their approval or rejection at the next general election or any special election prior to that date that may be called for that purpose.

FISCAL IMPLICATIONS

HJR 5 does not include an appropriation to the Children, Youth and Families Department. There is no recent precedent to inform the financial impact on the Department associated with removing the Department from the Executive branch. This drastic move has significant financial implications, impact and uncertainty for both the Department and the State.

Title IV-E of the Social Security Act provides for partial federal reimbursement for the cost of providing foster care, adoption assistance, and kinship guardianship assistance to children who meet federal eligibility criteria. Title IV-E also provides funds for related case management activities, training, data collection, and other costs of program administration. To be eligible to claim federal support under Title IV-E, New Mexico must have a Title IV-E Plan that is approved by the U.S. Department of Health and Human Services, Administration for Children and Families. The effect of moving an entire state-wide department to a commission, outside of the Executive financial infrastructure, presents a level of uncertainty with respect to continued use of federal funds outside of the current CYFD-specific approved plan. At the very least, there is a high possibility that this move will delay the provision of services to children.

Additionally, the resolution does not mention the salary for the Executive Director or if the commission members would be salaried employees. It does not specify how many times the commission would meet. Based on this information, CYFD is estimating the projected costs, should the executive director and commissioners be salaried staff, It is estimated to be \$1.4 Million for salaries and benefits and additional overhead costs.

Finally, there would be a fiscal impact associated with rebranding the State's child welfare program, not just for marketing purposes, but, more importantly, to ensure that mandatory reporters and the public at large know how and to whom abuse and neglect reports can be made. Further, reestablishing the hundreds of contracts and other agreements, including Joint Power's Agreements, intergovernmental agreements, and intragovernmental agreements, would be required. The website would need to be completely redesigned and all social media would have to be adjusted. This cost would be estimated at \$250.0 thousand of non-recurring funding to the agency.

SIGNIFICANT ISSUES

The resolution as written fails to clearly outline the expectations and duties of this commission. The only identified task for the commission is to be responsible for designating an Executive Director to oversee the newly established commission, which we believe is not enough information to warrant passage of this bill. The resolution also has a six-month time lag from when the commission assumes its duties to when an Executive Director begins, leaving leadership of the department in limbo for many months.

Removing CYFD from the Executive would isolate the department from potential collaboration opportunities thereby presenting roadblocks to the close partnerships with sister agencies the department maintains currently.

Further, while the language in HJR5 proposes an amendment to the state's constitution, it does not provide a pathway to rectifying the larger statutory issue this joint resolution creates. The establishment of the department through legislation in 1992 created the department's core structure by statute and this legal reality cannot be undone through a two-page joint resolution.

The possibility of upheaval on the leadership level could increase because this resolution fails to identify a leadership structure that will support all divisions. We believe this upheaval would have a trickle-down effect on employees who are seeking stability, potentially leading to an increased attrition rate in the critical, frontline workforce.

While the commission would not begin until January 1, 2027, we believe the department's capacity to provide services would be greatly diminished because the focus of CYFD would have to shift to standing up the commission since HJR 5 does not provide answers to critical funding questions, a clear mission statement, a blueprint for logistics, or any metrics by which to measure the success of the commission's leadership.

Importantly, there is a six-month gap between when the commission assumes control and the deadline to hire an Executive Director. There is no indication who will direct the day-to-day operations vital to ensuring the safety and wellbeing of the State's most vulnerable populations. The inevitable diversion of leadership, staff, resources, and attention will affect the agency's core focus on our core work to serve children and families in need. The significant organizational upheaval that would result from this change has the very real potential to result in some cases or records that equate to real children and families being lost in the process.

PERFORMANCE IMPLICATIONS

While the commission would not begin until January 1, 2027, we believe the department's capacity to provide services would be greatly diminished because the focus of CYFD would have to shift to standing up the commission since HJR 5 does not provide answers to critical funding questions, a clear mission statement, a blueprint for logistics, or any metrics by which to measure the success of the commission's leadership. A shift in hierarchical structure that results in leadership being required to respond to the direction of five different commission members has the potential to impact the ability of the agency to respond to the needs of the children, youth and families being served by the agency. Additionally, the proposed amendment does not provide for the qualifications of the commissioners to be identified, nor does it require that they have knowledge or expertise in child welfare or wellbeing that would be beneficial in the selection and support of a director to oversee the provision of care to children, youth and families across the state.

The diversion of leadership, resources, staff, and attention will significantly undermine the agency's ability to focus on its essential mission of serving children and families in need.

ADMINISTRATIVE IMPLICATIONS

For the same reasons as stated above, this drastic measure would negatively impact, if not wholesale change, CYFD's current administrative procedures and processes.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

See above. The technical issues that must be addressed given the dearth of specific information regarding the structure of a new commission are myriad.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The consequences of not enacting this bill would be a continuation of the Children, Youth and Families Department maintaining oversight and responsibility for the provision and monitoring of services provided through CYFD. Therefore, failing to enact this bill will not jeopardize the stability of CYFD's leadership structure. This stability is crucial for those dedicated employees who oversee the well-being of children in state custody, families in need of family support services, and youth in the juvenile justice system, as well as those managing children's behavioral health. By ensuring consistent leadership, we can better protect and support our most vulnerable populations.

AMENDMENTS

None.