

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

SECTION I: GENERAL INFORMATION

Check all that apply:

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

Date Prepared: 2025-01-24

Bill No: SB84

Sponsor(s) Katy M. Duhigg
: Heather Berghmans

Agency Name CYFD 69000
and Code
Number:

Person Writing

Analysis:

Short SHARING OF CERTAIN
Title: CYFD INFO

Phone:

Email:

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total			344.0	344.0	Recurring	General Fund

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

This bill is an amendment to 32A-4 that specifies to whom and under what circumstances information can be shared pertaining to investigation of child abuse and neglect allegations and what information will be released in the case of child fatalities, near fatalities, and missing and endangered children. It adds a definition for "personal identifier information" at 32A-4- H, adds clarifying language around media presence at closed abuse and neglect hearings, amends 32A-4-33 to included information on when, how, and to whom personal identifier information in child abuse and neglect investigations and proceedings can be disclosed and adds in a definition for "near fatality" at 32A4-33.1.

FISCAL IMPLICATIONS

There would be a need for additional FTE to gather, prepare and provide the information requested in the amended language at 32A-4-33.1. Currently there is a team of three people at CYFD (a supervisor and two specialist positions) that are conducting in-depth analysis and review of child fatalities and serious injuries with support from the National Partnership for Child Safety (NPCS). An additional 3 FTE would be necessary to comply with the law and respond to the level of disclosure requested for child fatalities and near fatalities.

SIGNIFICANT ISSUES

There are several significant issues if SB0084 is enacted. It allows the release of child abuse and neglect records to "bona fide researchers or investigators" without defining the term, creating ambiguity and increasing the risk of unauthorized disclosures. It could create a conflict with the federal Child Abuse Prevention and Treatment Act (CAPTA) which requires a state to preserve the confidentiality of all child abuse and neglect reports and records to ensure the safety and well-being of the child, parents and families. It does not define the terms of "serious or critical medical conditions" when it amends 32A-4-33.1 which will leave the standard open to interpretation and inconsistency. Furthermore, requiring CYFD to release a detailed synopsis, in cases of child fatalities or near fatalities as well as mandating the release of the deceased child's

name could not only conflict with CAPTA, but could conflict with Section 32A-4-33 as there could be other children in that household that CYFD is investigating.

CYFD views this as a mechanism that will allow for increased access to documentation for civil litigation purposes. There are current mechanisms through the NM Civil Rules of Discovery that allow access to this information and documentation for civil litigation purposes. Expanding the confidentiality rule in this manner is not in the best interest of the children. It does not protect children, families, or resource parents from the stigma and criticism that already comes from being involved in the child welfare system. Children whose siblings are victims of a fatality or near fatality already experience a significant amount of trauma and publicizing their records subjects them to further traumatization.

In certain areas of the state, the population is such that release of the documents with only PII redacted would still easily allow members of the public to identify the family.

PERFORMANCE IMPLICATIONS

CYFD is working with the National Partnership for Child Safety (NCPs) and using the Safe Systems Improvement Tool (SSIT) to conduct case reviews of child fatalities and serious injuries. The data and information collected from these case reviews will be aggregated and shared with the partnership with the goal of identifying nationwide trends and using data to inform policy and practice for the prevention of child fatalities and serious injuries. This work is important in collecting data across multiple cases so that trends can be identified and analyzed to promote informed decision making in policy, procedure, training, and allocation of resources.

ADMINISTRATIVE IMPLICATIONS

CYFD will need additional FTE and resources to support collection, analysis, and reporting of required information.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

SB 84 creates a technical issue by treating abandonment separately from neglect, even though abandonment is already defined as a form of neglect under Section 32A-4-2(G)(1). However, on

page 17, line 20 of SB 84, the bill separates abandonment as its own cause in cases of child fatalities and near fatalities. This separation will cause confusion for CYFD workers.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

CYFD will continue to conduct reviews of fatalities and serious injuries following current policy, procedures, and processes.

AMENDMENTS

None.