

LFC Requester:	Rachel Mercer-Garcia
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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}

Date Prepared: 2/19/2025 *Check all that apply:*
Bill Number: SB 417 Original Correction
 Amendment Substitute

Sponsor: Mimi Stewart **Agency Name and Code** AOC 218
Short CONFIRMATORY **Number:** _____
Title: ADOPTIONS **Person Writing** Alison B. Pauk
Phone: 505-470-6558 **Email** aocabp@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	None	

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
None	Unknown	Unknown	N/A	

(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	None	Unknown	Unknown	Unknown	Recurring	

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 417 amends the Adoption Act and the NM Uniform Parentage Act to provide for confirmatory adoptions, as follows:

- **Section 32A-5-3 NMSA 1978:**
 - Subsection F: expands the definition of “acknowledged father” to include “has established a parent-child relationship pursuant to Article 2 of the NM Uniform Parenting Act.
 - Subsection G: amends the definition of “alleged father”
 - Subsection H: creates the definition of “assisted reproduction”
 - Subsection I: creates the definition of “confirmatory adoption”
 - Subsection H: creates the definition of “donor”
 - Subsection U: defines “parent”
 - Subsection V: defines “parent-child relationship”
- **Section 32A-5-3.1 NMSA 1978:** creates a new section of the Adoption Act stating that any provision of the Adoption Act are applicable to the different types of parental relationships.
- **Section 32A-5-14 NMSA 1978:** amends the section providing that the requirements of a pre-placement study are not applicable to confirmatory adoptions.
- **Section 32A-5-27 NMSA 1978:** amends the section providing that the requirements of the section are not applicable to confirmatory adoptions.
- **Section 32A-5-34 NMSA 1978:**
 - Subsection A: amends the subsection providing that the requirements of the subsection are not applicable to confirmatory adoptions.
- **Section 32A-5-46 NMSA 1978:** creates a new section of the Adoption Act entitled “Confirmatory Adoptions” allowing for a person who seeks to confirm parentage through adoption of child resulting from assisted reproduction to file a petition in accordance with this section.
- **Section 40-11A-704 NMSA 1978:**
 - Subsection A: amends the consent requirements to assisted reproduction.

Finally, Section 8 of SB 417 pertains to applicability, stating that the provisions of the act apply to actions commenced on or after the effective date of the act.

There is no appropriation listed in this bill.

There is no effective date of this bill. It is assumed that the effective date is June 20, 2025, which is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions and appeals from convictions, as well commenced civil actions and appeals. New laws, amendments to existing laws and new hearings

have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

The number of families created through assisted reproduction continues to climb; adoption is one way to legally formalize parentage for a child for whom a person is already acting as a parent. Confirmatory adoption is a “streamlined adoption process established by law to confirm a parent's existing legal relationship to a child.” See the Movement Advancement Project’s webpage *Parental Recognition Laws*, found at <https://www.lgbtmap.org/equality-maps/recognition/parenting/adoption> . Furthermore,

Through confirmatory adoption, parents are able to access a more streamlined and efficient process to obtain an adoption decree, confirming an existing parent-child relationship. Unlike other forms of adoption, such as stepparent or second-parent adoptions, a confirmatory adoption does not usually require expensive and intrusive processes such as background checks and home inspections. In some states, confirmatory adoptions may also be available to children with more than two parents.

See Family Equality Council, <https://familyequality.org/resources/confirmatory-adoption/>. Currently, the following eight states offer confirmatory adoptions: California, Colorado, Maine, Maryland, New Hampshire, New Jersey, Rhode Island, and Virginia. *Id.*

The benefits of confirmatory adoptions are:

- 1) Cross-state recognition – “[c]onfirmatory adoption ensures that parental rights are recognized across state lines, thus safeguarding the family’s integrity during moves or travels;”
- 2) Protection Against Legal Challenges: “[l]egal protection against challenges to a non-biological parent’s rights;”
- 3) Financial and Inheritance Security: “[l]egal adoption guarantees the child’s legal right to inherit, receive benefits, and be protected under the non-biological parent’s insurance or policies.”

<https://minellalawgroup.com/blog/confirmatory-adoptions-for-lgbtq-families-a-journey-of-love-and-legal-assurance/#:~:text=Understanding%20Confirmatory%20Adoption,families%20need%20in%20today's%20times>.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

If confirmatory adoptions do indeed provide a more “streamlined and efficient process,” then the changes proposed in Senate Bill 417 may ultimately save some docket time after attorneys and the courts have been trained and are comfortable with any new procedures that may be established for these cases. See <https://www.lgbtmap.org/equality-maps/recognition/parenting/adoption>

ALTERNATIVES:

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS