

LFC Requester:	
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

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SECTION I: GENERAL INFORMATION

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

Check all that apply:

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

Date Prepared: 2025-02-18
Bill No: SB428

Sponsor(s) Linda M. Lopez
: Antoinette Sedillo Lopez

Agency Name and Code CYFD 69000
Number:

Person Writing Analysis: Aaron Salas

Short Title: CROSSOVER YOUTH ACT

Phone: 5055493411

Email: aaron.salas@cyfd.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	100.0	Recurring	General Fund
0	0		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0		
0	0	0		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0		

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

SB 428 if enacted proposes a new section of the Children's Code, called the Crossover Youth Act, which aims to support youth involved in both the child welfare and juvenile justice systems. It establishes the Crossover Youth Program and mandates interagency collaboration, training, and basic rights for affected youth. Details include:

1. Creation of the Crossover Youth Program

* Amends the Delinquency Act, Section 32A-2-3 NMSA 1978 (being Laws 1993, Chapter 77, Section 32, as amended) to include the definition of "Crossover Youth", as proposed for the Children's Code, that "crossover youth" means a child who is simultaneously involved in both the child welfare and juvenile justice systems, whether or not the child has been adjudicated in those systems".

* A Crossover Youth Coordinator will be appointed within CYFD to facilitate collaboration between child welfare and juvenile justice divisions.

* The program will collect data on crossover youth and provide annual training to various stakeholders (CYFD staff, attorneys, judges).

2. Mandatory Training & Education

* Annual training for CYFD staff, public defenders, district attorneys, and judges.

* Training covers issues such as trauma, racial disparities, the Indian Child Welfare Act, and best practices for juvenile justice alternatives.

3. Intra-Agency & Interagency Collaboration

* CYFD's child welfare and juvenile justice divisions must work together on crossover youth cases.

* Requires coordination with other agencies (Department of Health, Public Education Department, and others) to support affected youth.

4. Rights for Crossover Youth

- * Ensures sibling visitation rights when a crossover youth is placed in legal custody.
- * Allows parental visitation unless a court finds it is against the child's best interest.

5. Preliminary Inquiry

* Prior to a preliminary inquiry being conducted with a crossover youth who is detained, the crossover youth's parent, guardian or custodian, the crossover youth's attorney and guardian ad litem and the protective services division of the department shall be given reasonable notice by the juvenile probation and parole officer and an opportunity to be present at the preliminary inquiry.

* SB 428 amends Probation and Disposition in Section 32A-2-24 NMSA 1978 (being Laws 1993, Chapter 77, Section 53, as amended) such that "during a probation revocation proceeding for a crossover youth, the petition to revoke probation shall include a statement filed by the juvenile justice division of the department that the division made reasonable efforts to help the crossover youth with the successful completion of all probation requirements, including the specific details of such efforts."

6. Appropriation of Funds

* Allocates \$100,000 from the general fund to CYFD to establish and staff the program for FY 2026.

FISCAL IMPLICATIONS

This legislation will have financial impact for CYFD if enacted. It appropriates \$100.0 thousand for FY26 to create and staff the Crossover Youth Program.

1. Program Administration Costs

- * Hiring and maintaining a Crossover Youth Coordinator.
- * Developing and implementing data collection systems to meet the needs of this bill.

2. Training Costs

- * Annual mandatory training for CYFD, attorneys, and judges.
- * Developing training materials on crossover youth issues.

3. Case Management & Interagency Collaboration

- * Increased staff time and workload to coordinate services across agencies.
- * More court involvement due to additional case reviews and hearings.

4. Potential Expansion Costs

- * If the program expands beyond the initial \$100,000 appropriation, more funding may be needed for staffing, resources, and services.

SB 428 can potentially save some costs for the department by:

- * Keeping crossover youth out of the justice system could lower detention and incarceration expenses.
- * Early intervention and support may reduce foster care placements and improve long-term outcomes.
- * Increased Federal Funding Opportunities as the bill appears to align with the Family First Prevention Services Act which could help with additional federal funding for prevention efforts.

SIGNIFICANT ISSUES

There may be some issues and challenges if SB 428 is enacted, along with implementation and funding concerns as the \$100,000 appropriation may not be enough to cover long-term costs (staff, data systems, training). If additional funding is needed, CYFD may have to request more from the legislature or reallocate resources from other department programs. If not implemented effectively, coordinating services between multiple agencies could slow decision-making and response times. Judges and attorneys may face challenges balancing child welfare and juvenile justice interests, and Courts may struggle with "one judge, one family" policies, leading to conflicts in legal jurisdiction if jurisdictions for protective services and JJS are different. This bill also lacks clear metrics for tracking whether the program improves outcomes for crossover youth. If data collection is inadequate, it may be difficult to assess whether the program is working.

SB 428 also amends the Complaints, Referral, Preliminary Inquiry, Notice, Time Waiver Section of 32A-2-7 NMSA 1978 (being Laws 1993, Chapter 77, Section 36, as amended) to include that, "Prior to a preliminary inquiry being conducted with a crossover youth who is detained, the crossover youth's parent, guardian or custodian, the crossover youth's attorney and guardian ad litem and the protective services division of the department shall be given reasonable notice by the juvenile probation and parole officer and an opportunity to be present at the preliminary inquiry." The CYFD Children's Behavioral Health Services, Community Behavioral Health Clinicians (CBHCs) should also be included to address behavioral health needs. CBHC are currently written into JJS Policy and Procedures as a partner to address Crossover Youth. The CYFD Family Services Division (FSD) as this division oversees the Fostering Connections Program.

PERFORMANCE IMPLICATIONS

If enacted this bill does support at-risk youth in both child welfare & juvenile justice systems and encourages collaboration between agencies to improve

outcomes. This proposal could reduce long-term costs by preventing and reducing recidivism & foster care placements.

Currently, internal and external collaboration to address the needs of Crossover Youth is written into JJS policy as CBHC's are assigned as a target population. The CBHC's work with both protective services and juvenile justice through team meetings and completing of the Child, Adolescent, Needs Screening to help identify supports and steps for the team to take.

The CYFD CBHS Division has two Performance Measures associated with the CBHCs, which include Crossover Youth:

- * The percentage of protective services-involved youth in the target population who received consultation from a community behavioral health clinician (CBHC)
- * The percentage of juvenile justice-involved youth in the estimated target population who have received consultation from a community behavioral health clinician (CBHC).

ADMINISTRATIVE IMPLICATIONS

Developing an interagency agreement will be necessary to include how legal teams will coordinate to help with legal and administrative barriers in coordinating cases.

The requirement of the Crossover Youth Act, as proposed in SB428, may exceed the capacity of the one Program Coordinator appointed through the Act. Additional FTE for a Supervisor and additional Program Coordinators may be necessary to provide the program coordination and training implementation required by the Act.

There may also be a need for contracts to develop and deliver the required training in the Crossover Youth Act.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None proposed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

CYFD will continue to collaborate internally to address crossover youth issues; however, it will lack the formality that this bill proposes for multiple systems to coordinate and set clear expectations to enhance collaboration efficiency.

AMENDMENTS

Propose the addition of CYFD's Children's Behavioral Health Services and the Family Services Division as additional entities necessary in the collaboration between CYFD Protective Services and Juvenile Justice Services for crossover youth.