

LFC Requester: _____

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: 2025.02.19 *Check all that apply:*
Bill Number: SB 0429 Original Correction
 Amendment Substitute

Sponsor: Linda M. Lopez and Antoinette S. Lopez **Agency Name and Code** OFRA 68000
Short Title: Reinstatement of Parental Rights Act **Person Writing** K. Grusauskas
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None in bill	None in bill		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

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

(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	For OFRA, \$50K	For OFRA, \$60K	For OFRA, \$70K	For OFRA, \$180K	Recurring	general

(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: This bill would create a new provision in the Children's Code about reinstating the rights of a parent to a child or children where there was a previous termination of parental rights or voluntary relinquishment of the parent's rights.

Section 1: title of new statute

Section 2: defines former parent.

Section 3: sets out the exclusive original jurisdiction over proceedings seeking to reinstate the rights of a parent to a child or children.

Section 4: A petition to reinstate parental rights may be filed by a child, former parent, or CYFD. This section also sets out what the petition should contain, and when a petition may be filed.

Section 5: Provides direction for when a request for reinstatement of parental rights is ripe. If the child is adopted or in a permanent guardianship and the adoptive parent or guardian does not consent, the request is not ripe.

Section 6: When a petition for reinstatement of parental rights is filed, an attorney will be appointed to represent the parent if they are indigent or may be required in the interests of justice. An attorney will also be appointed to represent the child.

Section 7: Mechanics of the pleadings necessary to initiate a proceeding to reinstate parental rights.

Section 8: Mechanics of the initial hearing.

Section 9: Mechanics of the merits hearing.

Section 10: Mechanics of the entering of a final order of reinstatement of parental rights.

Section 11: Nothing in the proposed Reinstatement of Parental Rights Act supersedes CYFD's obligation and duty to investigate allegations of abuse or neglect.

Section 12: If a parent's rights are reinstated, they are not liable for any unpaid child support or other costs of services provided to the child since the TPR or voluntary relinquishment up through the date the parent's rights are reinstated.

Section 13: Mechanics of possible re-issuance of a child's birth certificate.

Section 14: Indigent former parents and children are entitled to court-appointed counsel if they wish to appeal the decision of the court in a reinstatement proceeding.

FISCAL IMPLICATIONS

OFRA does not anticipate that there would be many such actions brought to the courts annually and believes that the actions could be handled by .5 FTE.

Though OFRA cannot speak for the courts, since such actions will be scattered around the state, we do not believe the costs for processing and court hearings would be substantial for any one court.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

There are instances when a parent's parental rights to their child or children are terminated because they have not fulfilled the terms of their treatment plan with CYFD in the course of an abuse/neglect proceeding within certain time limits that are driven by State or federal requirements. There are also instances when a parent voluntarily relinquishes their parental rights for a variety of reasons.

In both scenarios, a parent may later be in a position to safely care for and love their child or children.

There are also instances where no permanent placement has been found for a child because of their underlying needs or, if over the age of 14, their refusal to accept a permanent placement.

In those cases where a former parent is again capable of parenting their child, and the child's circumstances align, having a mechanism to reunite the family makes sense for the long-term health and happiness of the family.

PERFORMANCE IMPLICATIONS

None identified.

ADMINISTRATIVE IMPLICATIONS

None identified.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

None identified.