

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}

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 2025-02-18
Bill No: SB430

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

Agency Name CYFD 69000
and Code
Number:

Person Writing Aaron Salas
Analysis:

Short "NEGLECTED CHILD"
Title: DEFINITION

Phone: 5055493411

Email: aaron.salas@cyfd.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0		
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		672.2	651.2	1,323.5	Recurring	General Fund

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

SB 430 proposes revisions to the definition of a "neglected child" in New Mexico's Abuse and Neglect Act and adds protections for children placed in custody due to poverty. Details proposed in this bill include:

- * Revising the Definition of "Neglected Child"
- * Clarifies neglect to mean a child lacking basic needs (food, shelter, medical care, supervision) due to a parent's actions or refusal to provide care when they are able or when resources have been offered.
- * Excludes poverty-related circumstances from the definition of neglect. A child will not be considered neglected solely because:
 - * The parent lacks financial resources.
 - * The family experiences poverty, social isolation, or overcrowded housing.
 - * The parent is single, young, or elderly.
 - * Substance abuse or nonconforming social behavior exists in the household.
 - * The child is raised according to Indian cultural or social standard.

The bill also proposes providing protections for families experiencing poverty and details the following:

- * Before placing a child in custody, the Department of Children, Youth, and Families (CYFD) must:
 - * Make reasonable efforts to help the family obtain financial or practical support.
 - * Release the child from custody if poverty was the sole reason for removal and if resources have been accepted to address the issue.

If enacted the bill also proposes actions that ensure parental rights are protected and family reunification efforts

- * Courts must consider whether a parent can care for the child with adequate support, rather than removing the child due to financial hardship.
- * CYFD must demonstrate that the removal was due to reasons beyond just poverty when determining custody or termination of parental rights.

FISCAL IMPLICATIONS

SB 430, if enacted, will have a fiscal impact on CYFD as the bill requires CYFD to provide financial and practical support to families before placing a child in custody. These supports could include housing assistance, healthcare assistance, tangible items such as food, clothing, utilities support, etc. Some of these supports are available via community-based providers but are not all currently available state-wide. There would be an increase in community-based services to support families. This bill aligns with the Family First Prevention Services Act, which encourages keeping families together.

If enacted, SB430 would result in a need for additional FTE to provide connection to available community-based resources that have the potential to mediate the poverty related concerns that caused the initial involvement with the department.

- * 4 additional Family Outreach & Community Engagement Worker FTE (pay band 65)
- * 1 additional Family Outreach & Community Engagement Sr Worker FTE (pay band 70)
- * 1 additional Family Outreach & Community Engagement Supervisor FTE (pay band 75)

SIGNIFICANT ISSUES

The bill relies on CYFD finding and offering resources to struggling families before taking custody. If housing, food aid, or financial assistance programs are underfunded or unavailable, caseworkers may have limited options to support families which could result in families staying in crisis longer because there are not enough resources to stabilize their situation.

PERFORMANCE IMPLICATIONS

If enacted this Bill:

- * Protects low-income families from having their children removed solely due to

poverty.

* Aligns with broader efforts to reduce the disproportionate impact of child welfare interventions on low-income and marginalized communities.

While the bill aims to prevent unnecessary family separations, balancing family preservation with child safety will be critical to the success of the proposed changes.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

CYFD would continue to follow statute as is when assessing neglect cases.

AMENDMENTS

None.