

<b>LFC Requester:</b>	<b>Felix Chavez</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 2-20-25 *Check all that apply:*  
**Bill Number:** SB 441 Original  Correction   
 Amendment  Substitute

**Sponsor:** L. Lopez, A. Charley, C. Nava **Agency Name and Code** OFRA, 6800  
**Short Title:** Child abuse and domestic violence training for judges **Number:** \_\_\_\_\_  
**Person Writing** Beth Gillia  
**Phone:** 505.231.9864 **Email** Beth.gillia@ofra.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(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 amend Chapter 40 (Domestic Affairs) to:

- (1) require the Administrative Office of the Courts (AOC) to provide annual evidence-based training on domestic abuse to judge and court personnel;
- (2) require courts to consider evidence of child abuse or domestic abuse in cases involving child custody determinations;
- (3) in contested custody cases involving domestic or child abuse, allow only persons with certain qualifications to perform evaluations or testify about those evaluations;
- (4) in contested custody cases or contested parenting plans, prohibit the court from ordering “reunification treatment” unless “there is generally accepted and scientifically valid proof of the safety, effectiveness and therapeutic value of the reunification treatment;”

#### **FISCAL IMPLICATIONS**

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**

**Section 1(A)** requires certain training to be provided to “judges and court personnel,” but does not clarify whether all or any particular judges or court staff are required to attend. It would probably be helpful to specify who is required to attend, for example judges and hearing officers who hear civil custody cases, protection orders, or criminal domestic violence cases), as well as appropriate court staff.

**Section 1(B).** The definition of “domestic abuse” proposed in this section (related to training only) does not mirror the definitions used in the Family Violence Protection Act, which may cause confusion.

**Definitions.** The bill does not have a definitions section, but defines various terms in multiple sections. For example, the bill uses the term “child abuse” in multiple sections, but does not include a general definition of the term. A definition of “child abuse” is included for purposes of Section 40-4-9 only and for Section 40-4-9.1 only. This term would benefit from a definition that applies to the entire Domestic Relations Chapter. Likewise, the definition of “domestic abuse” could go in a general definitions section (instead of in Section 1(B), 2(D)(2), and 3(N)(4)).

**Section 2 Section 2(D)(1)(a):** the definition of child abuse is circular and needs to be clarified beyond the possibility that it can be physical, emotional or psychological and that it is caused by a parent.

**Section 2(D)(1)(b):** As above, the definition of child abuse is circular (child abuse means that a child has been sexually abused, but with no clarification of what “abuse” means). This could be amended to say: child abuse means . . . (b) that a child has been subjected to criminal sexual penetration . . . .

#### **PERFORMANCE IMPLICATIONS**

The bill makes no appropriation to the AOC even though the bill requires the AOC to provide specific training content to judges and court personnel.

#### **ADMINISTRATIVE IMPLICATIONS**

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The type of training envisioned by the bill may or may not be provided on a regular basis and may only be accessed by those who have a particular interest in the subject matter.

#### **AMENDMENTS**

We suggest adding a general definitions section to reduce redundancy and to make the definitions of domestic abuse consistent with the Family Violence Prevention Act.