

LFC Requester:	Lance Chilton
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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: 02/21/2025 *Check all that apply:*
Bill Number: SB 474 Original xx Correction
 Amendment Substitute

Sponsor: Anthony L. Thornton **Agency Name and Code Number:** Office of Family Representation and Advocacy - 68000
Short Title: Streamline Certain Adoption Processes **Person Writing:** Farra R. Fong
Phone: 505-537-3903 **Email:** Farra.fong@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
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: SB 417
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: the bill creates a new definition under the Adoptions Act for “prenatal abandonment” and allows the court to terminate parental rights with respect to a child who has been “prenatally abandoned” by an acknowledged or alleged father.

FISCAL IMPLICATIONS

None noted. This bill makes no appropriation.

SIGNIFICANT ISSUES

If enacted, this bill would streamline the termination of parental rights process for fathers who “prenatally abandon” their children.

If passed, this bill would *require* the court to terminate an acknowledged father’s rights to their child for prenatal abandonment even when the acknowledged father has begun acting as an acknowledged father after the child’s birth (in the first 6 months of life). As written, the court has no discretion to determine whether the acknowledged father’s conduct after birth overcomes any prenatal failures on his part. There may be circumstances (for example, domestic violence against the pregnant mother during pregnancy) that warrant termination of parental rights without consideration of the acknowledged father’s behavior after birth. However, there are equally imaginable circumstances where an acknowledged father who did not provide prenatal support or engagement, becomes fully engaged and involved after the child’s birth. In those circumstances, the court should have the ability to weigh the facts and determine whether the presumptive abandonment warrants termination of parental rights.

PERFORMANCE IMPLICATIONS

It is unknown how many terminations of parental rights involve “prenatal abandonment”. This bill could expedite termination of parental rights in these cases, allowing children to be freed for adoption and accelerating permanence for these children.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB417 proposes to change the definitions of “acknowledged” and “alleged” fathers. It is unknown if the intent or impact of this bill would be impacted by those changes.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS