

LFC Requester:	Marty Daly
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**AGENCY BILL ANALYSIS
2018 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

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: Date 2/8/18
Original **Amendment** **Bill No:** SB87
Correction **Substitute**

Sponsor: Senator Howie C. Morales **Agency Code:** 924
Short Title: CHILD ABUSE DEFINITION & INVESTIGATION **Person Writing:** Debbie Rael
Phone: 505-827-1421 **Email:** Debbiem.rael@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY18	FY19		
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY18	FY19	FY20		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Relates to: Senate Bill 31 (SB31), School Sexual Assault Report Training
Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 2/6/18

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 87 (SB87) amends Section 32A-4-3 NMSA 1978. SB87 provides that, for the purposes of reporting abuse and neglect, the definition of “abused child” includes abuse committed by a person who is not the child’s parent, guardian, or custodian

FISCAL IMPLICATIONS

There is no immediate short term fiscal impact to the PED. PED would review and update its existing e-learning opportunity on the detection and reporting of child abuse or neglect in order to ensure that the definitions within the e-learning module align with the amended language in Section 3232A-4-3 NMSA 1978. This can be done with existing resources and needs to be completed by July 1, 2018 the effective date of implementation.

SIGNIFICANT ISSUES

SB87 would amend the definition of “abused child” to include a child who has been abused and “suffered” at the hands of any person, rather than the child’s parent, guardian, or custodian alone. This clarification of the definition may encourage individuals to report *all* suspected child abuse and neglect to “a local law enforcement agency, the department, or tribal law enforcement or social services agency for any Indian child residing in the Indian country” as required in 32A-4-3 NMSA 1978 regardless of who is inflicting the abuse.

During fiscal year 2016, there were 9,684 victims of substantiated child abuse or neglect in New Mexico. Of these children, 74.75% were neglected, 23.60% were physically abused, and 1.65% were sexually abused. There were thousands of unsubstantiated allegations in addition to these cases, and it is unclear how many incidents go unreported each year (https://cyfd.org/docs/360ANNUAL_FY16_FINAL.pdf).

The detection and reporting of child abuse or neglect is required by both the Children's Code (32A-4-3 NMSA 1978) and the Public School Code (22-5-4.2 NMSA 1978). § 22-10A-32 includes sexual abuse and assault in the definition of child abuse. In relation to mandated reporting, the PED, Children, Youth and Family Department (CYFD), Department of Health (DOH), and New Mexico State University (NMSU) collaborated on an e-learning training for school personnel and health providers that address the requirement for all school personnel to complete training in the detection and reporting of child abuse or neglect. This e-learning training may be accessed at <https://swrtc.nmsu.edu/resources/elearning/educators/>.

PERFORMANCE IMPLICATIONS

SB87 will support PED's strategic lever to ensure students are healthy and ready for success.

ADMINISTRATIVE IMPLICATIONS

SB87 has minimal administrative effect for the PED. PED will need to change its existing e-learning module and would need to communicate the relevant changes related to Section 32A-4-3 NMSA 1978 when providing technical assistance to constituents in relation to child abuse or neglect reporting.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to SB31, School Sexual Assault Report Training

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SB87 is not enacted, school districts and state-chartered charter schools would continue to receive required training for the detection and reporting of child abuse and neglect within the existing parameter of both the Children's Code and the Public School Code.

AMENDMENTS

None