

LFC Requester:	Bachechi
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**AGENCY BILL ANALYSIS
2021 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** 3/5/2021
Original **Amendment** **Bill No:** SB196/a
Correction **Substitute**

Sponsor: Sen. Linda M. Lopez **Agency Name**
Reps. Patricia Roybal Caballero **and Code** PED - 924
& Susan K. Herrera **Number:** _____
Short CHILDREN'S CODE **Person Writing:** John Sena
Title: REFORM TASK FORCE **Phone:** 505-570-7816 **Email** John.Sena@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
NFI	\$100.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB128, School Personnel Background Training; HB142, School Task Force on Ethical Misconduct; and SB196, Children’s Code Reform Task Force.

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis of Amendment: The Senate Rules Committee (SRC) amendments to Senate Bill 196 (SB196) change Subsection B of the bill so that, rather than directing the Children’s Court Improvement Commission (CCIC) to appoint members to serve on a task from a list of specific entities in order to recommend amendments to the Children’s Code, it request CCIC to appoint a task force that is to be comprised of or receive input and recommendations from the same list of entities.

Synopsis: SB196 proposes to create the Children’s Code Reform Task Force, which will be tasked with studying and recommending amendments to the state’s Children’s Code, and to report its findings and recommendations by December 1, 2022, to the Governor, the Legislative Finance Committee (LFC), the Legislative Health and Human Services Committee (LHHSC), and the interim legislative committee that is responsible for studying courts, corrections and justice issues, as well as other appropriate interim committees.

FISCAL IMPLICATIONS

SB196 would appropriate \$100 thousand from the general fund to the Administrative Office of the Courts for expenditure in FY22 for the task force to study and assess the Children’s Code. Any balance remaining at the end of FY22 shall revert to the general fund.

Members of the Children’s Code Reform Task Force who are not state employees or otherwise compensated for per diem and mileage expenses would be entitled to receive such, according to the Per Diem and Mileage Act.

SIGNIFICANT ISSUES

SB196 as amended by SRC (SB196/aSRC) softens the language of the bill as introduced, so that CCIC is requested, rather than directed, to appoint a statutory review task force with membership or input drawn from a specific list of governmental and community entities. The Children’s Code Reform Task Force will operate from the time of its composition until December 1, 2022, at which time the task force will have delivered its report. The task force is to have wide representation from governmental entities and others in New Mexico, to be appointed by the CCIC of the New Mexico Supreme Court. There is no particular subject-matter focus to the task

force's directive and, given the wide-ranging purviews of its respective members, the work of the task force appears to contemplate a comprehensive review and proposed update of the state's Children's Code.

Representatives are to be appointed from:

- the New Mexico legislature, including the House of Representatives, the Senate, and the LFC;
- executive agencies, including the Children, Youth and Families Department (CYFD), the Department of Health, the Human Services Department, the Public Education Department (PED), the Workforce Solutions Department, the Department of Public Safety, the Corrections Department, the Indian Affairs Department, and the Economic Development Department;
- the courts and judicial organizations, including: Children's Court judges; the Administrative Office of the Courts; the CCIC; the Public Defender Department's Juvenile Division; the New Mexico District Attorneys' Association, the Children's Court Mediation Program; UNM School of Law's Corinne Wolfe Center for Child and Family Justice; parents', children's, and youth attorneys; a nonprofit legal firm representing foster children, grandparents, and kin; the National Council of Juvenile and Family Court Judges; the New Mexico Sentencing Commission; and the NM CASA network;
- tribal governments and associations, including: the governments of New Mexico's Indian Nations, Tribes, and Pueblos; the Tribal-State Judicial Consortium; and the New Mexico Tribal Indian Children Welfare Consortium;
- advocacy and nonprofit organizations, including: the Substitute Care Advisory Council; the New Mexico CASA Network; New Mexico Voices for Children; NMCAN; New Mexico Appleseed; a nonprofit organization serving families and children through counseling and social programs; and other children and family policy community advocacy and stakeholder groups;
- health service providers and organizations, including UNM School of Medicine's Department of Pediatrics, UNM School of Medicine's Department of Psychiatry and Behavioral Sciences personnel who have experience working with children, UNM School of Medicine's Department of Family and Community Medicine, and mental health service providers;
- affected classes of citizens, including former foster youth and system-involved parents; and
- local law enforcement agencies.

The task force is to be staffed by the CCIC, and make recommendations for the amendment of the state's Children's Code. The task force's directive appears closely related to the mission of the CCIC, which is to improve the safety, permanency, and wellbeing of children and families in the New Mexico Children's Court by developing innovative initiative through court, agency, and stakeholder collaboration. Membership is similar to that proposed by SB196, and includes the Secretaries of Education, CYFD, and Health and Human Services; the Tribal-State Consortium; legislators; judges and attorneys; child and family advocates; educators; foster parents; youth; and other related service providers.

The CCIC's Protective Services Commission, among a number of issues, has addressed educational issues such as the loss of academic credit by children and youth impacted by juvenile justice and foster systems, and the provision of partial credit for students who move midyear to

new schools or facilities. Relatedly, in 2019, Senate Bill 341 was enacted, which provided for students to receive partial credit for completed work when as result of disruption in their education due to homelessness, adjudication as an abused or neglected child, or as a delinquent, they transfer between public schools or school districts before receiving full credit. While the task force's purview is much wider than this focus on educational issues, PED representatives would presumably lend their expertise to these sorts of issues touching on public education.

PERFORMANCE IMPLICATIONS

PED is one of the executive agencies named to provide representatives to serve on the task force.

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB196/aSRC relates to HB128, School Personnel Background Training; HB142, School Task Force on Ethical Misconduct; and SB196, Children's Code Reform Task Force.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

N/A