

LFC Requester:	Kelly Klundt
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**AGENCY BILL ANALYSIS
2014 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:

Original X **Amendment**
Correction **Substitute**

Date February 3, 2014
Bill No: HB298-305 Feb 3

Sponsor: Rep. Kelly K. Fajardo **Reviewing** Attorney General's Office
Short Family in Need of Court- **Person Writing** Sally Malavé
Title: Ordered Services **Phone:** 827-6031 **Email** smalave@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Summary Synopsis: House Bill 298 amends the Family in Need of Court-Ordered Services Act, NMSA 1978, §§ 32A-3B-1 to -22 (1993, as amended through 2009) (the “Act”), to include families against whom a charge of child neglect or abuse has been substantiated. House Bill 298 amends Section 32A-3B-2 of the Act by clarifying the definition of a "family in need of court-ordered services." It provides that a “family in need of court-ordered services” means the child or the family has refused family services or the [Children, Youth and Families] department has exhausted appropriate and available family services and court intervention is necessary to provide family services to the child or family” and certain circumstances exist, including now “a family in which the child's parent, guardian or custodian has been the subject of an investigation by the department that found credible evidence that the child has been abused or neglected as defined in the Abuse and Neglect Act.” It appears to provide CYFD with an alternative mechanism for handling certain child abuse and neglect cases.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL None to this office.

SIGNIFICANT LEGAL ISSUES None.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL None to this office.

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL None to this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION None at this time.

TECHNICAL ISSUES OR DRAFTING ERROR None.

OTHER SUBSTANTIVE LEGAL ISSUES

ALTERNATIVES TO ENACTING THIS BILL

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status quo. When handling cases related to families in which a child's parent, guardian or custodian has been the subject of an investigation by the department that found credible evidence that the child has been abused or neglected as defined in the Abuse and Neglect Act, NMSA 1978, §§ 32A-4-34 to -22 (1993, as amended through 2009), CYFD will need to continue to follow the procedures set out in that act.

AMENDMENTS NEEDED TO IMPROVE THIS BILL