

NMFAM Legislative Guide for HB76

Expanding Safe Placement Options for High-Need Youth

Included:

- Simplified Breakdown of the Billpg. 2
 - *A plain-language explanation of what the bill does, section by section, written to quickly clarify intent, scope, and real-world impact without legal jargon.*
- Messaging & Fact Tool (*Helpful to Legislators*).....pg. 4
 - *Key talking points paired with supporting facts and data to help legislators clearly and confidently explain their position in committee, on the floor, or with constituents.*
- Likely Opposition Arguments—& How to Respond (*for Legislators*).....pg. 9
 - *A brief overview of the most common arguments in opposition of the bill, along with concise, factual rebuttals legislators can use in debate or media interviews.*
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HB 76 – Simplified Bill Breakdown

Expanding Safe Placement Options for High-Need Youth

HB 76 strengthens New Mexico’s child welfare system by expanding safe, appropriate placement options for youth in state custody—particularly older youth and children with higher behavioral or mental-health needs who cannot safely remain in traditional foster care settings.

While HB 65 focuses on stabilizing children early to prevent placement breakdowns, HB 76 addresses a critical system gap: the lack of appropriate placements when higher levels of care are truly needed.

How the Program Works

Under HB 76, funding is appropriated to the Health Care Authority (HCA) to contract with experienced providers to expand the continuum of care available to youth in state custody. These contracts are designed to increase access to clinically appropriate placements and services when stabilization in a family setting alone is not sufficient.

HB 76 supports the development and expansion of:

- Acute psychiatric hospital capacity
- Residential treatment centers
- Qualified residential treatment programs
- Step-down stabilization facilities for youth in crisis
- Mobile response and stabilization teams
- Treatment foster care homes
- Day treatment, intensive outpatient, and partial hospitalization services

The goal is to ensure children are placed based on clinical need and safety, not system shortages or lack of options.

Who This Bill Serves

HB 76 prioritizes:

- Adolescents and older youth
- Children with acute behavioral or mental-health needs

- Youth who require short-term, higher-level care before safely transitioning to a less restrictive setting

By expanding appropriate placements, the bill reduces the likelihood that children are placed far from home, in inappropriate congregate care, or in emergency settings.

Accountability & Safeguards

HB 76 is focused, time-limited, and responsible:

- Funding is appropriated for specific fiscal years
- Contracts are limited to providers with relevant experience
- Funds revert if unused
- Services expand capacity but do not duplicate CYFD stabilization efforts

HB 76 strengthens infrastructure without creating open-ended programs or unchecked growth.

Why This Matters

Without appropriate placement options, children with higher needs are often placed in settings that do not match their level of care—putting them, foster families, and staff at risk. HB 76 builds the capacity needed to support youth safely, stabilize crises, and create pathways back to family-based care when appropriate.

How HB 76 Works with HB 65

- HB 65 stabilizes children early to prevent crisis and placement disruption
- HB 76 ensures appropriate placements exist when higher-level care is necessary

Together, these bills create a more balanced, responsible child welfare system—one that prioritizes stability, safety, and long-term outcomes over crisis-driven decisions.

HB 76—Messaging & Fact Tool

Support to Vote YES on HB 76

Expanding Safe Placement Options for High-Need Youth

1. New Mexico Lacks Appropriate Placements for High-Need Youth

New Mexico's child welfare system is constrained not just by caseloads, but by a severe shortage of appropriate placements for older youth and children with higher behavioral or mental-health needs.

Facts to Support

- Adolescents and high-need youth are the hardest to place
- When appropriate placements don't exist, children are often:
 - Placed far from home
 - Sent to inappropriate congregate care
 - Held in emergency or crisis settings
 - Foster families are sometimes asked to take placements without adequate clinical support

Legislative takeaway:

Lack of placement options forces crisis decisions that harm children and families.

2. HB 76 Expands the Continuum of Care—Not Bureaucracy

HB 76 focuses on building capacity, not creating new administrative layers.

Facts to Support

- Funding is directed to the Health Care Authority, not CYFD
- HCA contracts with experienced providers to expand services
- HB 76 fills gaps that stabilization alone cannot address

Legislative takeaway:

HB 76 strengthens infrastructure without duplicating services.

3. HB 76 Ensures Children Are Placed Based on Need, Not Availability

Too often, placement decisions are driven by what is available—not what is appropriate.

Facts to Support

HB 76 expands access to:

- Acute psychiatric hospital capacity
- Residential treatment centers
- Qualified residential treatment programs
- Step-down stabilization facilities
- Mobile crisis response teams
- Treatment foster care homes
- Intensive outpatient and partial hospitalization services

Legislative takeaway:

Matching children to the right level of care improves safety and outcomes.

4. HB 76 Protects Foster Families and Caregivers

Without appropriate alternatives, foster families bear the burden of system gaps.

Facts to Support

- High-need placements without support increase:
 - Caregiver burnout
 - Placement disruption
 - Safety risks
 - HB 76 ensures higher-need youth have clinically appropriate placements

Legislative takeaway:

Protecting foster families protects children.

5. HB 76 Reduces Overreliance on Congregate Care

Congregate care is often used out of necessity—not best practice.

Facts to Support

- Congregate care should be:
- Short-term
- Purpose-driven
- Clinically appropriate
- HB 76 expands alternatives so congregate care is not the default

Legislative takeaway:

Better options reduce reliance on institutional settings.

6. HB 76 Is Targeted, Time-Limited, and Accountable

This bill is designed to be responsible and measurable.

Facts to Support

- Funding is limited to specific fiscal years
- Contracts require relevant provider experience
- Funds revert if unused
- No open-ended program expansion

Legislative takeaway:

HB 76 includes fiscal guardrails and accountability.

7. HB 76 Improves Safety and Long-Term Outcomes

Appropriate placements stabilize crises and support recovery.

Facts to Support

- Properly matched care reduces:
 - Emergency interventions
 - Placement disruptions
 - Long-term system involvement
 - Stabilization improves pathways back to family-based care

Legislative takeaway:

Right care at the right time improves outcomes and reduces costs.

8. HB 76 Works in Partnership with HB 65

HB 76 is not a stand-alone solution—it is a companion to HB 65.

Facts to Support

- HB 65 stabilizes children early in home-like settings
- HB 76 provides higher-level care when stabilization alone is not enough
- HB 65 manages stability and flow
- HB 76 ensures capacity exists

Legislative takeaway:

Together, the bills fix gaps without duplication.

9. HB 76 Responds to Reality, Not Ideal Scenarios

While family-based care is the goal, not every child can safely remain in a foster home at every stage.

Facts to Support

- Some youth require short-term, higher-level care
- Without options, youth are placed in inappropriate settings
- HB 76 acknowledges reality while maintaining a focus on safety and transition

Legislative takeaway:

Responsible policy plans for real-world needs.

Closing Statement for Legislators

Children should never be placed in unsafe or inappropriate settings simply because no better option exists.

HB 76 expands the continuum of care, protects families, and ensures youth receive the level of support they need—when they need it.

HB 76 is a responsible, targeted investment in safety, stability, and better outcomes.

HB 76 deserves a YES vote.

Quick One-Line Floor & Media Responses

“Children should be placed based on need—not availability.”

“HB 76 builds capacity where gaps exist.”

“Protecting foster families protects children.”

“This bill expands options, not bureaucracy.”

“HB 76 completes the stabilization pathway.”

HB 76—Likely Opposition Arguments & How to Respond

Opposition Argument 1: “This expands institutional or congregate care.”

Response:

HB 76 does the opposite. It expands **alternatives to congregate care**, including treatment foster homes, step-down facilities, mobile crisis teams, and outpatient services.

Congregate care is currently overused because options don’t exist. HB 76 builds those options so congregate care is no longer the default.

Key takeaway:

More options mean less institutionalization, not more.

Opposition Argument 2: “We should focus only on family-based care.”

Response:

Family-based care is the goal, but it only works when appropriate supports exist. Some youth temporarily require higher-level care to stabilize safely. Without options, children are placed in inappropriate or unsafe settings. HB 76 ensures higher-level care is available *when truly needed*—and supports transitions back to family settings.

Key takeaway:

Right care at the right time strengthens family-based care.

Opposition Argument 3: “This duplicates CYFD’s role.”

Response:

HB 76 does not duplicate CYFD services. It funds the Health Care Authority to expand **clinical treatment capacity**, not placement management. HB 76 complements CYFD stabilization efforts under HB 65 by ensuring appropriate placements exist when stabilization alone is insufficient.

Key takeaway:

HB 76 fills capacity gaps; it doesn’t replace CYFD.

Opposition Argument 4: “This is too costly.”

Response:

Emergency placements, repeated disruptions, and inappropriate settings are already costly—financially and emotionally. HB 76 is a targeted, time-limited investment that reduces long-term costs by stabilizing crises and preventing repeated system involvement.

Key takeaway:

Unplanned crisis care costs more than planned capacity.

Opposition Argument 5: “We shouldn’t expand services before fixing CYFD.”**Response:**

Children cannot wait for perfect systems. HB 76 addresses immediate safety and placement gaps while broader reforms continue. Delaying capacity expansion only increases risk and trauma for children and families.

Key takeaway:

Safety cannot be paused for reform.

Opposition Argument 6: “This gives too much discretion to agencies.”**Response:**

HB 76 includes clear guardrails:

- Time-limited funding
- Contracts with experienced providers only
- Defined purpose and scope
- Reversion of unused funds

These measures ensure responsible oversight.

Key takeaway:

HB 76 expands care with accountability.

Opposition Argument 7: “This could encourage higher-level placements instead of prevention.”**Response:**

HB 76 is designed to support **appropriate placement**, not escalation. It works in tandem

with HB 65, which focuses on early stabilization and prevention. Together, the bills ensure children are supported at the lowest appropriate level of care.

Key takeaway:

Prevention and capacity work best together.

Opposition Argument 8: “This won’t fix the whole system.”

Response:

No single bill fixes everything—but HB 76 solves a **specific, urgent problem**: the lack of safe, appropriate placements for high-need youth. It is intentionally targeted and paired with HB 65 to address different stages of care.

Key takeaway:

HB 76 fixes a critical gap.

Bottom Line Response


HB 76 is about safety, responsibility, and reality. It ensures children are placed based on need—not availability—while protecting families, improving outcomes, and strengthening the child welfare system.

HB 76 — Messaging for Action Items & Socials

A. Action Alert Language (Primary – Website / Email / Action Center)

HB 76 expands safe, appropriate placement options for youth in state custody—especially older youth and those with higher needs. When appropriate placements don't exist, children are often placed in unsafe or unsuitable settings simply because there are no better options.

This bill strengthens New Mexico's continuum of care, protects foster families, and ensures youth receive the right level of care at the right time. **HB 76 has already passed its first committee**, and continued public support is essential to keep this momentum moving forward.

 **Take action now:** Tell your legislators to **vote YES on HB 76** and support responsible, accountable child welfare reform.

B. Action Alert Language (Short Form – Text / Mobile / Pop-Up CTA)

Momentum is building! HB 76 expands safe placement options for high-need youth and has passed its first committee.

 Tell legislators to **vote YES on HB 76 today**.

C. Social Media Messaging Options (Multiple Tones)

1. Clear & Informational

HB 76 expands safe placement options so youth in state custody are placed based on need—not availability. The bill has passed its first committee and needs continued support.

 **Vote YES on HB 76.**

2. Safety & Protection Focused

No child should be placed in an unsafe or inappropriate setting because no other option exists. HB 76 expands responsible placement options for high-need youth.

 **Vote YES on HB 76.**

3. Momentum-Building

Momentum matters! HB 76 passed its first committee and is moving forward. Let's keep it going for vulnerable youth and families.

 **Vote YES on HB 76.**

4. Foster Family Support Angle

Foster families shouldn't be asked to take placements without the right support. HB 76 protects caregivers by expanding appropriate care options.

 **Support foster families—vote YES on HB 76.**

5. Accountability & Fiscal Responsibility

Planned care is safer and more responsible than crisis placements. HB 76 builds capacity with clear guardrails and accountability.

 **Vote YES on HB 76.**

6. Values-Based / Faith-Friendly

Protecting children means ensuring safe care at every stage. HB 76 strengthens pathways to healing and stability for vulnerable youth.

 **Vote YES on HB 76.**

D. Short Reel / Video Caption Options

Option 1:

Children deserve the right care at the right time. HB 76 expands safe placement options for high-need youth.

 **Vote YES on HB 76.**

Option 2:

HB 76 passed its first committee—now let's keep moving. Safe placements matter.

 **Vote YES on HB 76.**

Option 3:

More options. Better outcomes. Safer care.

 **Support HB 76.**

E. One-Line Advocacy Statements (Great for Graphics or Quotes)

- “Children should be placed based on need—not availability.”
 - “Safe placements protect children and families.”
 - “Right care, right time, better outcomes.”
 - “HB 76 builds the care continuum.”
 - “Momentum for safer child welfare.”
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F. Hashtag Suggestions (Optional)

#SupportHB76

#ProtectKidsNM

#RightCareRightTime

#FosterFamiliesMatter

#ChildWelfareReform