TITLE 8 SOCIAL SERVICES
CHAPTER 7 OFFICE OF FAMILY REPRESENTATION AND ADVOCACY
PART 2 RULEMAKING

8.7.2.1 ISSUING AGENCY: Office of Family Representation and Advocacy (OFRA) Commission.
[8.7.2.1 NMAC - N, 11/17/2026]

8.7.2.2 SCOPE: This rule applies to all rulemaking actions undertaken by the commission, including drafting, noticing, hearing, adopting, filing, and publishing rules governing OFRA's operations.
[8.7.2.2 NMAC - N, 11/17/2026]

8.7.2.3 STATUTORY AUTHORITY: Authority for this rule is provided by the State Rules Act, Section 14-4-1 et seq. NMSA 1978, and OFRA's enabling statute, Section 32A-27-1 et seq. NMSA 1978.
[8.7.2.3 NMAC - N, 11/17/2026]

8.7.2.4 DURATION: Permanent.
[8.7.2.4 NMAC - N, 11/17/2026]

8.7.2.5 EFFECTIVE DATE: November 17, 2026, unless a later date is cited at the end of a section.
[8.7.2.5 NMAC - N, 11/17/2026]

8.7.2.6 OBJECTIVE: The objective of this rule is to implement a clear, transparent, and efficient process for rulemaking, consistent with the State Rules Act, 1.24.10 NMAC formatting requirements, and guidance issued by the Administrative Law Division (ALD).
[8.7.2.6 NMAC - N, 11/17/2026]

8.7.2.7 DEFINITIONS:

A. "Commission" means the OFRA commission.

B. "Proposed rule" means the compilation of documents required under the State Rules Act, including comments, hearing records, drafts, and adoption documents.
[8.7.2.7 NMAC - N, 11/17/2026]

8.7.2.8 INITIATION OF RULEMAKING:

A. The commission or the OFRA executive director may initiate rulemaking to carry out the duties of OFRA.

B. Prior to drafting, OFRA will determine the appropriate Title and Chapter for NMAC placement and, if necessary, submit a request for a new chapter/part numbers to the ALD.
[8.7.2.8 NMAC - N, 11/17/2026]

8.7.2.9 DRAFTING OF PROPOSED RULES:

A. OFRA will draft proposed rules determined to be appropriate by either the OFRA executive director or the commission and submit them to the commission for consideration.

B. The commission will review and consult with the OFRA executive director about any questions, concerns, or suggestions it has regarding the proposed rule.

C. Once OFRA and the commission agree to draft language, OFRA will proceed with public notice.
[8.7.2.9 NMAC - N, 11/17/2026]

8.7.2.10 PUBLIC NOTICE:

A. OFRA will, at a minimum, publish the proposed rule and information about making public comment in the New Mexico register, on its website and to its interested parties list.

B. All notices must comply with 1.24.15 NMAC requirements regarding content, formatting and mandatory dissemination.
[8.7.2.10 NMAC - N, 11/17/2026]

8.7.2.11 PUBLIC COMMENT PERIOD AND HEARING:

A. OFRA will accept written comments for at least 30 days following publication.

B. OFRA will hold a public hearing for oral comment.

C. The public hearing will be attended by two or more members of the commission.

D. Written comments shall be maintained in the rulemaking record; the content of oral comments shall be noted in a written record of the public hearing or shall be recorded and maintained in the rulemaking record.

[8.7.2.11 NMAC - N, 11/17/2026]

8.7.2.12 POST COMMENT REVIEW:

A. Within 30 days of the close of public comment, OFRA will document the nature of each comment, recommend whether to adopt changes based on the public comment, and explain the recommended change(s) or the reasons why no change(s) are needed.

B. The summary and revised text shall be provided to the commission.

[8.7.2.12 NMAC - N, 11/17/2026]

8.7.2.13 RULE ADOPTION:

A. At the next regularly scheduled commission meeting, or at a special meeting called by the commission chairperson if expedience is needed, the commission will vote on whether to adopt the proposed rule with any changes recommended after public comment.

B. The OFRA executive director and/or members of the executive committee who attended the public comment meeting will be available to answer questions from commission members about the proposed rule.

[8.7.2.13 NMAC - N, 11/17/2026]

8.7.2.14 FILING AND PUBLICATION:

A. OFRA shall submit the final rule to the ALD with all required documents.

B. The rule becomes effective upon publication in the New Mexico Register.

[8.7.2.14 NMAC - N, 11/17/2026]

8.7.2.15 EMERGENCY RULES:

A. The commission may issue an emergency rule if immediate action is required to prevent imminent peril or legal noncompliance.

B. OFRA must provide a written justification to the commission before seeking an emergency rule.

C. The commission must issue a written justification before filing an emergency rule.

D. Emergency rules remain effective only for the statutory period unless replaced earlier.

[8.7.2.15 NMAC - N, 11/17/2026]

8.7.2.16 RULEMAKING RECORD:

A. OFRA shall maintain a complete rulemaking record. The rulemaking record shall contain:

(1) a copy of all publications in the New Mexico register relating to the proposed rule;

(2) a copy of any technical information that was relied upon in formulating the final rule;

(3) any official transcript of a public rule hearing or, if not transcribed, any audio recording or verbatim transcript of the hearing, and any memoranda summarizing the contents of the hearing prepared by the hearing officer or agency official who presided over the hearing;

(4) a copy of all comments and other material received by the agency during the public comment period and at the public hearing;

(5) a copy of the full text of the initial proposed rule and the full text of the final adopted rule and the concise explanatory statement filed with the state records administrator or the administrator's designee; and

(6) any corrections made by the state records administrator pursuant to Section 14-4-3 NMSA 1978.

B. No later than 30 days after the rulemaking process has closed, the record and materials incorporated by reference in the proposed rule shall be readily available for public inspection in the central office of the agency and available for public display on the state sunshine portal.

[8.7.2.16 NMAC - N, 11/17/2026]

HISTORY OF 8.7.2 NMAC: [RESERVED]