

**The New Mexico Substitute Care Advisory Council  
(SCAC)  
Annual Report  
FY 17**

**Approved at the SCAC Regular Meeting  
September 11, 2017**



**New Mexico Regulation and Licensing Department  
OFFICE OF SUPERINTENDENT  
Substitute Care Advisory Council**

**Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87504  
(833) CRB-CALL ▪ nm.crb@state.nm.us**

September 18, 2017

Dear Judicial, Legislative and Executive Members,

Every year, our communities are rocked by cases of child abuse, neglect and crimes against children. Children living in unsafe environments, not having stable and secure supervision or needing more appropriate placements are taken into custody by the New Mexico Children Youth and Families Department (CYFD). At last report, there are more than 2,500 of New Mexico's children who have been placed in substitute care homes or facilities as their cases wind through the court system.

As Chair of the Substitute Care Advisory Council, my heart goes out to these children. As a New Mexican, mother and active member of my community, I strive to ensure the work of the Council and my fellow members makes a meaningful and impactful change in the lives of these children, their biological or foster parents, CYFD employees and all others who are deeply impacted by the substitute care system.

Enclosed please find the annual report of the New Mexico Substitute Care Advisory Council, which details the work staff has completed over the previous fiscal year. Our case reviews are an intricate and vital step in the process to ensure that substitute care policies and procedures are up to date and follow best practices. Our collection of data and trends will guide us in the upcoming year to ensure the oversight mandated by law, and carried out by staff, is as complete and solution-driven as possible.

I am extremely grateful for your support of the Council, its mission and its staff. Our hearts are rooted deeply in this cause and we are passionate about success.

Sincerely,

A handwritten signature in blue ink, reading "Stephanie Schardin Clarke".

Stephanie Schardin Clarke  
Chair

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<sup>1</sup> FY 15 = July 2014 – June 2015

<sup>2</sup> FY 16 = July 2015 – June 2016

<sup>3</sup> FY 17 = July 2016 – June 2017

## **SUBSTITUTE CARE ADVISORY COUNCIL MEMBERS**

### **NAME**

**STEPHANIE SCHARDIN CLARKE, CHAIR**  
**ANTHONY ORTIZ, VICE-CHAIR**  
**DEAN HOPPER**  
**MICHAEL NELSON**  
**GABRIELLA SANCHEZ-SANDOVAL**  
**ANITA “KATY” WIECHERT**

### **REPRESENTING**

**NM DEPT. OF FINANCE AND ADMIN.**  
**PUBLIC MEMBER**  
**NM DEPT. OF PUBLIC EDUCATION**  
**NM DEPT. OF HUMAN SERVICES**  
**NM DEPT. OF HEALTH**  
**PUBLIC MEMBER**

## **SCAC ADVISORY COMMITTEE MEMBERS**

### **NAME**

**JACK CARPENTER, CHAIR**  
**ALLAN TROSCLAIR, VICE-CHAIR**  
**MARY CARR**  
**MARIA ORTIZ**  
**DEIDRA WATSON**  
**JANE WELLS**

### **COUNTY**

**TAOS**  
**SANDOVAL**  
**EDDY**  
**DOÑA ANA**  
**SAN JUAN**  
**BERNALILLO**

## CHANGES IN THE LAW

The New Mexico Citizen Substitute Care Review Act (Act) is authorized under Chapter 32 [32], Article 8 NMSA 1978<sup>1</sup> to establish “a permanent system for independent and objective monitoring of children placed in the custody of the department ([Children, Youth and Families/CYFD]). To improve upon this system, the Act was amended effective July 1, 2016 to include the following:

- Creation of a nine member Substitute Care Advisory Council (Council or SCAC) appointed by the governor to oversee the functions and procedures of the substitute care review boards (SCRB).
- The Council is administratively attached to the NM Regulation and Licensing Department (RLD).
- The Council appoints a six member advisory committee.
- Specific citizen eligibility requirements for membership on SCRB’s.
- Designation of specific selection criteria for case review.
- Annual report to be distributed by November 1.

The Act meets the requirement of the federal Child Abuse Protection & Treatment Act (CAPTA),<sup>2</sup> which requires states to:

- Establish volunteer citizen panels to examine “policies, procedures, and practices of State and local agencies and where appropriate, specific cases to evaluate the extent that state and local child protection systems are:
  - effectively discharging their child protection responsibilities, and
  - in compliance with the CAPTA state plan, child protection standards and “any other criteria the panel considers important to ensure the protection of children”.
- Provide the volunteer citizen panels access to information on cases to be reviewed.
- Provide “public outreach to assess the impact of current procedures and practices upon children and families in the community”.

Both CAPTA and the Act require review panels/boards to be composed of members representative of the community they serve, including “members who have expertise in the prevention and treatment of child abuse and neglect, and may include adult former victims of child abuse or neglect”. Further, both require an annual report, which includes recommendations.

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<sup>1</sup> Chapter 32 [32], Article 8 NMSA 1978, et.seq.

<sup>2</sup> CAPTA, Section 106.E.c

## **BACKGROUND**

The Council's staff is comprised of a Program Manager, three Regional Facilitators, and two support staff. Case reviews are conducted by substitute care review boards (SCRB) facilitated by SCAC staff. Each SCRIB consists of citizen volunteers who meet and maintain eligibility requirements. SCRIB meetings are held monthly in each CYFD region and at least once per quarter in each Judicial District. Pursuant to the Act, interested parties are notified in advance to participate in the case review. Interested parties may include biological parents, foster parents, relatives, CYFD staff, Guardian ad Litem, youth attorneys, respondent attorneys, Court Appointed Special Advocates (CASAs) and service providers. Specific case information is provided in advance to SCRIB members who will be participating in the case review meeting. For each case reviewed, a summary report, including strengths, barriers and recommendations, is prepared by SCAC staff and submitted to the presiding judge and interested parties for consideration. This report becomes part of the child's court file. SCAC staff track data related to demographics and note trends from the case reviews. The assessment of this data identifies factors the New Mexico child protection system faces, concludes the extent to which CYFD is effectively discharging its child protection responsibilities and proposes requisite changes to statutes, policies and procedures related to substitute care.

The Children's Code states the Council is to receive adjudicatory/dispositional orders, the continuation of such orders, CYFD progress reports to the Court and notices of hearings. However the Act did not include specifics about the information CYFD is to provide in order to result in effective case reviews and determination of the extent CYFD is fulfilling its responsibilities. The Regulation and Licensing Department and CYFD negotiated and entered into a Joint Powers Agreement that resulted in additional information being provided to the Council, such as a monthly list of adjudicated children along with the number of placements and current placement information, as well as CYFD policies and procedures. While this additional information is helpful, it is still limited and does not provide full access to information. A review of CYFD's policy and procedures related to SCRIB led to the conclusion that they do not reflect the 2016 amendments of the Act nor do they provide specifics as to when and how the information is to be transmitted or how that will be tracked.

## **FY 17 CASE REVIEWS**

During FY 17, 483 cases representing 876 children were reviewed in all 5 CYFD regions and all 13 Judicial Districts (see Appendix A) with over 5,000 interested parties provided notification to participate. When determining the criteria to review specific cases, the Act sets forth the following criteria that may be considered:

- Sibling placements;
- Frequency and severity of neglect or abuse;
- Behavioral health status of household members;
- Placement of children in households where there are no relatives of the children;
- Data related to demographics; and
- Relevant trend data.

During FY 17, criteria for specific case review was studied by staff and a subcommittee of the Council. In approximately 79% of cases reviewed, CYFD had prior involvement with the family and in 97% of cases there was evidence of concerns related to behavioral health to include substance abuse and domestic violence. The cases

reviewed included permanency plans of Reunification, Adoption and Planned Permanent Living Arrangement (PPLA) and Permanent Guardianship. After consideration of the information reviewed, the SCRB determines whether or not there is concurrence with the court approved permanency plan. Reviews of cases found that the SCRB concurred with the court approved permanency plan in approximately 77% of cases, but there was no concurrence with the progress being made towards permanency.

The cases of children in substitute care are complex, and in the past due to the previous legislative framework, case reviews were focused on quantity of case reviews completed, which was counterproductive to the quality of the review of cases. Often times, SCAC staff tracked a multitude of factors throughout case reviews, which did not allow for focus on solution-oriented recommendations for any particular issue. With the 2016 amendment to the Act, and the requirement of clear case selection criteria, staff can now focus its efforts on targeting key issues, demographics and trends to provide meaningful data and solutions to CYFD, the courts and the legislature. This fundamental change in process will directly impact the lives of children in custody for decades to come.

Case reviews in FY 18 will focus on a more in-depth review of cases to allow full assessment of statutes, policies and procedures as well as engage stakeholders in strategic planning to improve the child protection response system in their communities. This will result in cogent conclusions as to the effectiveness of CYFD discharging its child protection responsibilities as well as specific recommendations on the statutes, policies and procedures related to substitute care.

## **FY 17 RECOMMENDATIONS**

- Children, Youth and Families Department to:
  - Update policies and procedures regarding substitute care case reviews to reflect the amendments in the Act.
- Council to oversee an in-depth review of specific cases.

## **FY 17 ACCOMPLISHMENTS**

- Council promulgated a new administrative rule, NMAC 8.26.7;
- Council appointed a six member advisory committee (see page 4);
- 483 case reviews representing 876 children conducted in all 5 CYFD regions and all 13 Judicial Districts;
- Council adopted a Code of Conduct for SCRB members;
- New member training and annual training implemented for SCRB members; and
- Joint Powers Agreement (JPA) entered into between RLD and CYFD.

## RESPONSE FROM CYFD ON FY15 RECOMMENDATIONS

In FY 15, recommendations were made to CYFD, the Administrative Office of the Courts (AOC), and the Legislature by the State Advisory Committee (SAC), which existed in statute prior to creation of the SCAC in 2016. The following table states the recommendation and the responses.

CYFD	
Recommendation	FY 15 Response
CYFD to collaborate with SAC and the NMCRB Contractor to strengthen the information sharing and notification within 10 working days following the 10 day hearing of children in custody. Information shall include, but not be limited to name, gender, date of birth, date of custody, affidavit, any dispositional orders, case plans, advanced calendar of court hearings and contact information for interested parties.	<i>"CYFD is committed to collaborating with the CRB project to ensure information is shared in a timely and effective manner. Due to new legislation CYFD is communicating with the Regulation and Licensing Division to ensure a reasonable and productive collaboration is established in an effort to make the CRB process a benefit to the children of New Mexico."</i>
	FY 16 Response
	<i>"CYFD would like to re-visit this recommendation with the SCAC. CYFD entered into a Joint Powers of Agreement (JPA) with RLD effective July 1, 2016. The JPA requires CYFD to provide a list of children in custody post adjudication that include information on ethnicity, number of placements, and current placement. The CYFD Protective Services Data Manager is currently providing the information requested in the JPA to the SCAC on a monthly basis."</i>
Recommendation	FY 15 Response
CYFD to collaborate with Department of Health to develop a system to monitor and report on the prescribing of psychotropic drugs to children in substitute care.	<i>"CYFD has implemented a process of case review and psychotropic medication oversight that is still in the infancy phase, but is committed to building momentum with this initiative. CYFD invites the Human Services Department to participate at this time, and is working to develop an ongoing data sharing initiative with them."</i>
	FY 16 Response
	<i>"CYFD has implemented a process of case review and psychotropic medication oversight. CYFD invites the Human Services Department to participate at this time, and is working to develop an ongoing data sharing initiative with them."</i>



CYFD	
Recommendation	FY 15 Response
<p>CYFD to collect aggregated data to analyze and make informed recommendations on policies and procedures. Data compiled should include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Psychotropic medications by age and type of medicine.</li> <li>• Changes of schools by elementary and secondary.</li> <li>• Active IEPs by age.</li> <li>• Therapeutic services by age, type and location.</li> <li>• Educational decision makers appointed, by age of child.</li> </ul>	<p><i>"CYFD continues to improve the gathering, analysis and sharing of data with stakeholders in multiple areas of practice."</i></p>
	<p><b>FY 16 Response</b></p> <p><i>"Protective Services Division has implemented a continuous quality improvement initiative in which data supports recommendations to CYFD Protective Services policies and procedures."</i></p>
Recommendation	FY 15 Response
<p>CYFD to develop a statewide foster parent recruitment plan that incorporates current efforts in streamlining licensing, training and retention.</p>	<p><i>"CYFD has developed a new process for the recruitment, training, and licensing of foster and adoptive parents. The initiative involves a "navigator" who is assigned to follow each applicant through the entire process. CYFD has also received and authorized numerous additional FTE to dedicate to the licensing, training, and support of foster and adoptive parents."</i></p>
	<p><b>FY 16 Response</b></p> <p><i>"CYFD is working on developing a statewide foster parent recruitment and retention plan. This plan will include strategies such as the regional resource navigators to support potential foster families from initial point of inquiry through licensure. The plan will include targeted recruitment strategies and retention of currently licensed families."</i></p>

<b>ADMINISTRATIVE OFFICE OF THE COURTS (AOC)</b>	
<b>Recommendation</b>	<b>Response</b>
AOC to require Advanced Calendaring for child abuse/neglect civil cases in all Judicial Districts.	None provided.
AOC to develop a plan for court appointed contract attorneys, for children/youth and biological parents/caregivers as a result of a child abuse/neglect civil case, that includes a needs assessment, compensation based on industry standards, competitive selection and performance evaluation that includes information from CRB reviews.	None provided.
<b>NM STATE LEGISLATURE</b>	
<b>Recommendation</b>	<b>Response</b>
NM State Legislature to adopt and pass the SAC proposed changes to the statute, as contained in the FY 15 annual report, to enable the NMCRB process to result in effective review and relevant recommendations for continuous quality improvement of the substitute care system.	SB49 was signed into law effective July 1, 2016.

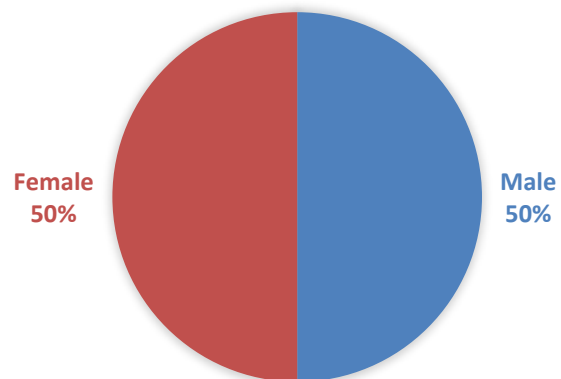
## **Appendix A**

### **DEMOGRAPHICS OF CHILDREN/YOUTH REVIEWED FY 17**

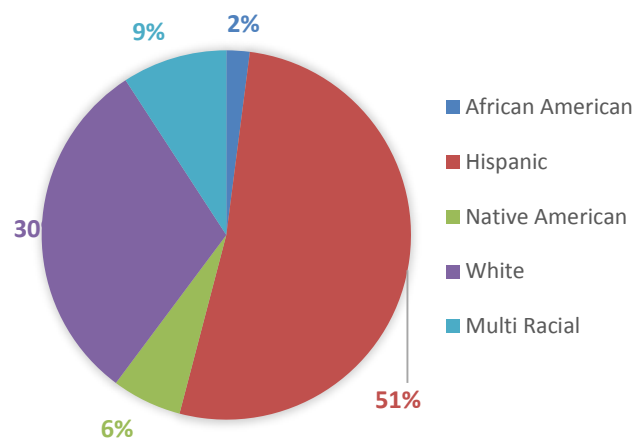
- 50% male; 50% female.
- 51% were Hispanic ethnicity.
- 45% were ages 0-5 and 12% were 14 or older.
- 50% had been in custody less than 1 year.
- 18% had been in custody 2-4 years.
- 56% had the court ordered permanency plan of reunification.
- 79% of cases reviewed had prior CYFD involvement.
- 80% of children/youth had experienced 1-2 CYFD worker at the time of review, with 20% experiencing turnover of 3 or more CYFD caseworkers.
- 37% of children/youth had 3 or more placements at the time of review.
- 22% of children/youth had 4 or more placements at the time of review.
- 25% of children/youth were placed with a relative at the time of review.

The following charts provide more detailed information on the demographics of the children/youth reviewed in FY 17.

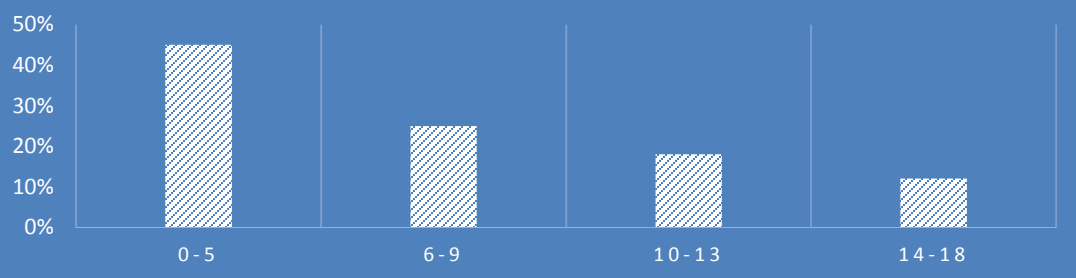
## GENDER OF CHILDREN/YOUTH REVIEWED IN FY 17



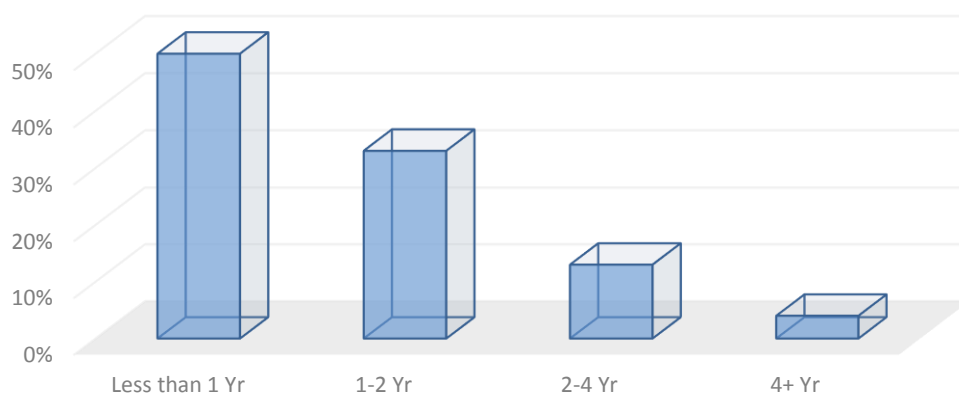
## RACE/ETHNICITY OF CHILDREN/YOUTH REVIEWED IN FY 17



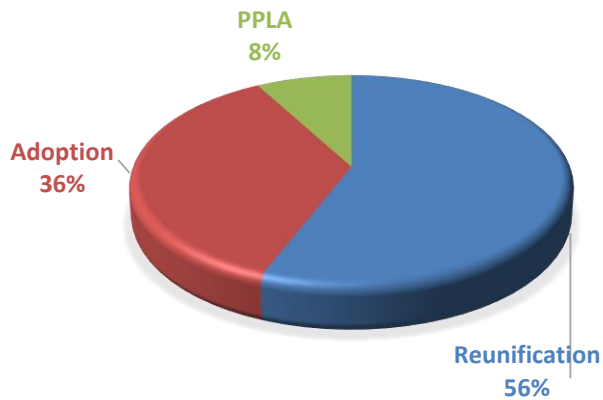
## AGE OF CHILDREN/YOUTH AT THE TIME OF REVIEW IN FY 17



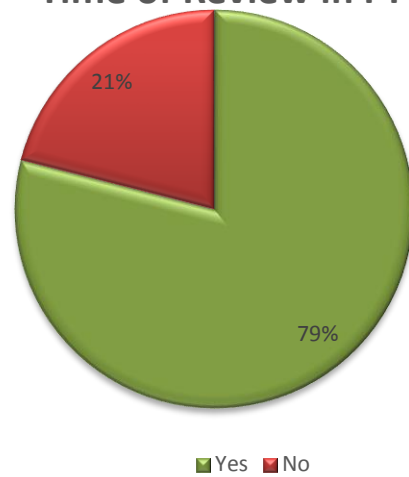
## Length of Time in Custody at Time of Review in FY 17



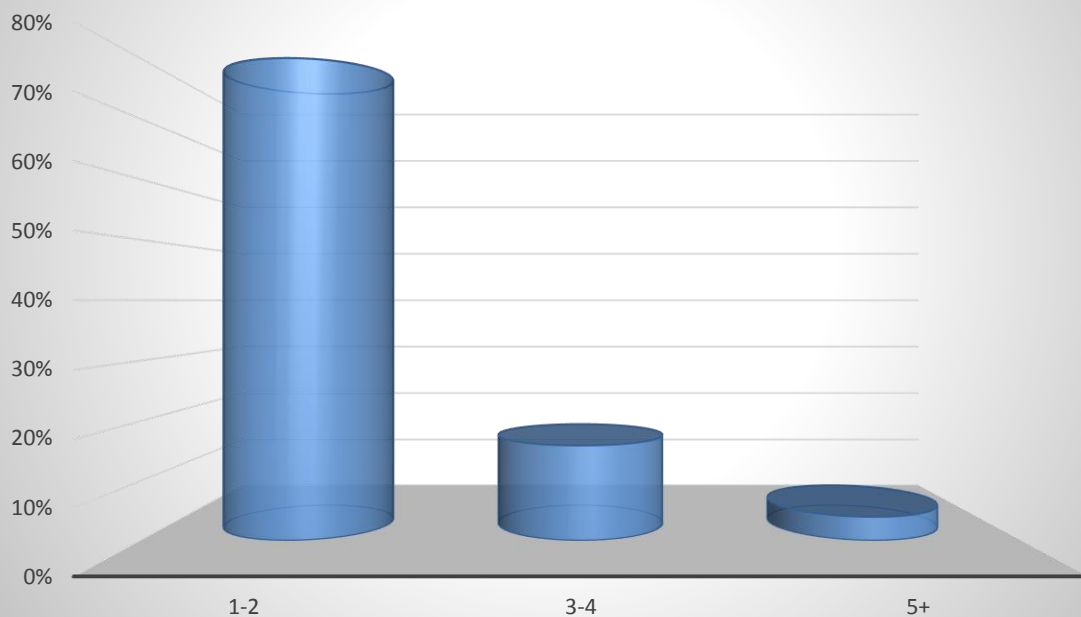
### PERMANENCY PLAN AT TIME OF REVIEW IN FY 17



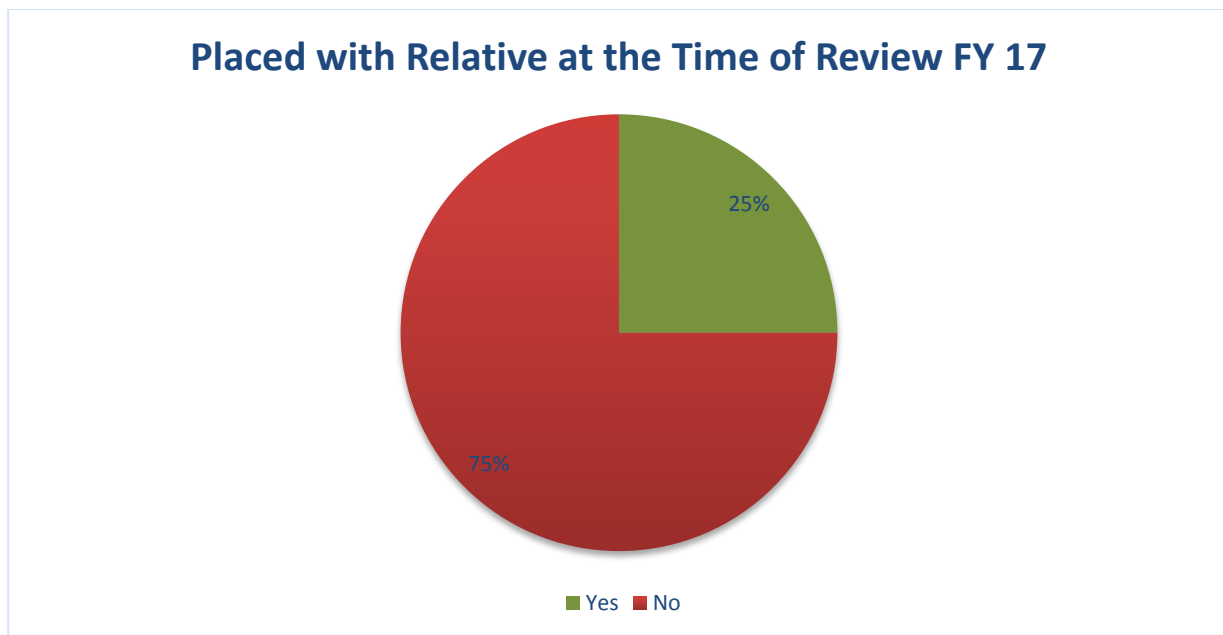
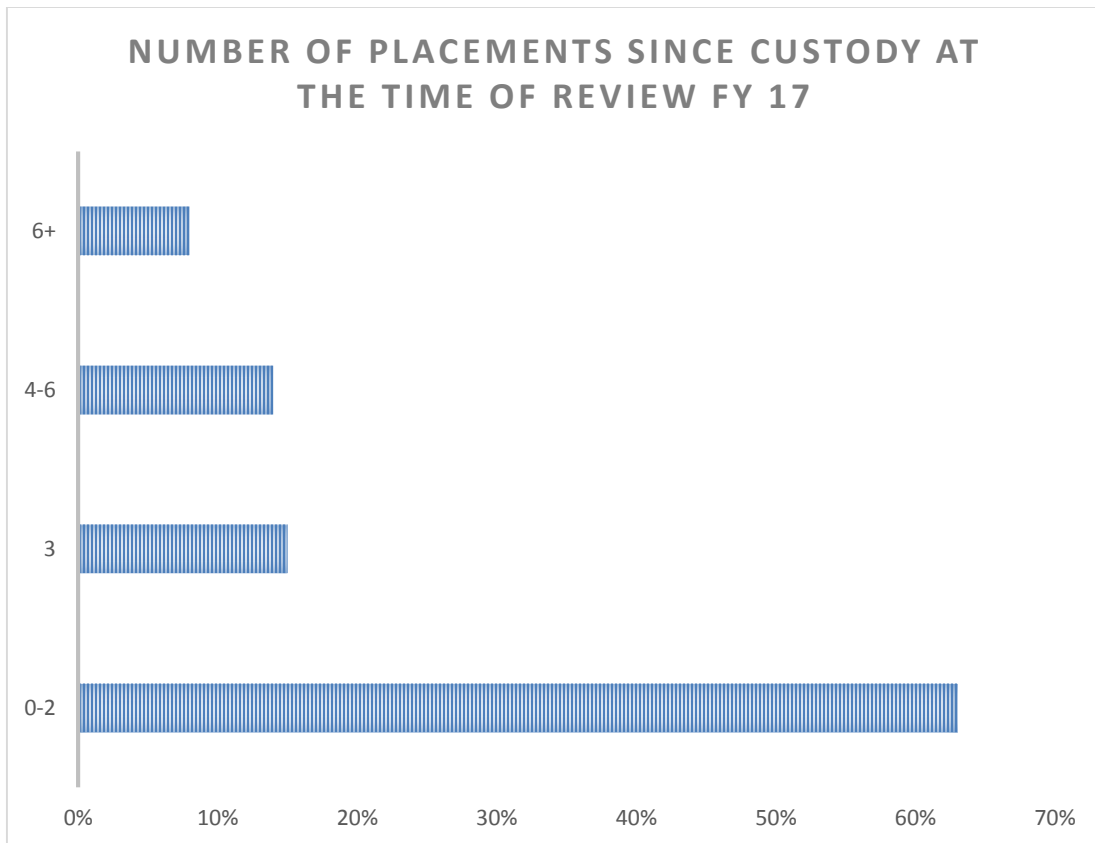
### Prior CYFD Involvement at Time of Review in FY 17



### Number of CYFD Caseworkers\* Since Coming into Custody at Time of Review FY 17



\*Caseworkers in the CYFD Investigation Unit may or may not be included.



## Appendix B

### SCRB Activity FY 17

CYFD Region	JD	County/Board	# Cases Requested	# Cases Reviewed	# Children Reviewed	# Children Reviewed More than Once	Children in CYFD Custody Per Quarter*			
							Qtr 1	Qtr 2	Qtr 3	Qtr 4
1	7	Torrance	17	9	20	2	32	30	35	33
	11	McKinley	15	7	10	0	94	83	77	73
		San Juan	113	30	56	9	121	127	113	106
	13	Cibola	2	1	3	0	35	39	51	48
		Sandoval	28	14	36	7	73	96	49	54
		Valencia	99	46	78	16	152	141	146	152
	Region 1 Totals		274	107	203	34	507	516	471	466
2	1	Rio Arriba/Los Alamos	81	26	60	4	92	61	95	87
		Santa Fe	57	27	51	11	54	86	52	62
	4	San Miguel/Guad/Mora	71	30	63	17	73	70	70	71
	8	Colfax/Union	26	18	28	3	26	22	24	18
		Taos	51	12	19	1	48	71	49	45
	Region 2 Totals		286	113	221	36	293	310	290	283
	3	2	Bernalillo	473	35	67	12	1097	1021	1108
Region 3 Totals		473	35	67	12	1097	1021	1108	1147	
4	5	Chaves	62	28	34	9	59	62	55	69
		Eddy	112	39	69	13	101	76	90	87
		Lea	27	9	16	3	133	123	117	113
	9	Curry/Roosevelt	47	27	53	5	83	100	80	71
	10	Quay/DeBaca/Harding	8	6	9	1	18	21	17	13
	Region 4 Totals		256	109	181	31	394	382	359	353
5	3	Dona Ana	101	44	75	13	140	164	134	138
	6	Grant/Catron	22	13	30	0	40	41	36	47
		Luna/Hidalgo	7	6	13	0	27	29	36	37
	7	Sierra	15	6	7	1	13	22	17	15
		Socorro	31	15	26	3	37	15	31	29
	12	Lincoln	8	1	2	2	26	16	27	25
		Otero	55	34	51	7	89	101	112	107
	Region 5 Totals		239	119	204	26	372	388	393	398
FY 17 TOTALS			1528	483	876	139	2663	2617	2621	2647

\*CYFD FY 17 360 Quarterly Reports, representing a point in time.

## Appendix C

### CRB Activity FY 16

CYFD Region	JD	County/Board	# Boards Held	# Cases Requested	# Cases Reviewed	# Children Reviewed	# Children Reviewed More than Once	Children in CYFD Custody Per Quarter			
								Qtr 1	Qtr 2	Qtr 3	Qtr 4
1	7	Torrance	4	7	5	14	4	20	18	26	36
	11	McKinley	3	19	7	12	0	81	76	81	75
		San Juan	16	110	50	88	24	123	110	122	125
	13	Cibola	2	8	3	6	0	46	45	39	36
		Sandoval	11	33	22	37	15	71	68	77	66
		Valencia	15	90	59	119	44	194	175	190	149
	Region 1 Totals		51	267	146	276	87	535	492	535	487
2	1	Rio Arriba/Los Alamos	11	50	36	77	26	56	49	56	66
		Santa Fe	3	22	9	13	0	34	33	38	38
	4	San Miguel/Guad/Mora	9	38	21	36	0	54	53	70	72
	8	Colfax/Union	9	23	19	29	5	34	27	27	25
		Taos	6	18	9	13	1	37	41	39	47
	Region 2 Totals		38	151	94	168	32	215	203	230	248
3	2	Bernalillo	29	402	114	222	48	1006	938	1007	980
	Region 3 Totals		29	402	114	222	48	1006	938	1007	980
4	5	Chaves	9	47	17	21	3	97	104	78	68
		Eddy	14	98	46	69	3	81	86	93	89
		Lea	6	38	18	30	1	106	104	100	121
	9	Curry/Roosevelt	8	34	27	43	15	77	78	92	77
	10	Quay/DeBaca/Harding	3	10	4	5	0	22	17	15	18
	Region 4 Totals		40	227	112	168	22	383	389	378	373
5	3	Dona Ana	14	93	60	99	18	159	147	150	136
	6	Grant/Catron	5	20	8	18	1	29	40	38	39
		Luna/Hidalgo	3	7	5	13	5	25	26	29	24
	7	Sierra	5	18	9	14	1	19	16	18	14
		Socorro	3	17	11	16	0	42	37	38	39
	12	Lincoln	2	2	2	4	2	29	23	27	24
		Otero	11	34	31	50	20	77	78	81	74
Region 5 Totals		43	191	126	214	47	380	367	381	350	
FY 16 TOTALS			201	1238	592	1048	236	2519	2389	2531	2438

\*CYFD FY 16 360 Quarterly Reports, representing a point in time.