



Substitute Care Advisory Council*

ANNUAL REPORT

FY 18



Adopted October 9, 2018

**The Substitute Care Advisory Council is administratively attached to the Regulation and Licensing Department in accordance with provisions of Section 9-1-7 NMSA 1978.*



Substitute Care Advisory Council
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October 9, 2018

Dear Judicial, Legislative, and Executive Members,

Pursuant to Chapter 32 [32], Article 8 NMSA 1978, Citizen Substitute Care Review Act (Act), enclosed is the state fiscal year 2018 (FY 18) Annual Report (Report) of the New Mexico Substitute Care Advisory Council (Council).

The Report describes the authority, responsibilities and FY 18 accomplishments of the Council as well as provides recommendations for changes in language of the Act and recommendations to the Children, Youth & Families Department (CYFD).

Should you have any questions please contact the Council Program Director, Shelly A. Bucher, LMSW at shelly.bucher@state.nm.us or 505-469-4781.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Nelson".

Michael J. Nelson
Chair

RECOMMENDATIONS

- **Legislature**
 - Change member eligibility language in the NMSA 1978, Section 32A-8-1 et seq., Citizen Substitute Care Review Act 32A-8-5(C) to read: “A person who is employed, or a relative in the first degree of consanguinity or through marriage by the first degree of affinity of a person employed, by the children, youth and families department protective services division, a district court or a member of the Council shall not serve on a substitute care review board”.
 - Add language to NMSA 1978, Section 32A-8-1 et seq., Citizen Substitute Care Review Act to read: “the department of children, youth and families shall provide direct access to information deemed necessary by the Council to fulfill state and federal mandates”.
- **Regulation & Licensing Department & Children, Youth and Families Department:**
 - Until the Act is changed, revise the Joint Powers Agreement between the Children, Youth and Families Department and the Regulation and Licensing Department to include direct access to information deemed necessary by the Council to fulfill state and federal mandates and timelines to provide said information.
- **Children, Youth and Families Department:**
 - Revise 8.10.8.29 Court Appointed Special Advocate (CASA) and Citizen Review Board (CRB) and 8.10.8 NMAC PR 29 (5) Substitute Care Review to reflect the Substitute Care Advisory Council’s purpose, information to be provided to the Council, to include who provides the information, when to provide the information and how the information provided is tracked.
 - Revise 8.10.3 PR 18 to include (1) independent team review for cases in which there have been two previous investigations, (2) established timelines to conduct and conclude the review, (3) specific considerations during the review and (4) documentation of the conclusions of the review and the impact on the determination of the current investigation.
 - Create and distribute work plans for:
 - Implementation of the Safety Organized Practice model including measurable objectives and evaluation and specific assessments for Trial Home Visits, best placement for any substitute care placement.
 - Case planning for children in custody of CYFD to include measurable objectives, evaluation and specific formats for Transition Home Plans, Life Skills Plans and Individualized Adoption Plans.
 - Provide documentation of psychotropic medication oversight as described in 8.10.8 NMAC PR 17(7).
- **Council:**
 - Provide more frequent reports and promote solution-focused discussions that lead to measurable actions.
 - Prioritize the monitoring of state and federal initiatives related to the safety of children in substitute care.
 - Collaborate with stakeholders to provide a national conference with opportunities to showcase the work being done in New Mexico and to learn from other states.

EXECUTIVE SUMMARY

During FY 18, the Substitute Care Advisory Council (hereinafter “Council”) met its statutory obligations through meetings and oversight of membership and operations of substitute care review boards. In attempting to examine and inform New Mexico’s child protection system, the Council looks to research for guidance and information. While overall access to the Children, Youth and Families Department’s (hereinafter “CYFD”) information remained limited in FY 18, obtaining access to CYFD’s procedures allowed for implementation of a case review model which has proven its value in evaluating CYFD’s effectiveness on an individualized basis.

At the end of FY 18, CYFD reported it had a total of 2,582 children in custodyⁱ. Reviews were conducted on 116 cases, which represented 235 of those children (hereinafter “Group”). The Council’s FY 18 Annual Report (hereinafter “Report”) speaks to the experiences of those children and is not an attempt to generalize state custodial experiences. The case reviews elicited information depicting individual experiences while in CYFD custody and provides insight on how effectively the child protection system is discharging its responsibilities.

Cases were reviewed in each CYFD Region and each Judicial District (see Appendix A). Reviews focused on the strengths of the case, concerns of the case, and recommendations specific to that case. As each child’s experience is a priority to the Council, a certain threshold was not required to be met before a concern was noted in a case. In FY 18, the following areas of concern were noted when one or more of the Group had one or more of these experiences while in the custody of CYFD:

Maltreatment	Placement Instability
Separation of Siblings	Incomplete Case Management

This year was the first time the Council has been able to evaluate CYFD’s procedures related to these noted concerns. Therefore the recommendations contained in this report are a beginning to address some of those factors influencing these concerns.

In FY 17, the Council reportedⁱⁱ that CYFD and the Regulation and Licensing Department (hereinafter “RLD”) entered into a Joint Powers Agreement (hereinafter “JPA”) regarding the sharing of information. While the JPA has been helpful, as noted in the FY 17 annual report, additional information barriers persist. References are made throughout this Report regarding limited or no information available. Removing the limitations to accessing CYFD’s information will allow more specific recommendations to be made for systemic improvement.

In addition to the above barrier of access to CYFD’s information, an additional barrier exists regarding the ability to recruit and retain a diverse cadre of volunteers, as is required by state and federal legislation. It is imperative that these two barriers be resolved in order to allow the Council to meet all statutory obligations related to the independent monitoring of the children in CYFD custody.

There are two major initiatives underway which are expected to significantly impact protective services in New Mexico. The first initiative is the Safety Organized Practice model being implemented by CYFD. This model is intended to make ‘better and more consistent decision making during all phases of a child’s involvement with protective services’ⁱⁱⁱ. The second initiative is the implementation of the Families First Prevention Services Act, which was signed into law in February 2018. This legislation is being hailed as a landmark bipartisan Act which has

historic reforms for child welfare^{iv}. The Council will prioritize the monitoring of these initiatives in an effort to examine how they may change or influence CYFD's policies, procedures, and practices.

While CYFD is charged with creating a safe and secure environment for children in their care, every one shares the responsibility to work collaboratively to create such a child protection system in New Mexico. In addition to the recommendations provided in this Report, the Council will provide other opportunities in FY 19 to move towards solution-focused discussions which result in actions with measurable outcomes. One such opportunity is the sharing of information more frequently from case reviews for continual dialogue with CYFD. The other opportunity is hosting the annual National Citizen Review Panel Conference which will allow stakeholders in New Mexico to share their experiences and learn from the experiences of others.

SUBSTITUTE CARE ADVISORY COUNCIL

NAME

MICHAEL NELSON, CHAIR
ANTHONY ORTIZ, VICE-CHAIR
CLINTON NICLEY
GABRIELLE SANCHEZ-SANDOVAL
MICHAEL CHAVEZ
ANGIE SCHNEIDER
VACANT
VACANT
VACANT

REPRESENTING

NM DEPT. OF HUMAN SERVICES
PUBLIC MEMBER¹
NM DEPT. OF FINANCE AND ADMIN.
NM DEPT. OF HEALTH
NM DEPT. OF PUBLIC EDUCATION
CHILDREN'S COURT JUDGES
PUBLIC MEMBER¹
PUBLIC MEMBER AGED 18-30²
PUBLIC MEMBER AGED 18-30²

SCAC ADVISORY COMMITTEE

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

¹ NMSA 1978, Section 32A-8-1 et seq., Citizen Substitute Care Act requires the appointment of two public members who have expertise in child welfare.

² NMSA 1978, Section 32A-8-1 et seq., Citizen Substitute Care Act requires the appointment of two public members, aged 18-30 at the time of appointment who have been in substitute care.

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AUTHORITY

The Council is created under Chapter 32 [32], Article 8 NMSA 1978, (hereinafter “Act”). The purpose of the Act is to “establish a permanent system for independent and objective monitoring of children placed in the custody of the department (CYFD)”^v. The Act establishes a nine-member Council to oversee the functions and procedures of the substitute care review boards (hereinafter “SCRB”). The Council is administratively attached to RLD according to the provisions of Section 9-1-7 NMSA 1978, with funding for the Council a combination of state general funds and transfer of federal funds from CYFD.

The Act meets the requirement of the federal Child Abuse Prevention & Treatment Act (hereinafter “CAPTA”),^{vi} 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 [are]
 - 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 volunteer citizen panels with 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 and 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, [which] may include adult former victims of child abuse or neglect.” Further, both require an annual report, which includes recommendations for improvement to the system; CAPTA requires a written response by CYFD within 6 months of receiving the annual report.

COUNCIL & STAFF

The nine-member Council is comprised of the Cabinet Secretary (or their designee) of the Department of Finance and Administration (hereinafter “DFA”), Department of Health (hereinafter “DOH”), Department of Human Services (hereinafter “DHS”) and the Public Education Department (hereinafter “PED”). The other five positions are appointed by the Governor: two public members with expertise in child welfare, two public members between the ages of 18 and 30 who have been in substitute care, and a children’s court judge. In FY 18, there was turnover in representatives of DFA, DOH, and PED; a vacancy occurred in one of the two positions for public members with expertise in child welfare; and a children’s court judge was appointed. Several vacancies remained at the end of FY 18.

Council staff consists of one Program Director, four Coordinators, and one Administrative Assistant. At the onset of FY 18, four of the Coordinator positions were filled, but three became vacant during the year. Only one of these positions was filled due to the challenges in receiving funding from CYFD. With this challenge now resolved, hiring of two Coordinators is expected in FY 19.

COUNCIL RESPONSIBILITIES

Pursuant to the Act, annual responsibilities of the Council include:

- *Meeting at least twice.*
- *Appointing a six-member advisory committee from its membership (hereinafter “Committee”).*
- *Meeting at least once with the Committee.*
- *Presenting a report with recommendations to CYFD, the courts, and appropriate legislative interim committees, on or before November 1 of each year, regarding statutes, rules, policies, and procedures relating to substitute care as well as any recommendations for changes in SCRBs.*
- **Adopting reasonable rules relating to the functions and procedures of the SCRBs and the Council in accordance with the duties of the boards as provided in the Act. Rules shall include:**
 - *Criteria for membership and training requirements for substitute care board members;*
 - *Information needed for case monitoring;*
 - *Case information to be tracked and reported;*
 - *Criteria for procedures for SCRBs and designation of cases for review, including weighing the importance of:*
 - *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.*

FY 18 ACTIVITIES

- The FY 17 annual report was submitted in October 2017 to CYFD, the courts, the Interim Legislative Committees of Health and Human Services; Behavioral Health; and Courts, Corrections and Justice; the Legislative Finance Committee and other stakeholders.
- Council meetings held:
 - September 11, 2017 (with the Committee),
 - April 5, 2018.
 - June 18, 2018 (with the Committee).
- SCRBs: 116 cases reviewed, representing 235 children.
- Adopted case selection review criteria and in-depth case review processes.
- Established annual training requirements for Members and updated Member Code of Conduct.
- Created website at nmscac.org.
- Participated in:
 - Children Court Improvement Commission.
 - New Mexico Child Fatality Review Board.
 - Children’s Law Institute.
 - National Citizen Review Panel Conference.
- Committed to hosting the National Citizen Review Panel Conference in 2019.

MEMBERS

Both the Act and CAPTA require a diverse cadre of citizen volunteers to be representative of the communities in which they serve. In New Mexico, volunteers are referred to as Members. Citizens interested in becoming a Member undergo an application process which includes background and reference checks, interviews, observations, training and the acknowledgement and adherence to confidentiality agreements and the Member Code of Conduct. Members must complete annual training requirements.

During FY 18, training topics related to child welfare and the cases reviewed were identified for Members to complete online. Training included:

- Overview of Psychiatric Drugs: History, Types & Uses.
- Addiction: Not the Same as Habit, Impulse or Obsession.
- Addiction and Addictive Behaviors: Types & Warning Signs.
- Substance Use, Abuse and Dependence: Definition & Causes of Substance Disorders.
- What are Opiates? Definition, Examples & Effects.
- Human Growth and Development Theories.
- Social Development Theories in Human Growth and Development.
- Jean Piaget's States of Cognitive Development.
- Erick Erikson's Eight Stages of Psychosocial Development: Conflicts & Growth.
- Attachment Theory: Definition & Criticism of Bowlby & Ainsworth's Theories.

Thirty-two members met the requirements to continue membership in FY 19. Recruitment of additional members will be emphasized in FY 19 and Members will have opportunities to participate in case assessments and community outreach in addition to specific case reviews.

The Act attempts to prevent any conflicts of interest of those participating in case reviews through prohibiting from membership any person who is employed, or who has a relative who is employed, by the DFA, HSD, PED, DOH, CYFD or a District Court from serving as a member. CYFD and the courts are excluded because the purpose of the Act is to monitor CYFD's and the Children's Court placement of children in substitute care, however DFA, HSD, PED, and DOH are not within that scope. Further, a relative is defined in the Act as "a person related to another person by blood within the fifth degree of consanguinity or through marriage by the fifth degree of affinity". This definition is the same definition that CYFD is required by the Children's Code to use to search for relatives of children for possible placement. These prohibitions severely limit the Council's ability to establish a membership of diverse citizen volunteers.

SUBSTITUTE CARE REVIEW BOARDS

Board Operations

Prior to FY 18, the Council did not have access to CYFD's procedures related to substitute care. With access to these procedures, a case review model was implemented in FY 18 which included consideration of relevant policies, procedures and best practices for each case. This model has proven to be valuable for gaining insight into CYFD's policies, procedures, and practices and evaluating their effectiveness in each case reviewed.

Case reviews were accomplished through SCRB meetings held in each Judicial District each quarter. Each SCRB was comprised of Members and each meeting was facilitated by Council staff. Pursuant to the Act, Interested

Parties (hereinafter “IPs”) were notified in advance to participate in the case review. IPs may include biological/adoptive parents, legal guardians, foster parents, relatives, CYFD staff, Guardian ad Litem (hereinafter “GALs”), youth attorneys, respondent attorneys, Court Appointed Special Advocates (hereinafter “CASAs”) and service providers. Input from IPs is provided in person, in writing or telephonically. Specific case information was provided in advance to SCRB members participating in the case review meeting. For each case reviewed, a summary report, including strengths, concerns and recommendations, was prepared by Council staff and submitted to the presiding judge and known IPs. For the purpose of this Report, the term “caregiver” is used to refer to the child’s biological parent, adoptive parent or legal guardian from whom the child was brought into State custody.

Criteria for Case Review

Per the Act the Council, in consultation with the Committee, gave consideration to weighing the importance of the following in determining case selection criteria for FY 18:

- 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.

The Council adopted the priority factors of number of placements, length of time in custody, number of investigations by CYFD prior to custody, and allegations of sexual abuse, whether substantiated or not, in the selection of cases for review. The Council identified information needed for case reviews.

Access to Case Information

The Act requires the Council to identify information needed for case reviews, but fails to specifically compel CYFD’s participation in this process. CAPTA does require CYFD to grant access to information on cases^{vii}, but CYFD has placed limitations on the information accessible to the Council. CYFD has taken the position in past JPA negotiations that the information required to be provided to the Council in the Children’s Code and the additional information provided in the JPA is sufficient.

Per the Children’s Code^{viii}, CYFD is required to provide, without prompting, to the Council adjudicatory/dispositional orders, the continuation of such orders, CYFD progress reports to the Court, and notices of hearings for each child in custody. These documents are not always provided and when they are, they may be incomplete. For example, sometimes the referenced attachments are not included or important information such as details related to prior investigations by CYFD is omitted.

The monthly list of children/youth in the custody of CYFD provided through the JPA, while helpful, has often contained errors (i.e., placement information, child demographics, etc.). This list does not provide pertinent information needed such as the length of time in custody or number of referrals, and the number of substantiated or unsubstantiated investigations.

Another example of information needed for the work of the Council, but not provided through the Children’s Code or JPA, is in cases in which CYFD policy requires the development of an individualized adoption plan for a child

who has adoption as a permanency plan but does not have an identified adoption resource. Reportedly this is captured in CYFD's data system, FACTS, and is not a document provided to the courts. The absence of this information limits the ability of the Council to assess CYFD's effectiveness.

It was noted in the Council's FY 17 Annual Report^{ix} that CYFD's Policies & Procedures had not been updated as to the sharing of information with the Council nor "do they provide specifics as to when and how the information is to be transmitted or how that will be tracked"^x. The Council recommended that CYFD update policies and procedures regarding substitute care case reviews to reflect the requirements of the Act.

CYFD, as required by CAPTA, is to provide a written response to any recommendations within 6 months of receipt of a recommendation. For FY 17, CYFD's response was due by April 30, 2018. The following is CYFD's response to this recommendation, which was received September 7, 2018:

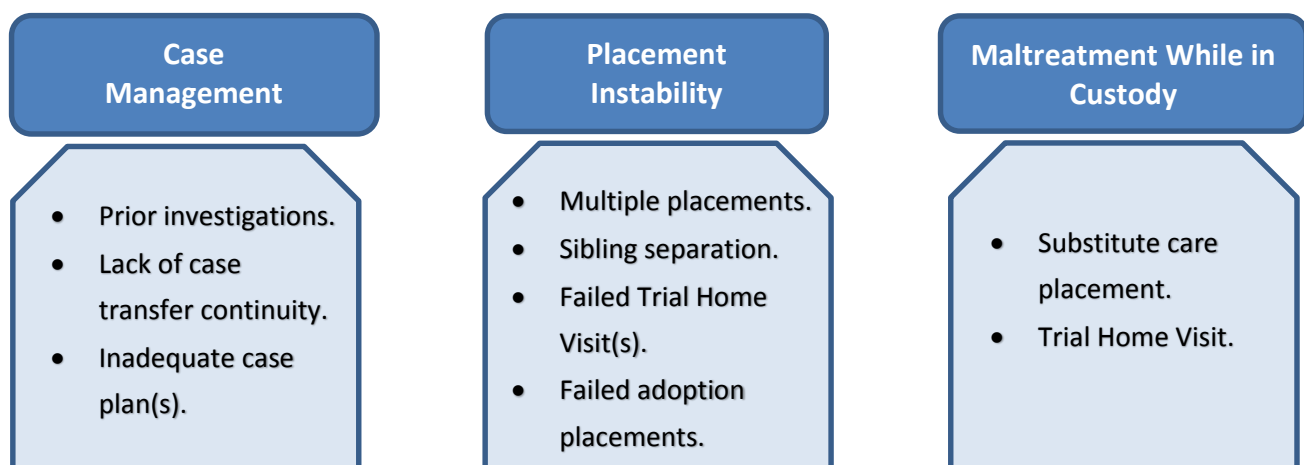
"CYFD will continue adherence to all Parts of NMAC 8.26, including Part 7 (Citizen Substitute Care Review). Amendments to the Act effective July 1, 2016 pertain to the activities of the NM Regulation and Licensing Department and the Substitute Care Advisory Council."

CYFD's policy and procedures^{xi} related to substitute care review boards still do not reflect the changes in the Act nor do they reflect what information is to be provided to the Council to include who will provide the information, when the information will be provided and how the information provided will be tracked.

FY 18 SUBSTITUTE CARE CASE REVIEWS

During FY 18, 116 cases representing 235 children (hereinafter "Group") were reviewed in all 5 CYFD Regions and in all 13 Judicial Districts (see Appendix A). A case could include one or more children.

Research has indicated there is a direct correlation of adverse childhood experiences with a child's higher risk of disrupted neurodevelopment; social, emotional and cognitive impairment; adoption of health-risk behaviors; increased risk of disease; disability; social problems and even early death^{xii}. A child entering the custody of CYFD has already experienced trauma; research has identified areas of concern where a child may be subject to further trauma while in substitute care, such as maltreatment, placement instability and separation from siblings^{xiii}. The following areas of concern were noted in cases reviewed and are described in further detail:



CASE MANAGEMENT

Prior Involvement by CYFD

Prior involvement includes previous investigations by CYFD whether or not they were substantiated or whether or not In-Home Services was provided. The Council views CYFD's response to referrals of abuse, neglect, and exploitation to be an integral part of their review of CYFD's effectiveness in protecting the children of New Mexico. Given that children come into substitute care after a CYFD investigation, the Act requires consideration of frequency of abuse and neglect in case reviews and the investigation phase is within the scope of CAPTA^{xiv}. Of the information available, the Council noted that a majority of the cases reviewed had four or more investigations prior to the current custodial period. In some cases, the number of prior investigations was large, including one case which had 41 prior investigations and two custodial periods.

Since 2014, CYFD, by gubernatorial executive order^{xv} has had two requirements related to their prior investigations. One requirement is to conduct a collaborative review on *any subsequent investigation* of a family who CYFD has already investigated twice. The executive order defines this review as a "high-level supervisory case analysis involving the County Office Manager, Supervisor, Caseworker, and the Children's Court Attorney" and for CYFD to develop policies and procedures around this review. The second requirement is for CYFD to 'develop policies and procedures for the formulation and implementation of a Family Support Worker pilot program in Bernalillo County specifically to those families who experienced three or more investigations in the last 10 years'.

In examination of CYFD's policy and procedures regarding the collaborative review^{xvi}, the policy requires a "higher level of case review upon the family's third instance of being investigated". The procedure does not indicate the need to conduct these reviews on all subsequent investigations after the second investigation. Nor does the procedure provide expectations of the review or a timeline in which to conduct the review other than prior to case closure. The procedure indicates the results of these reviews are to be documented in the case file and relevant family information is to be entered into a survey to "continually assess factors leading to multiple referrals." Based on the information available, it is unknown to the Council if any such reviews occurred and as such, it is not possible to determine the effect of such reviews on a case or the system.

CYFD issued a Program Instruction Guideline^{xvii} in August 2014 related to the Family Support Worker pilot program required in the gubernatorial executive order. Unfortunately, the Council did not have information as to the implementation of this program, its impact, or any program evaluation recommendations.

CYFD is in the process of adopting the Safety Organized Practice model that is intended to make "better and more consistent decision making during all phases of a child's involvement with protective services^{xviii}," but it is unknown how this model will change this required collaborative review process or the pilot program.

Lack of Continuity in Case Transfers

Caseworker turnover in child welfare ranges from 20-40% nationally and is a well-known expectation in the management of protective services^{xix}. CYFD reported that in FY 18, caseworker turnover ranged from 10% in the first quarter to 26.3% in the fourth quarter^{xx}. In each CYFD Region, it was found that at the time the case was reviewed, one or more of the Group had four or more case workers since coming into custody. In one case a child had eight case workers in the course of nine months. Information was not always available to the Council as to the positions of workers, such as investigators or permanency planning workers. Regardless of the position, there

are clear direct and indirect costs associated with worker turnover, including a child being at an increased risk of maltreatment, and decreased probability of timely permanency^{xxi}.

To effectively address this case worker turnover phenomenon, it is vital that procedures exist when there is a change in staff to facilitate continuity of case management. CYFD has written procedures regarding the transfer of cases to “ensure client services are not interrupted”^{xxii} and requires documentation in CYFD’s data system. Details have not been provided to the Council to assess the case transfer activities, and when information was requested during each case review, no documentation or assurance of adequate case management was provided. This was apparent both when there was a change in workers and offices.

In an effort to assess the impact of workloads in the cases reviewed, information was requested regarding the caseload of individual case workers. At this time, the system CYFD uses to assign cases to substitute care staff is not known to the Council nor is it known what CYFD considers is an acceptable workload. The Council referred to the Child Welfare League of America (CWLA) which recommends 12-15 children in substitute care per worker^{xxiii}. Using this standard, CYFD workers assigned to cases reviewed were on average below or within this standard in three of the five CYFD Regions:

CYFD Region	Average Number of Cases Per Worker (rounded)	Average Number of Children Assigned Per Worker (rounded)
1	6 cases/worker	10 children/worker
2	8 cases/worker	14 children/worker
3	13 cases/worker	22 children/worker
4	8 cases/worker	15 children/worker
5	9 cases/worker	17 children/worker

Case Plans

CYFD procedures require specific case planning for children and families^{xxiv}. The case plans reviewed often did not follow procedures or best practices for case plans. For example, objectives were not always behavioral or measurable and may or may not have related to the reason(s) children were in custody. Further, there was little to no evidence that the case plans were completed with the caregiver(s), or that they were signed by the caregiver(s) nor did they appear to have been updated when there were changes to a case or prior to a judicial review.

Other case plans required by CYFD policy, such as Transition Home Plans for all cases with reunification as a permanency plan and Life Skills Plans for all youth regardless of permanency plan, were not readily apparent.

Case planning includes assessing children, identifying and initiating services, and providing medication oversight when psychotropic medications are prescribed. When one or more children were prescribed psychotropic medications, it was not evident that CYFD was meeting this obligation. In many instances, CYFD did not provide the name of the medication a child had been prescribed, its dosage or the purpose of such medication. Further, when a child/youth was placed in a Therapeutic Foster Home or a Residential Treatment Center, CYFD was likely to refer questions related to psychotropic medications to those agencies.

Additionally, case planning involves identifying a permanency plan and working towards its completion. One or more cases reviewed included children with adoption as a court-ordered permanency plan but no adoption resource had ever been identified or an adoption resource was not currently identified. Further, children who were legally free for adoption for a substantial length of time were not in an adoption placement nor had an adoption resource been identified for them. For example, in cases reviewed, one child had been legally free for thirty-six months, another for fifty-three months, another for sixty months and another for seventy-two months. CYFD procedures^{xxv} require a specific plan when a child has a permanency plan of adoption but no adoption resource. Information was not available to the Council as to the development and implementation of such plans.

PLACEMENT INSTABILITY

Multiple Placements

Research indicates that when a child in substitute care is subjective to placement instability, there is detrimental impact to the child^{xxvi}. Of the Group, 50% experienced three or more changes in placement while in current custody with 31% experiencing five or more, some in a short amount of time. For example, one sibling group experienced four placement changes in five months, another child had eleven placement changes in nineteen months, another had thirteen placement changes in twenty-seven months and yet another had twelve placement changes in twenty-nine months. Twenty-nine percent of children were placed with a relative at the time of review; however, this does not mean the child had not experienced previous moves prior to identification of a relative to assume care. Further, a child may experience multiple adoption placements. For example, in one case reviewed the child had experienced four failed adoption placements. CYFD's assessments of homes in determining a best fit for children in substitute care is not known by the Council nor is it known if the Safety Organized Practice model will address placement and placement stability.

CYFD reports^{xxvii} 469 "new homes" were licensed in FY 18 and a total of 1,343 homes licensed in FY 18. It is not known to the Council where the homes are geographically, their individual capacity or if the number of homes meets the needs of children in substitute care. More detailed information on specialized substitute care placements, such as Therapeutic Foster Homes (TFCs) or Residential Treatment Centers (RTC) is also needed.

Separation from Siblings

Research exists^{xxviii} which details the trauma a child may experience when separated from a sibling while in substitute care. Children reviewed in FY 18 who experienced separation from one or more siblings did so for a variety of reasons:

- placements not identified to accept sibling groups;
- relatives who will assume care of one child but not another;
- children given to a noncustodial parent whom they may or may not have a previous relationship with, or
- a determination was made that the safety of a child was at risk if placed or having contact with a sibling.

In at least one case reviewed, a sibling was given to a noncustodial parent and there was no further contact between that child and the sibling group. While CYFD may not have control of a noncustodial parent obtaining custody of a child, it is responsible for maintaining sibling contact regardless of CYFD custody^{xxix}. Furthermore, when siblings are separated, continued efforts are to be made to place children together with continued examination of whether the recommended separation of siblings is necessary. CYFD procedure requires visitation

recommendations to be re-evaluated every 90 days. In the cases reviewed, no evidence provided indicated that CYFD met this obligation.

MALTREATMENT WHILE IN CYFD CUSTODY

One or more of the Group reviewed experienced maltreatment while in a substitute care placement and/or on a Trial Home Visit. For example, children had to be removed from a foster home due to abuse by a foster parent, another child reported being sexually abused while in foster care, and in one case, a sibling group had two failed Trial Home Visits due to abuse when returned to the caregiver. Of note is the assessment done prior to a Trial Home Visit and what actions are taken prior to a second (or more) attempt of a Trial Home Visit. For example, in one case with two failed Trial Home Visits, a third Trial Home Visit with the same caregiver was being considered, yet the case plan for the caregiver had not been updated as to what was needed to ensure the safety of the children. It is not known to the Council how the Safety Organized Practice model will result in assessments completed prior to a Trial Home Visit.

FY 19

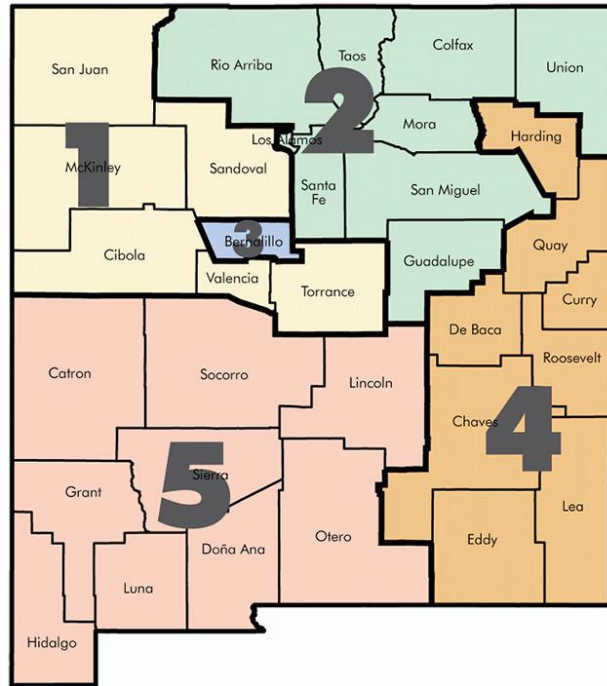
FY 19 holds opportunities to demonstrate commitment to collaborating for system improvement which include:

- Implementation of the recommendations in this report;
- Continuation of the case review model established in FY 18;
- Increased frequency of sharing information; and
- Hosting the annual National Citizen Review Panel conference.

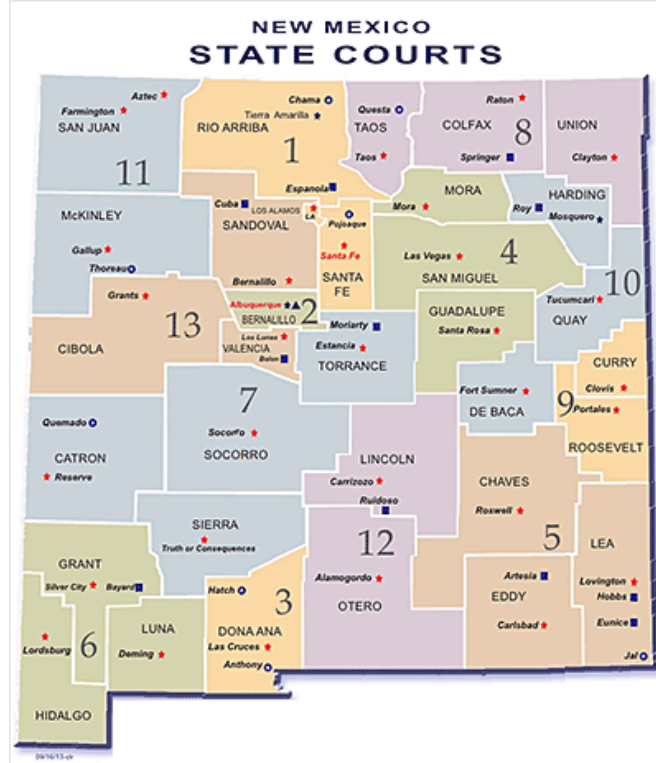
APPENDIX A

The following pages present data of the cases reviewed by CYFD Region and Judicial Districts represented in each CYFD Region.

CYFD Regions



New Mexico Judicial Districts



FY 18 CASE REVIEWS

	ALL	REGION 1	REGION 2	REGION 3	REGION 4	REGION 5
CASES	116	21	21	14	31	29
CHILDREN	235	38	43	28	60	66
PRESCRIBED PSYCHOTROPIC MEDS	24%	30%	12%	14%	25%	33%
2 OR MORE YEARS CUSTODY	35%	50%	21%	50%	27%	40%
3 OR PLACEMENT CHANGES	50%	47%	42%	50%	52%	55%
PLACED WITH RELATIVE	31%	33%	49%	0	32%	23%
NOTED CONCERNS	67%	71%	49%	75%	58%	89%
MALE	51%	47%	53%	42%	58%	50%
FEMALE	49%	53%	46%	57%	42%	50%
AFRICAN AMERICAN	3%	3%	0	7%	5%	0
HISPANIC	58%	50%	74%	50%	60%	53%
NATIVE AMERICAN	5%	18%	0	7%	0	5%
WHITE	31%	24%	23%	29%	30%	42%
OTHER	3%	5%	2%	7%	5%	0
0-3 YEARS OF AGE	23%	21%	33%	32%	20%	17%
4-5 YEARS OF AGE	15%	16%	14%	7%	17%	18%
6-9 YEARS OF AGE	22%	26%	23%	25%	17%	21%
10-13 YEARS OF AGE	21%	24%	14%	18%	23%	23%
14-18 YEARS OF AGE	19%	13%	16%	18%	23%	21%
REUNIFICATION PERM PLAN	48%	34%	56%	43%	53%	50%
ADOPTION PERM PLAN	43%	50%	26%	57%	40%	47%
PERMANENT GUARDIANSHIP PERM PLAN	5%	11%	16%	0	0	0
PLANNED PERMANENT LIVING ARRANGEMENT (PPLA) PERM PLAN	4%	5%	2%	0	7%	3%

END NOTES

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- ⁱ CYFD 360 Quarterly Report FY 17 4th Quarter.
- ⁱⁱ The New Mexico Substitute Care Advisory Council Annual Report FY 17, approved September 11, 2017.
- ⁱⁱⁱ CYFD Key Quarterly Performance Measures Report 4th Quarter Fiscal Year 2018.
- ^{iv} Family First Prevention Services Act, Children's Defense Fund <https://www.childrensdefense.org/policy/policy-priorities/child-welfare/family-first/>.
- ^v Chapter 32 [32], Article 8 NMSA 1978, et seq., 32A-8-4(A).
- ^{vi} CAPTA, Section 106.E.c
- ^{vii} Ibid., vi.
- ^{viii} 32A-4-25(A)(B)(D).
- ^{ix} Ibid., ii.
- ^x FY 17 Annual report
- ^{xi} 8.10.8.29 Court Appointed Special Advocate (CASA) and Citizen Review Board (CRB) and 8.10.8 NMAC PR 29 (5) Substitute Care Review Board (CRB).
- ^{xii} Center for Disease Control Adverse Childhood Experiences, Child Abuse and Neglect: Consequences <https://www.cdc.gov>.
- ^{xiii} Maltreatment in Foster Care: A Review of the evidence, Child Abuse Review February 2013; Placement Stability in Child Welfare Services, Center for Human Services University of California, Davis, August 2008; Separation from siblings: Associations with placement adaptation and outcomes among adolescents in long-term foster care, Children and Youth Services Review July 2005.
- ^{xiv} Ibid., ii.
- ^{xv} State of New Mexico Executive Order 2014-002, April 3, 2014.
- ^{xvi} NMAC 8.10.3.18 Families with More than Two Investigations and PR 18 Families with More than Two Investigations.
- ^{xvii} CYFD Program Instruction Guideline 8-2014-#02 Family Support Worker Program
- ^{xviii} CYFD Key Quarterly Performance Measures Report 4th Quarter Fiscal Year 2018.
- ^{xix} How does turnover affect outcomes and what can be done to address retention? Casey Family Programs December 2017 <https://www.casey.org/turnover-costs-and-retention-strategies/>.
- ^{xx} CYFD Key Quarterly Performance Measures Report 4th Quarter Fiscal Year 2018.
- ^{xxi} Ibid., xix.
- ^{xxii} 8.10.8 NMAC PR 31; 8.10.3 NMAC PR 19.
- ^{xxiii} Direct Service Workers' Recommendations for Child Welfare Financing and System Reform. January 2012.
- ^{xxiv} 8.10.8 NMAC PR 13.
- ^{xxv} 8.26.2.6.4.
- ^{xxvi} Why Do Foster Care Placements Disrupt? An Investigation of Reasons for Placement Change in Foster Care, Social Service Review December 2004.
- ^{xxvii} CYFD FY 2019 Annual Report & Strategic Plan.
- ^{xxviii} Ibid., xii.
- ^{xxix} 8.10.8. NMACPR 19.