



Substitute Care Advisory Council

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Shelly A. Bucher, LMSW
DIRECTOR

06 September 2022

Barbara Vigil
Cabinet Secretary
New Mexico Children, Youth and Families Department

RE: SCAC FY 21 Annual Report

Dear Secretary Vigil:

First my apologies in not providing written notification to you sooner regarding the status of the Substitute Care Advisory Council's (Council) FY 21 Annual Report.

Pursuant to NM Stat § 32A-8-4, the Council's statutory obligation is to *'make a report with its recommendations to the department, the courts and the appropriate legislative interim committees, on or before November 1 of each year, regarding statutes, rules, policies and procedures relating to substitute care'*. This report, and CYFD's response to the report, meet the requirement of the Child Prevention and Treatment Act (CAPTA, 106 c.6).

Due to the Council not having a quorum, an annual report for FY 21 was not approved for distribution. It is expected that recommendations in the upcoming FY 22 report will include review of the data and trends for both fiscal years to inform the Council's recommendations.

Pursuant to NM Stat § 32A-8-5 and 8.26.7 NMAC, Council staff facilitate reviews in each CYFD Region and each Judicial District each quarter. And, pursuant to NM Stat § 32A-8-6 and 8.26.7 NMAC, a report of each review is provided to the presiding judge and interested parties known to the case, including CYFD staff. Each report provides a narrative summary, strengths, concerns, recommendations and references.

These reports provide opportunity for ongoing feedback as to practices and recommendations to improve practices and services to children, youth and families. However, there is no requirement that CYFD provide responses to these reports, either individually or aggregately. Although there was a stated attempt to meet at least quarterly, this practice has not yet been put in place thereby increasing the likelihood that concerns noted will continue and compound. **Action taken now to institute this practice will strengthen the case review process in identifying areas of practice which are going well and areas which may need improvement.**

Trends noted from the individual reviews are considered by the Council in forming recommendations in its annual report. These recommendations provide additional opportunity to collaborate for system improvement yet, historically, the response CYFD provides to the recommendations do not meet CAPTA expectations as to timeliness and completeness in describing *'whether or how'* the recommendations will be incorporated. Each annual report includes a section on the previous recommendations and CYFD's response to each. For your convenience, attached is a table of the recommendations made in FY 20 and CYFD's response.

In FY 21, Council staff facilitated reviews of 98 children and youth.

- Gender: 47 Females 51 Males.
- Age Range: 2 years to nearly 18 years.
- Time in Custody Range: 4 months to 145 months.
- Percentage of Life in the Care of CYFD Range: 5% to 91%.
- Federal Changes in Placement Range: 1 to 45.
- Permanency Plans: Reunification, Adoption, Permanent Guardianship, Permanent Planned Living Arrangement,
- Placement Types: Trial Home Visit, Pre-Adoptive, Relative/Fictive Kin, Foster Home, Therapeutic Foster Home, Group Home, Shelter, Hospital, Residential Treatment Center, Detention, Independent Living and Runaway.
- Trends noted in the FY 21 reviews of children/youth are similar to those noted in the Council's FY 20 annual report.

In FY 22, Council staff facilitated reviews of 98 children and youth with similar demographics:

- Gender: 48 Females 50 Males.
- Age Range: 4 months to nearly 18 years.
- Time in Custody Range: 4 months to 153 months.
- Percentage of Life in the Care of CYFD Range: 8% to 97%.
- Federal Changes in Placement Range: 1 to 59.
- Permanency Plans: Reunification, Adoption, Permanent Guardianship, Permanent Planned Living Arrangement.
- Placement Types: Trial Home Visit, Pre-Adoptive, Relative/Fictive Kin, Foster Home, Therapeutic Foster Home, ARCA, Group Home, Hospital, Residential Treatment Center, Juvenile Reintegration Center, Detention, and Runaway.
- Initial trends noted in the FY 22 reviews of children/youth are similar to those noted in past reports.

An ongoing concern noted in annual reports that has yet to be fully resolved is access to information. Without direct access to the data systems of CYFD and the Courts, it has been determined in discussions with previous CYFD administration best practice is to request such documents directly from CYFD legal staff. While this is occurring in some areas, it still is problematic in that legal staff (seasoned and new) may not be aware to provide documents; may not be timely in their response; may provide some but not all documents; may just ignore the request or refuse to do so. **Action taken now to result in legal staff providing information upon request will strengthen the reviews of children and youth.**

As of this letter appointments have been made recently to the Council; as such it is intended the Council's FY 22 annual report will be approved and distributed timely. Please let me know if you or your staff would like to meet to discuss and collaborate on actions that may be taken now to address ongoing concerns.

Sincerely,



Shelly A. Bucher, LMSW
Director

Attachment

Cc: Emily Martin, CYFD PSD Director
Milissa Soto, CYFD PSD Federal Bureau Reporting Chief
Karla Soloria, OAG Counsel to SCAC

FY 20 Recommendation 01 November 2020	CYFD Response 03 September 2021
<p>Establish a workgroup to revise standard reports to the court; members of the workgroup should at a minimum include representatives of Council Staff, CYFD Quality Assurance Unit, CYFD staff (i.e., direct worker, supervisor), youth, and legal representatives (i.e., Guardian ad Litem, Youth Attorney, Respondent Attorney, CYFD Children’s Court Attorney) (pages 14-15 ‘Youth Services’, ‘Educational Stability’, ‘Psychotropic Medication Oversight’).</p> <ul style="list-style-type: none"> • Youth Services: In consultation with stakeholders, CYFD develop a standard report to the court for youth age 14 and older and to include but not be limited to, the members of the youth’s case planning team, youth assessments completed, specific goals related to life skills and document participation through ensuring all signatures are obtained before filing with the court. • Educational Stability: CYFD revise the standard reports to the court to include an ongoing listing of changes in schools, dates of Best Interest Determination Meeting completed, the basis for the change of schools as well as to recognize success when there may be a change of placement but not a change in school. • Psychotropic Medication: CYFD revise its standard report to the court to include a section on diagnoses and medications prescribed, the reason for the medication, dosage, dates of medication review and confirmation fully informed consent was provided. 	<p>“Changes are being made to court reports to address: visitation frequency and quality as well as psychotropic medication monitoring and reporting.”</p>
<p>In collaboration with the Public Education Department (PED), co-lead a workgroup to develop protocols to ensure that changes in school settings meet state and federal requirements (page 14 ‘Educational Stability’).</p>	<p>“CYFD and the New Mexico Public Education Department collaborated on the implementation of the Every Student Succeeds Act as part of a statutorily required taskforce. Members of the committee included a District Court Judge, foster parent, school personnel from Santa Fe and Espanola public schools, as well as CYFD and PED representatives.”</p>
<p>Review data reporting to ensure that data provided is accurate, accounts for all children/youth in its custody and includes ongoing verification of data presented (page 15 ‘Placement Tracking’).</p>	<p>None Provided.</p>
<p>In collaboration with Council Staff, update policy and procedures regarding the Substitute Care Advisory Council; such as the sharing of information, staff participation in the processing of case reviews and grievances to include providing written responses within a specified timeline and inclusion of Council Staff on task forces/workgroups and develop ongoing training for CYFD staff regarding the role and function of the Council (page 16 ‘Access to Information’).</p>	<p>“In meetings after this report, SCAC has indicated improvements in responsiveness by CYFD for documents and information.”</p>

FY 20 Recommendation 01 November 2020	CYFD Response 03 September 2021
<p>To improve the functionality of the Council, the addition of the Cabinet Secretary or designee of CYFD as a non-voting member of the Council is imperative.</p>	<p><i>“CYFD welcomes the opportunity to be voting members and would request adequate notice for meetings.”</i></p>
<p>To improve the functionality of the Council, it is recommended the Council provide periodic reports on the work of the Council, in addition to an annual report, and a timeline be established for required written response by CYFD and a process for reconciling any differences.</p>	<p><i>“CYFD welcomes more frequent reports from the SCAC and is committed to providing follow up including responses to the reports.”</i></p>