

SUBSTITUTE CARE ADVISORY COUNCIL REPORT

**Children, Youth and Families Department's
(CYFD)**

Discharge of Child Protection Responsibilities

FY 23



Adopted 26 October 2023



Substitute Care Advisory Council
PO Box 3204, Mesilla Park, New Mexico 88047
(833) CRB-CALL ▪ nm.crb@rld.nm.gov ▪ www.nmscac.org



26 October 2023

Dear Judicial, Legislative, and Executive Members,

NM Stat § 32A-8, *Citizen Substitute Care Review Act (Act)* is the only New Mexico legislation with the purpose to provide a permanent system of independent and objective monitoring of children and youth in the custody of the Children, Youth and Families Department (CYFD).

Through the examination of policies, procedures, and practices in specific case reviews, CYFD's effectiveness in the discharge of its child protection responsibilities is evaluated. The Substitute Care Advisory Council (Council) reviews and coordinates the activities of substitute care review boards and makes an annual report with its recommendations to CYFD, the courts and the appropriate legislative interim committees regarding statutes, rules, policies, and procedures relating to substitute care on or before 1 November.

This report, along with the Council's past annual reports may be found on the Council's website www.nmscac.org. Our next report is expected by 1 April 2024.

Thank you for your attention to the information contained within this report. We invite you to engage in discussion and collaboration to result in positive change for New Mexico's child protection response system. Notices of Council meetings are on our website. Please contact the Council Director, Shelly A. Bucher, LMSW at 505.469.4781 (cell with text) or Email shelly.bucher@state.nm.us for further information or request to be notified directly of Council meetings.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Scates".

Sean Scates
Chair

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EXECUTIVE SUMMARY

Evolving from a consent decree in 1983 familiarly referred to as Joseph A, New Mexico enacted legislation in 1985 to monitor children placed in its care. The purpose of NM Stat § 32A-8, the Citizen Substitute Care Review Act (hereinafter “Act”) is to provide a permanent system of independent and objective monitoring of children placed in the custody of the Children, Youth and Families Department (hereinafter “CYFD”) by examining the policies, procedures and practices of CYFD and, where appropriate, specific cases to evaluate the extent to which CYFD is effectively discharging its child protection responsibilities.

Per the Act, the Substitute Care Advisory Council (hereinafter “Council”) reviews and coordinates the activities of substitute care review boards and makes an annual report with its recommendations to CYFD, the courts and the appropriate legislative interim committees regarding statutes, rules, policies and procedures relating to substitute care on or before 1 November.

As noted in previous reports, the Act does not require a response, written or otherwise, to the annual reports or reports from individual case reviews. The Council has identified the absence of an ongoing dialogue with CYFD in response to reports as a critical missing element in the Act.

Council annual reports have also noted that CYFD has indicated the Act as meeting its federal mandate for citizen review panels under the Child Abuse and Prevention Treatment Act (hereinafter “CAPTA”). CAPTA *does* require CYFD to respond to the annual report within 6 months. While ongoing feedback is provided to the courts and CYFD throughout case reviews throughout the fiscal year, the Council noted the process of an annual report with a potential response six months later is not conducive to resulting in system change. As such, the Council indicated in past reports its intention to provide bi-annual reports and continued to recommend that CYFD engage in ongoing discussions of reports from case reviews as well as bi-annual reports as these are opportunities for collaboration related to practice, problem-solving and system change.

In State Fiscal Year 2023 (SFY-23), the Council found itself reconstituted and focused on fulfilling its intention for more frequent reports as well as setting goals; the beginnings of which are included in this report. In June 2023, the Council distributed a report which covered the time period of July 2020 – December 2022. That report included results of 242 reviews of children and youth and noted observations of repeated concerns as well as CYFD’s response or lack thereof to those concerns. Observations from an additional 45 children and youth between January and June 2023 continue the trend of repeated concerns and the need to act upon recommendations provided in individual and annual reports.

Since June 2023 CYFD’s response and interaction with the Council has been promising. Rather than wait the six months allowed by CAPTA to respond to the Council’s report, CYFD acknowledged the recommendations contained in the June 2023 report in September 2023¹. Not only was the response timely and clear of CYFD’s willingness to establish quarterly meetings with Council staff and the staff of the CYFD Office of Performance and Accountability Division, a calendar is being finalized for meetings to result in improved communication, establishment of protocols for information sharing, review recommendations from the June 2023 report and to identify other areas for opportunities to collaborate to realize the shared goal of improving CYFD services to children, youth and families.


With this seemingly simple step, there is renewed hope that a permanent system of independent and objective monitoring of children in the custody of CYFD will contribute to the New Mexico child protection response system benefiting each child, youth and family receiving services.

¹ CYFD’s responses to Council annual reports may be found at www.nmscac.org.


RECOMMENDATIONS

The Council has prioritized the following recommendations to be completed by 30 June 2024.


Children Youth and Families Department (CYFD)

-  In collaboration with the Council, establish a Memorandum of Understanding (MOU) with the Council which includes, but is not limited to:
 - the work of the Council meeting CYFD's CAPTA requirements for citizen review panels,
 - procedures for sharing information,
 - update of policy and procedures regarding the Substitute Care Advisory Council,
 - procedures for responding to reports following case specific reviews,
 - procedures for responding to Council reports,
 - procedures for data assurance,
 - including Council staff on task force, workgroups,
 - participation in Council meetings as a non-voting member.

REGULATION AND LICENSING DEPARTMENT (RLD)

-  In collaboration with the Council, establish a Memorandum of Understanding (MOU) with the Regulation and Licensing Department to meet the statutory requirements of NM Stat § 9-1-7.

COUNCIL

-  Develop a written plan which identifies goals and objectives related to the responsibilities of the Council, including but not limited to an MOU with RLD and an MOU with CYFD.

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AUTHORITY

The Substitute Care Advisory Council (hereinafter “Council”) is created under Chapter 32 [32], Article 8 NMSA 1978, (hereinafter “Act”).

The purpose of the Act is to provide a permanent system for independent and objective monitoring of children placed in the custody of the Children, Youth and Families Department (hereinafter “CYFD”) by examining the policies, procedures, and practices of CYFD and, where appropriate, specific cases to evaluate the extent to which CYFD is effectively discharging its child protection responsibilities².

The general purpose of the Council is to oversee substitute care review boards (hereinafter “SCRB”) in their monitoring of children placed in the custody of CYFD to identify systemic policy issues regarding substitute care³. The Act authorizes the Council to hire staff, contract for services, establish membership requirements for SCRB members⁴, designation of, and procedures for, cases for SCRB review, appoint a six-member advisory committee and issue an annual report by 1 November to CYFD, the courts and appropriate legislative interim committees regarding statutes, rules, policies and procedures relating to substitute care.

ORGANIZATION

Council staff consists of a Director, Coordinators and Administrative Assistant⁵. In FY 20, the Office of the Attorney General assigned an attorney to provide legal representation and advice to the Council. Per the Act, the Council is administratively attached to the Regulation and Licensing Department (hereinafter “RLD”) in accordance with NM Stat § 9-1-7⁶. Past Council reports have included concerns with the administratively attached relationship and the need for a Memorandum of Understanding (hereinafter “MOU”) between the Council and RLD.

FUNDING

Appropriation legislation available from 1996 to 2016 indicates funding for the Act was a line-item with a state general fund appropriation to the ‘citizen review board’ and an interagency transfer of funds from CYFD to Department of Finance and Administration (hereinafter “DFA”)⁷. CYFD and DFA entered into a Joint Powers Agreement (hereinafter “JPA”) *‘to provide for the transfer of federal funds available for the operation of the Citizen Substitute Care Review Act’*⁸.

Effective 1 July 2016, the Act required DFA to transfer to the Council *‘all functions, records, personnel, appropriations, money, furniture, property, equipment and supplies’* as well as *‘all appropriations, contract funds and funds for contract*

² NM Stat § 32A-8-2.

³ NM Stat § 32A-8-4A.

⁴ Citizens interested in becoming a SCRB 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.

⁵ See Appendix III.

⁶ NM Stat § 9-1-7 states that ‘A. an agency attached to a department for administrative purposes only shall (1) exercise its functions independently of the department and without approval or control of the department; (2) submit its budget request through the department; and (3) submit reports required of it by law or by the governor through the department. B. The department to which an agency is attached for administrative purposes only shall (1) provide, if mutually agreed, the budgeting, record-keeping and related administrative and clerical assistance to the agency; and (2) include the agency’s budgetary requests, as submitted and without changes, in the department budget. C. Unless otherwise provided by law, the agency shall hire its own personnel in accordance with the Personnel Act.

⁷ Appropriations Summary compiled by the Council Director available upon request.

⁸ Joint Powers Agreement Between Department of Finance and Administration and Children, Youth and Families Department effective upon approval of the Department of Finance and Administration, terminating upon expiration of Title IV-E funds or the transfer of Citizen Substitute Care Review Act administration to another entity; signed by Heather Wilson, CYFD Secretary, David W. Harris DFA Secretary.

*administration and staff, the cost of council per diem and travel, training and all other costs of the department of finance and administration relating to the Citizen Substitute Care Review Act*⁹.

Nonetheless, line-item appropriation to the Council was removed in appropriation legislation and funds were provided to the Boards and Commission Division (hereinafter “BCD”) of RLD¹⁰. Since that time funding to the Council has been unstable; efforts to reinstate line-item appropriation and stabilize funding for the Council have not been successful¹¹.

CHILD ABUSE PREVENTION AND TREATMENT ACT

In 1996, the federal Child Abuse Prevention & Treatment Act (hereinafter “CAPTA”) required states who receive CAPTA funding to have citizen review panels to evaluate the extent state and local child protection system agencies are effectively discharging their child protection responsibilities. Policy guidance noted *‘these panels have the capacity to promote creative problem-solving’* and *‘the annual reports have the potential to not only increase resources but better collaboration and system change’*¹². CAPTA allowed states to designate existing entities established under state and federal law to meet this federal requirement. Some states have both a state law similar to the Act as well as separate citizen review panels to meet the CAPTA requirement for citizen review 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 “public outreach to assess the impact of current procedures and practices upon children and families in the community”.
- “Prepare and make available on an annual basis a report containing a summary of the activities of the panel and recommendations to improve the children protection services system at the State and local levels”.

COUNCIL ACTIVITIES SFY-23

Per the Act, the Council consists of nine members which includes the Cabinet Secretary or their designee of DFA, Public Education Department (hereinafter “PED”), Human Services Department (hereinafter “HSD”) and Department of Health (hereinafter “DOH”) and five members appointed by the Governor. After a period of abeyance, the Council was reconstituted in SFY-23 with seven of nine members appointed¹³.

The Council:

- Held regular meetings in April and June 2023.
- Elected a Chair and Vice-Chair.
- Adopted its Open Meetings Act (hereinafter “OMA”) Resolution.
- Adopted and distributed to CYFD, the courts and legislators a report for the time period of July 2020-December 2023.

⁹ SB 49, 2016 Regular Session, Chaptered; Section 32-8 *et seq.* NMSA 1978.

¹⁰ State of New Mexico Report of the Legislative Finance Committee to the Fifty-Third Legislature January 2017 for Fiscal Year 2018 Volume 2 https://www.nmlegis.gov/Entity/LFC/Documents/Session_Publications/Budget_Recommendations/2018RecommendVolII.pdf. Charles Sallee, LFC Deputy Director for Budget noted *‘there used to be a general fund appropriation in DFA specials when it [citizen substitute care review] was attached to DFA. Now it is buried in RLD’* (Email from C. Sallee to M. Fischer, LFC Program Evaluation Manager, 22 December 2020, 3:18 p.m.)

¹¹ See previous Council reports available at www.nmscac.org.

¹² <https://www.acf.hhs.gov/cb/policy-guidance/pi-98-01>.

¹³ Appendix I provides the members of the Council as of October 2023.

- Appointed five of the six-member advisory committee and adopted the appointment process to fill the existing vacancy.
- Adopted priority criteria for case reviews.
- Council staff facilitated reviews of 94¹⁴ children/youth in all thirteen judicial districts and provided reports to the court, CYFD and interested parties.
- Council staff and volunteers assisted with and/or participated in the annual Children’s Law Institute.
- The Council Director participated on:
 - Children’s Court Improvement Commission (hereinafter “CCIC”).
 - CCIC Data Workgroup.
 - CCIC Enhanced Family Support Workgroup.
 - The NM Child Fatality Review Board.
 - The National Citizen Review Panel Advisory Board.
 - The CYFD Steering Committee to Enhance Service Delivery.
 - The Children’s Code Reform Taskforce.
 - CYFD Roundtable in Las Cruces, NM.

CASE REVIEWS

Pursuant to the Act, the Council is authorized to conduct specific case reviews to fulfill the purpose of the Act. In New Mexico, case reviews are conducted through SCRB’s. Each SCRB is comprised of trained volunteers and each review is facilitated by Council Staff. Following the adopted Quality Services Review¹⁵ model, case reviews include research of documents, CYFD policy and procedures, best practices, and receipt of confidential individual¹⁶ perspectives. Per the Council rules, at least one case is reviewed in each of the thirteen judicial districts¹⁷. each quarter. A case may represent one or more children/youth.

The Council’s report distributed in June 2023 included information from 242 case reviews from July – December 2022. During the period of January – June 2023, an additional 45 reviews of children and youth were conducted, representing all thirteen judicial districts. Per the Act, a report is submitted to the court for each case reviewed. The report is also provided to CYFD and other Interested Parties to a case.

Each report provides demographics, a summary narrative, identifies strengths, concerns and recommendations as to each child and youth in a case.

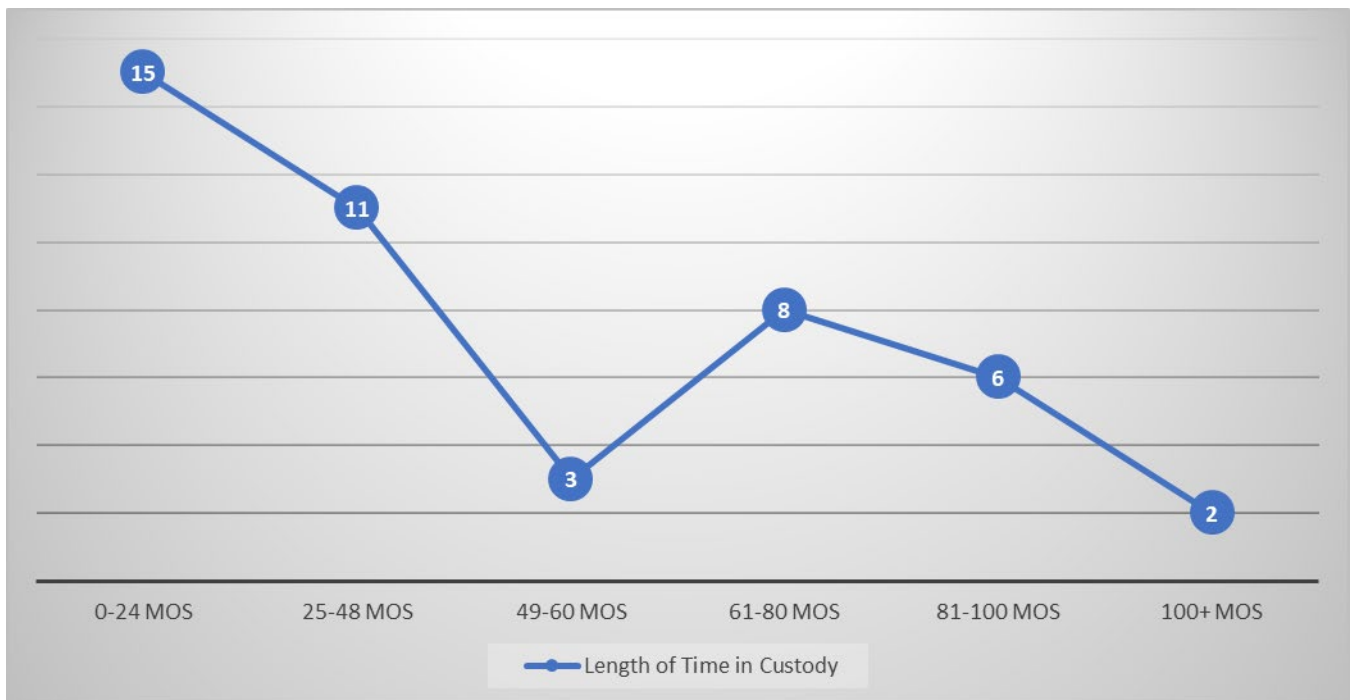
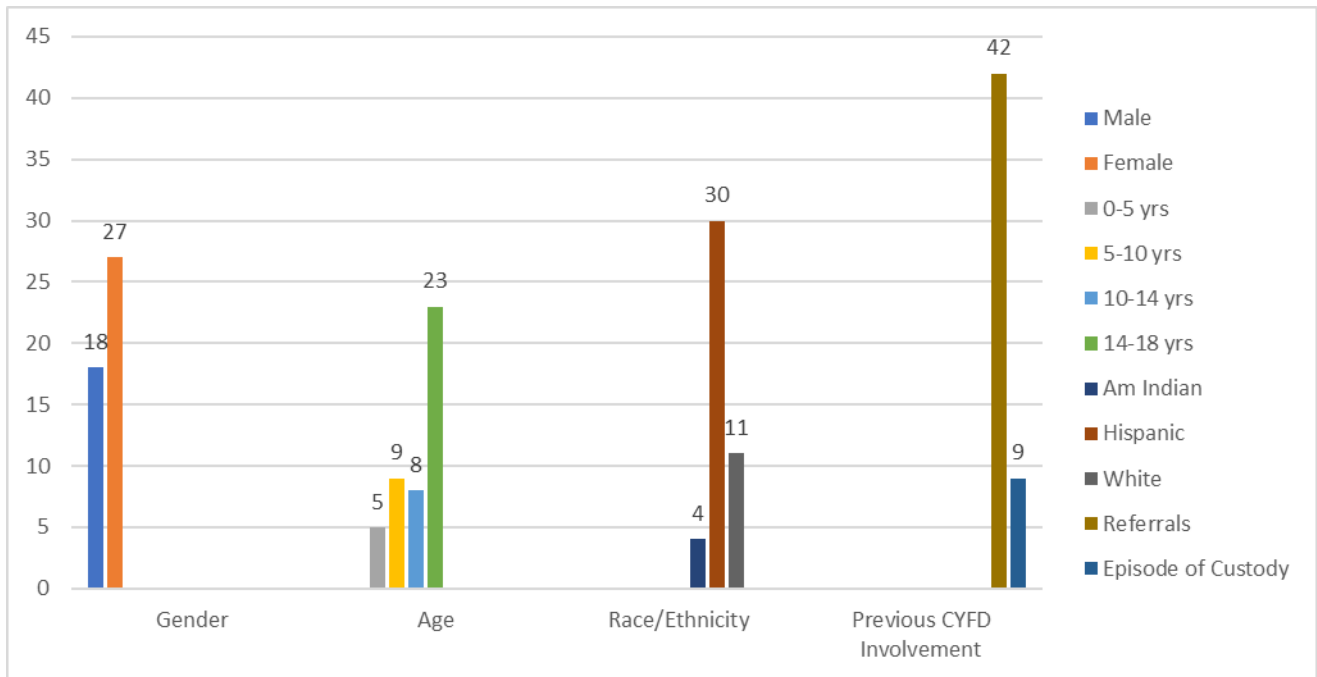
¹⁴ Information from 49 of the reviews was included in the Council’s report for the period of July 2020-December 2022.

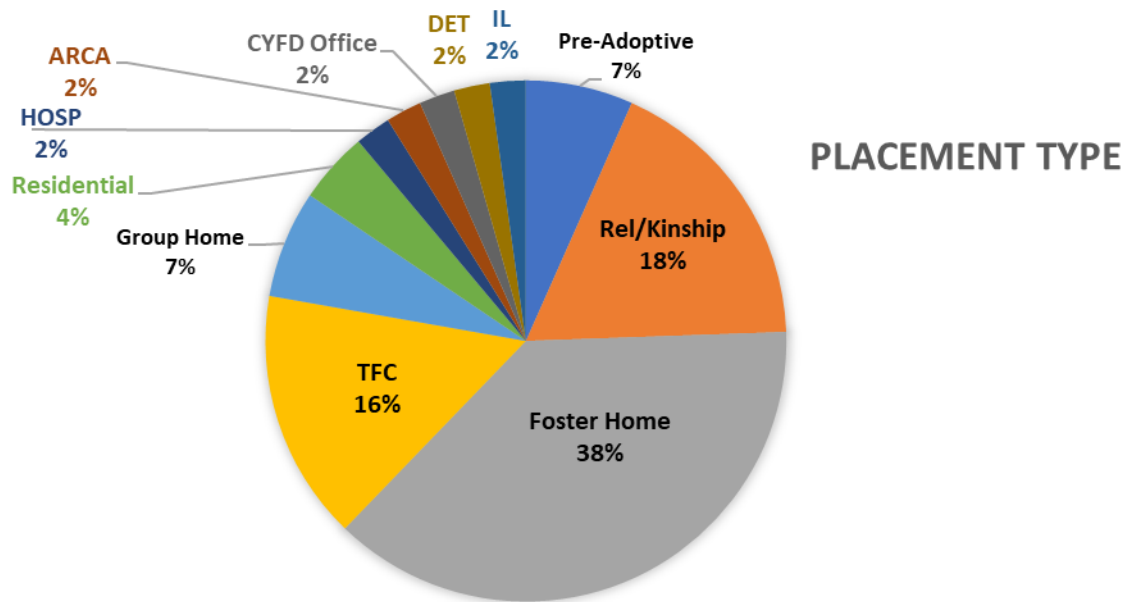
¹⁵ For more information on Quality Services Review see past Council reports found at www.nmscsc.org.

¹⁶ Notification of opportunity to provide confidential input during a child/youth review is given to known biological/adoptive parents, legal guardians, foster parents, relatives, CYFD staff, legal representatives, service providers and Court Appointed Special Advocates (CASA).

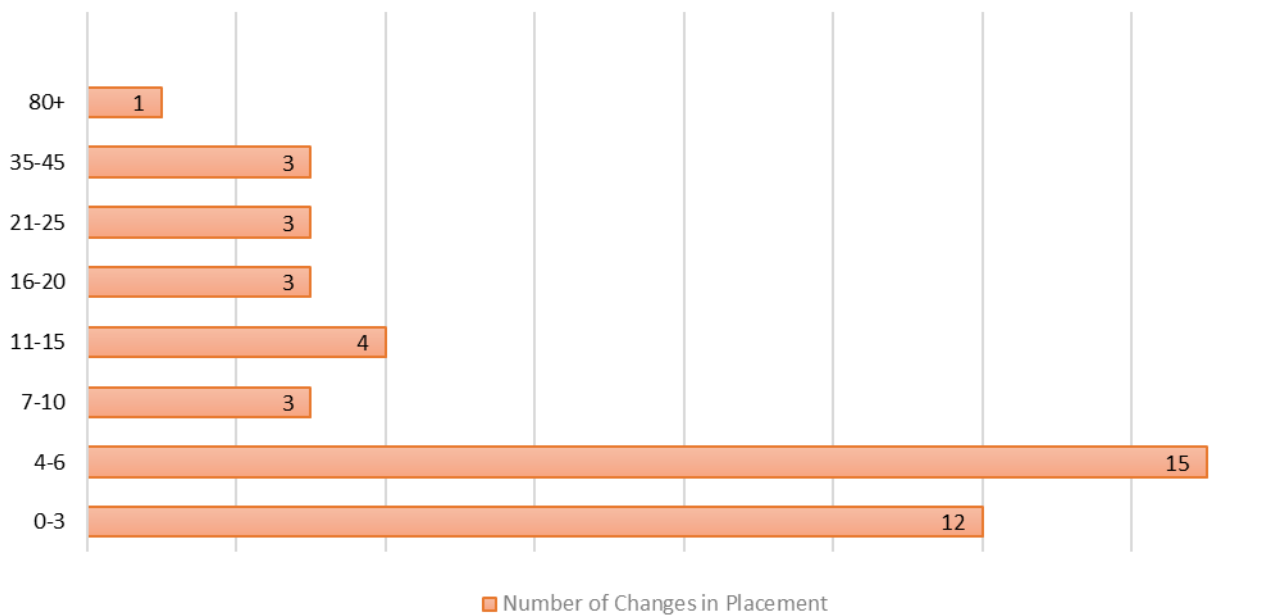
¹⁷ Appendix III.

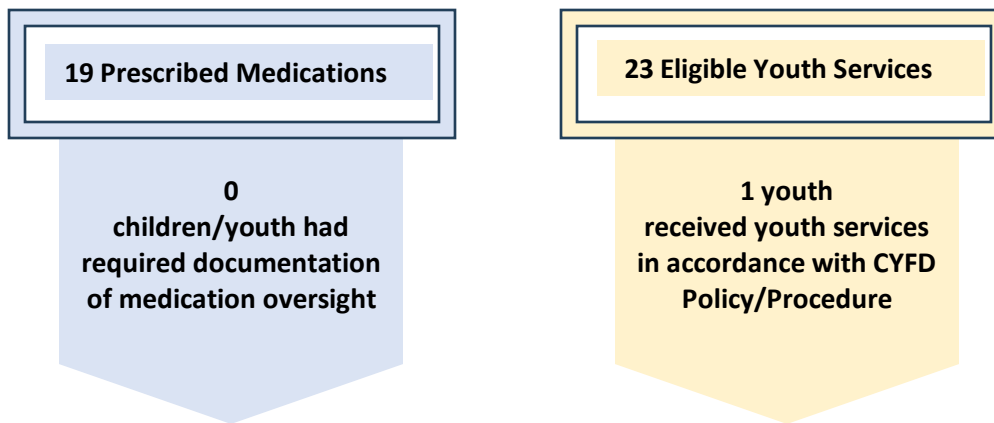
Demographics at Time of Review 45 Children/Youth





Number of Changes in Placement





RECOMMENDATIONS FROM CONCERNS NOTED IN CASE REVIEWS

The reviews of these children and youth observed the same concerns in past reports. Some of the recommendations provided to CYFD, the courts and Interested Parties included review of current practices and implement changes to result in:

- CYFD objective internal review of actions taken when its involvement did not prevent repeat maltreatment or subsequent entry into custodyⁱ, including retention of records CYFD staff readily access.
- Children and youth being informed of their rights¹⁸ in a developmentally appropriate manner.
- Youth services provided in accordance with CYFD policy and procedure^{ii/iii}; support for the voice of the youth being heard in planning for permanency and a Permanency Plan which aligns with the youth's goals.
- CYFD policy and procedure regarding runaway youth being adhered to in full^{iv} to include assessing for risk for sex and human trafficking, providing victims the appropriate services and developing a run prevention plan^v.
- CYFD oversight of medication management in accordance with Program Instruction Guidelines^{vi}.
- Written adoption plans^{vii} which provide for the intentional recruitment of resources with capacity to meet the behavioral and emotional needs of the child/youth.
- Compliance with CYFD policy and procedure regarding Interstate Compact for the Placement of Children^{viii}, including oversight of the placement of children in out of state foster/pre-adoptive placements.
- Sibling groups not split because an adoption resource has been identified for some but not all of the children together^{ix}.
- Evaluation of sibling visitation every 90 days^x.
- Written discharge plans^{xi} to include wraparound services when being discharged to a lower level of care.
- Changes in federal placements recorded in accordance with federal definitions^{xii}.
- Adjudicatory orders providing findings on all allegations in an abuse and neglect petition^{xiii}.
- Providing the Substitute Care Advisory Council information pursuant to NM Stat 32A-4^{xiv}.

¹⁸ Appendix IV NM Foster Child and Youth Bill of Rights.

APPENDIX I

SUBSTITUTE CARE ADVISORY COUNCIL OCTOBER 2023

The Act established a nine-member Council; four members are the Cabinet Secretary or designee of specific state agencies, five members are appointed by the Governor.

	<i>APPOINTEE</i>	<i>DATE</i>
APPOINTED BY GOVERNOR		
Public Member with Child Welfare expertise	SEAN SCATES, (COUNCIL CHAIR)	September 2022
Public Member with Child Welfare expertise	Vacant	
Public Member aged 18-30 previously in substitute care	HOLLY HEMMINGER	September 2022
Public Member aged 18-30 previously in substitute care	Vacant	
Children's Court Judge	THE HONORABLE ALMA ROBERSON Second Judicial District	November 2022
STATE AGENCY		
Department of Finance and Administration	RENEE M. WARD Deputy Cabinet Secretary (Council Vice-Chair)	May 2019
Department of Health	DAWN SANCHEZ Acting Deputy Cabinet Secretary Chief Operating Officer	September 2023
Human Services Department	BETINA MCCracken Director Child Support Services Division	June 2023
Public Education Department	DANIELA ROMERO Interim Deputy Director, Federal Funding Coordinator/ Education Administrator/Equitable Services Ombudsman/ PED Foster Care Point of Contact	December 2022

SCAC Advisory Committee¹⁹

June 2023 – Present

Jack Carpenter, Chair	Taos County
Maria Ortiz Bustos	Dona Ana County
Mary Carr	Eddy County
Yvonne Tallent	San Miguel County
Nancy Treat	Santa Fe County
Vacant	

¹⁹Pursuant to Chapter 32 [32], Article 8 NMSA 1978, Citizen Substitute Care Review Act the Council appoints by 1 October of each year, a 6-member committee to one-year renewable terms, to advise on matters related to substitute care.

APPENDIX II

COUNCIL STAFF

DIRECTOR: SHELLY A. BUCHER, LMSW

Ms. Bucher serves as the Director for the Council. She has been in this position since October 2016 having previously administered the Department of Finance and Administration's contract for the Citizen Substitute Care Review Act through New Mexico State University September 2013-October 2016. Ms. Bucher holds a Master of Social Work with a concentration in Administration from the University of Kansas and a Bachelor of Social Work, Summa Cum Laude and a BS in Human Development and Family Studies from Kansas State University, Summa Cum Laude.

Ms. Bucher has 33 years of child welfare experience; over 20 years of which are in NM. Past positions include:

Director, Southwest Region National Child Protection Center at NMSU.

Interim Director, School of Social Work NMSU (3 years).

General Inspection Specialist, European Command Headquarters, Stuttgart Germany.

Relocation Readiness Program Manager, Army Community Services, Stuttgart Germany.

Settlement Administrator, Kansas Department of Social and Rehabilitation Services (SRS).

Director, Child Development Center, Saudi Arabia.

Social Worker (Investigations/Foster Care), KS SRS.

COORDINATOR: KIMBERLY ANGUIANO, BSW

Ms. Anguiano joined the Council Staff in July 2018 after completing an academic year of internship assisting Council Staff. Fully bilingual in Spanish, Ms. Anguiano graduated with honors from New Mexico State University with a Bachelor of Social Work and Minors in Counseling and Educational Psychology and Gender and Sexuality Studies.

COORDINATOR: MARY YOUNGER

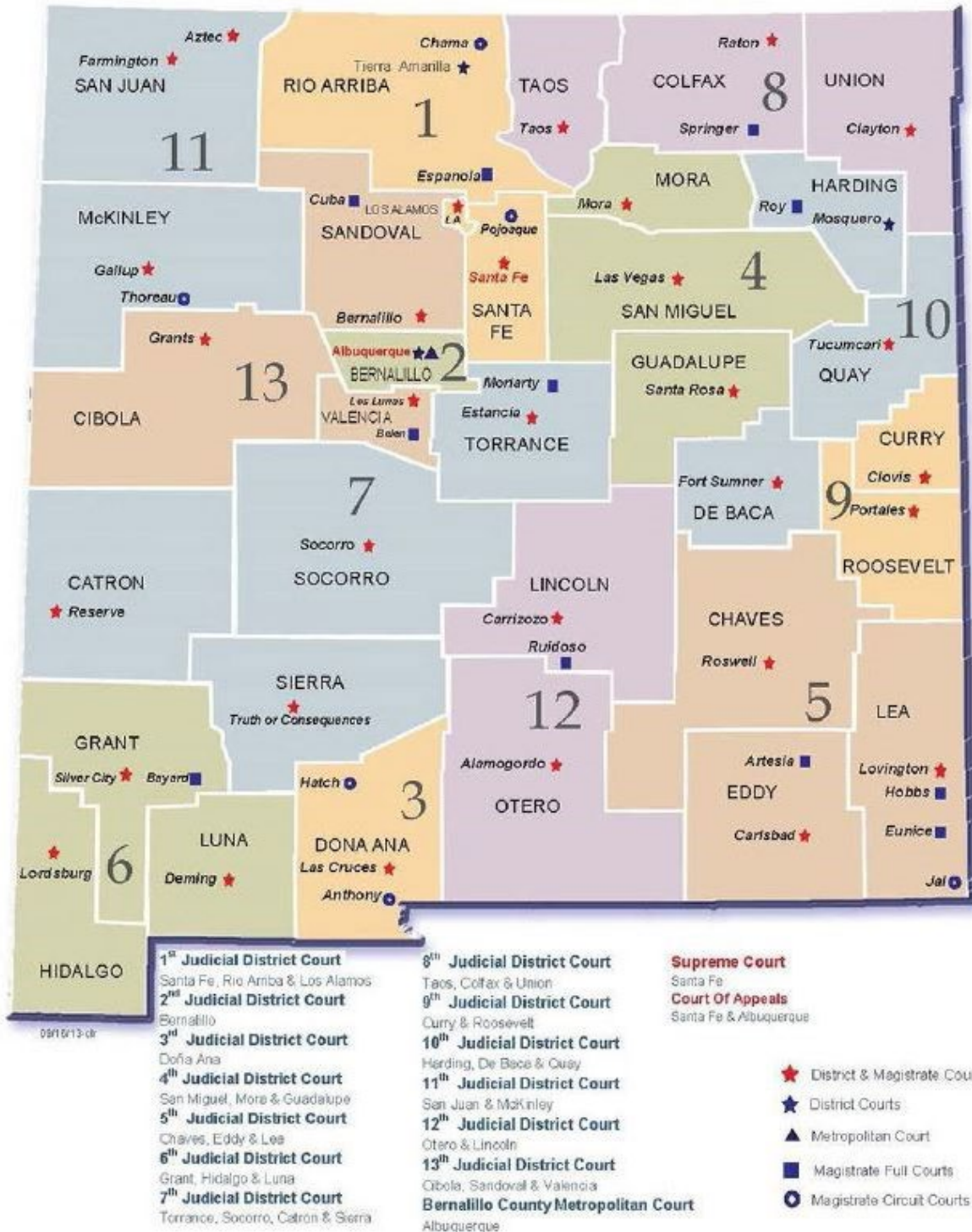
Ms. Younger joined the Council Staff in October 2016 after serving as contract coordinator of citizen review boards for two years. She has 14 years of child welfare experience, including past positions of Volunteer Coordinator for the Eddy County Fifth Judicial District CASA (Court Appointed Special Advocate) program and Detention Officer for the Eddy County Detention Center.

ADMINISTRATIVE ASSISTANT: RAYMUNDO "RAY" VILLEGAS

Mr. Villegas is an Air Force veteran and retired US Postmaster who, since October 2016, has been sharing his knowledge and skills to organize and maintain resources to support the functioning of Council Staff. Mr. Villegas is from Deming, NM and attended Western New Mexico University.

APPENDIX III

NEW MEXICO STATE COURTS



APPENDIX IV



NEW MEXICO FOSTER CHILD AND YOUTH BILL OF RIGHTS

Every child in the foster care system is endowed with the rights inherently belonging to all children. In addition, because of the unique circumstances facing foster children, special safeguards, resources and care are also necessary. Below you will find a list of rights that are to be given to every child and youth in custody of the Children, Youth and Families Department (CYFD). These rights must be explained by the caseworker to every child and youth in a manner in which they can understand. These rights are to be reviewed, in detail, upon entering custody and at a minimum of every three months. Additionally, these rights are to be clearly posted in all CYFD and service provider offices. They are to be provided to all staff working with foster children and youth, and to all foster parents.

- | | | |
|---|---|--|
| <p>1 To be informed of your rights in foster care by your caseworker and to receive a list of those rights in written form.</p> <p>2 To have your privacy protected and your right to confidentiality adhered to, as outlined in the New Mexico Children's Code.</p> <p>3 To be explained why you came into foster care and why you are still in foster care by a representative of CYFD.</p> <p>4 To be free from physical, sexual, emotional or other abuse, including corporal punishment.</p> <p>5 To stay safe and avoid exploitation.</p> <p>6 To advocate for yourself and to speak to persons involved with your case without negative repercussions.</p> <p>7 To make a report to Statewide Central Intake (1-800-797-3260) if you feel you are being abused and/or neglected.</p> <p>8 To be represented by a guardian ad litem or youth attorney in all judicial matters (hearings and mandatory meetings) conducted in your abuse/neglect case so that your interests are safeguarded; to attend and participate in all court hearings as coordinated through your attorney.</p> <p>9 To be informed of how to contact your caseworker and other professionals involved in your case.</p> <p>10 To contact your attorney, caseworker and CASA when you want.</p> <p>11 To have a minimum of at least monthly visitation with your caseworker, which includes private time between yourself and the caseworker.</p> | <p>12 To receive medical, dental, vision and behavioral health services.</p> <p>13 To refuse medical and behavioral health services and medications, unless court ordered, after age 14.</p> <p>14 To live in a safe, healthy and comfortable home where you are treated with respect.</p> <p>15 To have foster parents who are screened, trained and licensed, and who receive adequate support and supervision from CYFD and/or private agencies.</p> <p>16 To receive adequate and healthy food, adequate clothing and appropriate personal hygiene products.</p> <p>17 To have all your personal belongings secure and transported with you.</p> <p>18 To have a permanent plan for placement, to participate in developing this plan, and to have choice in placement or the right to request a placement change.</p> <p>19 To be placed in a home with your siblings who are in custody unless it is contrary to your safety and/or wellbeing.</p> <p>20 To maintain regular contact with your siblings, whether or not they are in custody, unless it is contrary to your safety and/or well-being.</p> <p>21 To have regular and ongoing contact (by phone, through letters and in person) as soon as possible after entering custody with biological parents, relatives and other important people in your life, unless it is contrary to your safety and/or wellbeing and prohibited by a court order or you choose not to.</p> | <p>22 To be informed by a CYFD representative when contact with important people in your life is being monitored or prohibited, and the reasons it is being monitored or prohibited.</p> <p>23 To remain in the same school you were enrolled in before entering into custody and to remain in the same school throughout your stay in custody; to be provided with transportation arrangements to ensure continued enrollment in the same school.</p> <p>24 To attend and participate in school meetings, including parent /teacher conferences, Individual Education Planning (IEP) meetings and Next Step Planning meetings.</p> <p>25 To participate in extra-curricular, cultural, spiritual and personal enrichment activities.</p> <p>26 To be involved in the development of your treatment plan, life skills plan, transition plan and visitation plan; to receive factual information about the treatment decisions made by the agency that affect your life.</p> <p>27 To have a plan for your future, including a life skills plan and transition plan; to be offered services to help you prepare to become a successful adult.</p> <p>28 To an annual credit check from age 14 to 18.</p> <p>29 To initiate a review of any prudent parenting decision made by your foster parents, at 14 and older.</p> |
|---|---|--|

If you feel your rights have been violated, please email CYFD.YouthGrievance@state.nm.us or call or text 505-228-6797.

ⁱ Program Instruction Guideline 03-2020-#1 dated 19 March 2020.

ⁱⁱ CYFD Permanency Planning with Youth Aged 13.5-18 checklist.

ⁱⁱⁱ For children aged 14 and older, the case plan shall be developed in consultation with the child and, at the option of the child, with up to two members of the case planning team who are chosen by the child and who are not the child's foster provider or caseworker. 8.10.8 NMAC PR 13.

^{iv} CYFD PR 8.10.8 NMAC PR 24 Preventing, Identifying, and Reporting Sex and Human Trafficking and Reporting Runaways includes specific actions CYFD staff are to take when a child is missing from care or on runaway status. The PSD worker is to notify law enforcement and the National Center for Missing and Exploited Children immediately but no later than 24 hours after receiving information a child is missing from care; request law enforcement to report to the NCIC database and possibly issue an Amber Alert; notify the National Center for Missing and Exploited Children; contact local hospitals, shelters, bus stations and other potential locations; search social networking sites; and continue ongoing efforts at least monthly.

^v Per CYFD PR 8.10.8 NMAC PR 24 Preventing, Identifying, and Reporting Sex and Human Trafficking and Reporting Runaways: 'When a youth has been located after being reported missing or as a runaway from care, the PSD worker meets with the child or youth to assess and support the child or youth. In addition, based upon information obtained from their meeting, the PSD worker completes the Return to Care Debrief form, located on the CYFD intranet. During the meeting or meetings, the PSD worker engages the child or youth in a strength based, solution focused manner, actively listens to the child or youth and the needs that will assist the child or youth in staying in care. Topics include, but are not limited to: 1. the primary reasons why the child or youth ran away or was missing from care. 2. preventing future incidents by developing a run prevention plan with the child or youth which addresses the primary reasons the child or youth ran away or was missing from care. It is recommended that the worker complete the Run Away and Missing from Care Prevention Plan form, located on the CYFD Intranet, with the child or youth. 3. the child or youth's experiences while absent from care.'

^{vi} Effective 04 November 2021 per Program Instruction Guideline 11-2021-#20, the report to the court must include responses to 24 questions related to psychotropic medication oversight. The questions are as follows: '1. What other supportive therapeutic interventions are being used? Ask for details, as appropriate. (Were these interventions tried without the medication first?) 2. Who has assessed or evaluated this child? (Was there an evaluation?) 3. How has this child been assessed or evaluated? 4. What medication has been prescribed by a psychiatric prescriber? 5. What other medications or substances have been prescribed by another prescriber or are being used by the child? 6. Why has this child been prescribed a psychotropic and what specific symptom/s is this medication designed to address? 7. How many psychotropics have been prescribed? 8. What dosage? Is this the smallest possible dosage? If not, why? 9. Is it off-label for this particular child (age, symptoms, etc.?) and if so, is it prescribed for a good, defined reason? 10. Was a history of the child gathered from parents and past caretakers for the child? 11. Were the parents asked to provide input on the use of medication, and have they? 12. How has the child 14 years or older, or the guardian for the child under 14, given consent? 13. Was the advisement couched in developmentally appropriate language and in a language the child/youth understood? Was the consent informed? 14. Who gave permission for this child to take this medication? 15. Is this child able to comply with the proper use of this medication? 16. Was there a second opinion, if so, who provided it? 17. Who is monitoring this child? 18. What monitoring for effectiveness is occurring? What benefit, if any, has occurred? 19. What side effects are possible? What side effects have been seen? 20. What monitoring for side effects is occurring? 21. Has this child gained or lost weight? 22. Does this child have involuntary movements? 23. What duration is expected for this treatment and why? 24. When is the child's next psychiatric or medical appointment?'

^{vii} Per CYFD PR 21.6.4, 'the adoption consultant develops an individualized adoption plan for children without an identified resource'.

^{viii} Permanency Planning Procedure, PR21 – Interstate Compact for the Placement of Children (ICPC).

^{ix} Per CYFD PR 21: Best Interest Adoption Placement: 'PSD makes reasonable efforts to place siblings together in the same adoptive home. If PSD documents that placement together would be contrary to the safety and well-being of any of the children in the sibling group, then the siblings may be placed separately. PSD will not separate siblings solely because an adoptive placement is available for one or more children, but not the entire group. If a sibling separation is recommended, a staffing is held with the child's PPW, the permanency planning supervisor, the adoption consultant and the COM. The final decision and supporting reasons regarding a sibling separation are documented in the case record. When siblings must be placed separately, the PSD worker considers adoptive families willing to maintain contact between the siblings.'

^x Per CYFD PR 10 Out of Home Placement: 'In those circumstances where siblings have been separated, the PPW provides for reasonable visitation or other ongoing interaction for the siblings. The nature of the visitation or other interaction is described in all reports to the court. Ongoing visitation or other interaction should be tailored to meet the emotional and developmental needs of the children involved. The PPW should consider a variety of methods to maintain sibling relationships including, but not limited to, face-to-face visitation, telephone, e-mail, and electronic social networking sites, as well as clubs, classes, or religious or cultural activities in which the siblings jointly participate. In those circumstances where ongoing visitation or other interaction would be contrary to the safety or well-being of any of the siblings, the PPW clearly identifies the threat to safety or well-being that is created by the ongoing contact or visitation. The PPW provides this information to the court at the dispositional hearing and all subsequent judicial reviews and permanency hearings. Recommendations regarding sibling visitation will be re-evaluated every 90 days.'

^{xi} Per the State of New Mexico Kevin S. Settlement Data Validation Plan approved by the Co-Neutrals 16 February 2022 'A discharge plan is a written course of action for safely and reasonably transitioning an individual out of one placement. This plan addresses logistical, clinical, behavioral, acceptability, and sustainability considerations. The discharge plan must be documented in writing as an attachment to the child's case in FACTS after each meeting for which it is required. In FACTS, IPP staffings will include a flag for "discharge plan created" or "discharge plan reviewed" to allow for easier quantitative metrics'. Further this plan indicates 'Within the first 30 days of the placement, the out-of-state IPP team will develop a discharge plan that includes identification of in-state resources that need to be developed for the child to return to New Mexico. The CYFD caseworker will do so by working with HSD or its designee to secure services that could be funded by Medicaid. IPP meetings, which may take place during scheduled treatment team meetings for children in residential care, will be held every 30 days to support the child and identify steps necessary to promote discharge.'

^{xii} Children's Bureau Child Welfare Policy Manual 1.2B.7 AFCARS, Data Elements and Definitions, Foster Care Specific Elements, Placements, https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?cid=150

^{xiii} NM Stat § 32A-4-20(G).

^{xiv} [NM Stat § 32A-4-25](#) includes: 'Prior to the initial judicial review, the department shall submit a copy of the adjudicatory order, the dispositional order and notice of the initial judicial review to the council. The staff of the council, or an entity contracting with the council, shall review the case. If the staff or contracting entity determines that the case meets the criteria established in council rules, the staff or contracting entity shall designate the case for review by a substitute care review board. A representative of the substitute care review board, if designated, shall be permitted to attend and comment to the court.' (A); 'Prior to a subsequent periodic judicial review, the department shall submit a progress report to the council or any designated substitute care review board. Prior to any judicial review by the court pursuant to this section, the substitute care review board may review the dispositional order or the continuation of the order and the department's progress report and report its findings and recommendations to the court.' (B); 'The children's court attorney shall give notice of the time, place and purpose of any judicial review hearing held pursuant to Subsection A, B or C of this section to: (4) if designated by the council, the substitute care review board' (D). Per [NM Stat § 32A-4-33](#), 'All records or information concerning a party to a neglect or

abuse proceeding, including social records, diagnostic evaluations, psychiatric or psychological reports, videotapes, transcripts and audio recordings of a child's statement of abuse or medical reports incident to or obtained as a result of a neglect or abuse proceeding or that were produced or obtained during an investigation in anticipation of or incident to a neglect or abuse proceeding shall be confidential and closed to the public.' (A) and (B) 'The records described in Subsection A of this section shall be disclosed only to the parties and: (6) any local substitute care review board or any agency contracted to implement local substitute care review boards'.