

NM Stat § 32A-8

*The purpose of the
Citizen Substitute Care
Review Act
is to provide a
permanent system for
independent and objective
monitoring of children
in the custody of the
Children, Youth and Families
Department (CYFD)
to evaluate
the extent to which
CYFD
is effectively discharging
their child protection
responsibilities.*

The Act was revised effective
FY 17 to establish a Substitute
Care Advisory Council to
identify systemic policy issues
regarding substitute care and
to report annually its
recommendations regarding
statutes, policies and
procedures relating to
substitute care.

www.scacnm.org
nm.crb@rld.nm.gov

SUBSTITUTE CARE ADVISORY COUNCIL SFY 25 ANNUAL REPORT

TO

CYFD

COURTS

LEGISLATIVE INTERIM COMMITTEES



Approved
07 October 2025



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



07 October 2025

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 regarding statutes, rules, policies and procedures relating to substitute care to CYFD, the courts and the appropriate legislative interim committees on or before 1 November. Council reports may be found on the Council's website www.scacnm.org.

The SFY 25 annual report is intended to generate discussions and actions to result in a coordinated and integrated system of care and services for our children, youth and families.

Please contact our Director, Shelly A. Bucher, LMSW at 505.469.4781 (cell with text) or Email shelly.bucher@rld.nm.gov for further information or request to be notified directly of Council meetings.

Sincerely,

Lela Wendell
Lela Wendell (Oct 8, 2025 16:52:30 MDT)

Lela Wendell
Chair

TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
SYF 24 RECOMMENDATIONS.....	7
SYF 25 RECOMMENDATIONS.....	7
CYFD	7
COURTS	7
LEGISLATURE	7
RLD	7
SYF COUNCIL COMPOSITION AND ACTIVITIES.....	8
SYF 25 CASE REVIEWS	8
TRENDS NOTED IN CASE REVIEWS.....	8
CASE REVIEW DEMOGRAPHICS.....	10
GENDER, RACE/ETHNICITY AND CYFD INVOLVEMENT PRIOR TO CUSTODY	10
AGE AT TIME OF CUSTODY	12
NUMBER OF MONTHS IN CUSTODY AT THE TIME OF REVIEW.....	12
AGE AT TIME OF REVIEW	13
NUMBER OF CHANGES IN PLACEMENT BY MONTHS IN CUSTODY	13
PLACEMENT TYPE AND LOCATION	14
SIBLING GROUPS.....	16
PERMANENCY PLANS	17
YOUTH SERVICES.....	18
TRANSITION HOME PLANS	19
EDUCATIONAL DECISION MAKERS	19
APPENDIX I STATUS OF SFY 24 RECOMMENDATIONS	21
APPENDIX II AUTHORITY, ORGANIZATION, AND FUNDING	24
APPENDIX III SUBSTITUTE CARE ADVISORY COUNCIL JUNE 2025	25
APPENDIX IV COUNCIL STAFF JUNE 2025	26

EXECUTIVE SUMMARY

Evolving from a Summary Judgement and Consent Decree¹, familiarly known as *Joseph A*, a class action lawsuit brought against New Mexico on behalf of children in foster care, *NM Stat § 32A-8*, the Citizen Substitute Care Review Act (Act) was enacted in 1985.

New Mexico's leaders at that time were ahead of other states in instituting '*a permanent system for independent and objective monitoring of children placed in the custody*' of the state, to review cases of children in the care of the state, submit a case review report to the court and annually report '*recommendations regarding statutes, policies and procedures relating to substitute care*' to the department, the courts and the legislature. Not stated, but certainly implied, is the intent that these recommendations would result in ongoing system improvement.

This approach was recognized at the federal level in 1996 when the reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA) required states receiving CAPTA funds to establish citizen review panels as '*...these panels have the capacity to promote creative problem-solving*' and '*the annual reports of these boards have the potential for recommending not only increased resources, but also better collaboration and system change*'.²

The recent federal *Child and Family Services Reviews (CFSR) New Mexico Final Report 2025*³, following a review of cases, included findings of areas needing improvement. These federal findings are consistent with the areas noted in past annual reports for which recommendations were provided to remedy. New Mexico's leaders can take pride in establishing the independent and objective monitoring of children placed in the care of the state to accurately identify areas needing improvement and make recommendations.

Throughout the years however, New Mexico has lost its way in effectively using the system it created by not using the annual reports with recommendations to improve the system. Recommendations to CYFD. Recommendations to the courts. Recommendations to the legislature. All have gone by the wayside with little to no discussion and no implementation or accountability. CYFD has been siloed; both by its own doing and by others allowing it to do so. New Mexico's loss of sight of taking care of its children, youth and families is a system responsibility not just the responsibility of CYFD.

When New Mexico's leaders created the Children, Youth and Families Department (CYFD) in 1992, its purpose included CYFD shall '*provide leadership to other agencies that serve children, youth and families to ensure a coordinated and integrated system of care and services for children, youth and families*'. New Mexico has various sources providing services to children, youth and families, and various sources providing feedback on community needs and CYFD performance. However, New Mexico does not have a system of care and services for its children, youth and families which coordinates services and integrates feedback to improve service array and delivery prior to a child/youth being placed in the care of the state or after a child/youth is placed in the care of the state.

CYFD, under the leadership of Secretary Casados, created the Family Services Division within CYFD. This

¹ *Joseph A. by Wolfe v. N.M. Dept. of Human Services*, 575 F.Supp.346 (1983).

² U.S. Department of Health and Human Services Administration for Children, Youth and Families Program Instruction ACYF-PI-CB-98-01 7 January 1998, <https://www.acf.hhs.gov/cb/policy-guidance/pi-98-01>.

³ The CFSR New Mexico Final Report 2025 <https://www.cfsrportal.acf.hhs.gov/cfsr-reports/round-4-reports/new-mexico-0>.

division houses many programs with the goal *‘to support families before a crisis or before a situation creates an unsafe environment for children’*.⁴ This division includes programs of Family Resource Centers, Community-Based Prevention, Intervention & Reunification, Family Outreach, In-Home Services, Keeping Families Together, Comprehensive Addiction and Recovery Act (CARA), Domestic Violence and Multi-level Response⁵.

The New Mexico’s Children’s Cabinet⁶ has a purpose to *‘study and make recommendations for the design of programs that will assist the children of New Mexico’*. The Children’s Cabinet is *‘comprised of Cabinet Secretaries from fourteen state agencies’*. Reporting that *‘New Mexico children experience higher rates of ACEs than the general U.S. population’*; and between 2019 and 2022, New Mexico saw nearly a 26% increase in its children who had two or more adverse childhood experiences, the Children’s Cabinet, issued a prevention plan targeting the pre-natal to three age group titled, *The New Mexico Thriving Families Plan*. Although the plan *‘contains evidence-based strategies to address and improve child and family outcomes and prevent maltreatment’* and notes its theory of change is *‘based on evidence that shows connecting families to high-quality supports and resources...helps prevent and reduce child maltreatment, especially when the work is done in partnership with communities and families’*, the plan does not include a goal or measure of success in reducing child maltreatment in this age group nor is there a goal or measure of success to reduce the number of infants born exposed to substances.

The Anna Age 8 Institute⁷, with a mission *‘to prevent adverse childhood experiences, family trauma, and social adversity by working to ensure all county residents have access to the ten vital services for surviving and thriving’* seeks to build 100% Family Centers in New Mexico counties. The Institute received funding from Governor Lujan Grisham to *‘create a Child and Family Services Blueprint based on the voices of New Mexicans that defines what comprehensive array of services and opportunities need to exist for children and youth to thrive in their communities’*. Currently in 17 counties, there are no known partnerships of the Anna Age 8 Institute with CYFD or measures of reduction in referrals to CYFD alleging child abuse or neglect.

The legislature provided funding to the Children’s Code Reform Taskforce⁸ (CCRTF) to review and recommend changes to NM Stat § 32A, the Children’s Code. The CCRTF received support from the Annie E. Casey Foundation, which is actively supporting New Mexico in efforts to improve New Mexico’s 50th ranking of 50 states in overall child well-being.⁹ Two reports were provided and presented to the legislature with recommendations which *‘represent an evolving understanding of the field, as they occur in response to and in concert with widespread, national reform of “child welfare systems” into “child and family wellbeing systems”’*.¹⁰ Reports provided in June 2024 and January 2025 reiterate the need for comprehensive reform through coordination *‘requiring a three-branch approach to create effective coordination and communication between the groups who have expertise in the disparate elements of state government, with the professionals and volunteers who do the work of supporting child and family welfare’*.¹¹ The 2025 legislature did not act on the recommendations.

⁴ <https://www.cyfd.nm.gov/family-services/>;

⁵ <https://www.nmlegis.gov/handouts/ALFC%20061124%20Item%205%20CYFD%20Presentation%20FSD%20final.pdf>

⁶ Information regarding the NM Children’s Cabinet may be accessed at <https://www.childrencabinet.nm.gov/>.

⁷ Information regarding the Anna Age 8 Institute may be accessed at <https://annaageeight.nmsu.edu/>.

⁸ Information regarding the Children’s Code Taskforce may be accessed at <https://childlaw.unm.edu/childrens-code-reform-task-force/index.html>.

⁹ Information regarding Annie E. Casey Foundation work in New Mexico may be accessed at <https://www.aecf.org/where-we-work/location/nm>.

¹⁰ Report From the Children’s Code Reform Task Force Including Proposed Legislation, Recommendations and Public Comment, June 2024.

The Council has raised concerns there is not a coordinated and integrated system of the various CYFD performance reports. Further, the Council noted its own Act missing the critical element of an effective monitoring system, the implementation and monitoring of recommendations, and raised concerns that without this element, real and sustainable improvement cannot be made. And the Council has reported on its efforts to fill this critical need.

In FY 25, CYFD Secretary Casados was instrumental in establishing ongoing dialogue with the Council, the first CYFD Secretary to do so. Recognizing the *‘need for transparency, accountability, and collaboration in the discharge of child protection responsibilities’*, on 1 July 2025 the Council and CYFD entered a Memorandum of Understanding (MOU) to institutionalize *‘the sharing of information of internal case reviews, critical incidents, to Council Staff to collaborate with information from Council case reviews to identify trends and target specific areas to develop and monitor workplans for improvement’*.¹² While this is certain to result in improved practices, New Mexico can and needs to do more to have an effective coordinated and integrated system of care and services for its children, youth and families.

New Mexico’s leaders are commended for crafting a legislative package to create a trust fund and develop regional sequential intercept mapping and services to divert individuals away from the criminal justice system¹³. The *Behavioral Health Reform and Investment Act* requires the Administrative Office of the Courts (AOC) to *‘coordinate regional meetings, complete sequential intercept mapping and coordinate the development of regional plans’*. Further, this legislation requires higher education institutions to coordinate with other entities to *‘create a behavioral health workforce pipeline’*.

However, the *Behavioral Health Reform and Investment Act* is silent on child welfare. Other than CYFD being identified as one of many stakeholders, the words ‘child’ or ‘youth’ are not included in the legislation though this is the very population who will evolve through experiences and missed opportunities, and who will be targeted for diversion from the criminal justice system. In fact, national research shows children and youth who experience being placed in the care of the state are at a significantly higher risk for criminal behavior and incarceration. So much so, this has been called the *‘foster care to prison pipeline’*.

In 2023, Kentucky began sequential intercept mapping of its criminal justice system and is believed to be the first state to *‘conduct statewide mapping of its criminal justice, child welfare, and juvenile justice system.’*¹⁴ Through collaboration with the National Center of State Courts (NCSC) and applying the concepts of sequential intercept mapping and Upstream¹⁵, Kentucky developed process maps, action plans and is initiating Community Mapping in its counties, including the domains of community, families with risk factors, families with allegations and families with court involvement.¹⁶

Leaders in New Mexico must use this same approach; and as they did in 1985, be at the forefront of child welfare system transformation. New Mexico’s leaders are encouraged to act in the 2026 legislative session and pass a child welfare reform and investment act requiring state and community mapping to result in a system which coordinates services and integrates feedback to improve service array and delivery prior to a child/youth being placed in the care of the state or after a child/youth is placed in the care of the state.

¹¹ Supplemental Report from the Children’s Code Reform Task Force Including Policy and Action Recommendations for the Three Branches of New Mexico State Government, January 2025, Page 5.

¹² Memorandum of Understanding, Substitute Care Advisory Council and CYFD, signed 01 July 2025.

¹³ 2025 Regular Session; SB 1 and 3, <https://www.nmlegis.gov/Legislation/BillFinder/Number>.

¹⁴ <https://www.kycourts.gov/Court-Initiatives/Pages/System-Mapping.aspx>.

¹⁵ <https://nationalcenterforstatecourts.app.box.com/s/ogiyidr3wnxqybpbvcog8b4x8mtoiik9>.

¹⁶ <https://www.kycourts.gov/Court-Initiatives/Documents/KY%20Upstream%20Mapping%20Report%20042924%20FINAL.pdf>.

SYF 24 RECOMMENDATIONS

While the Act does not compel any entity to respond to the Council's annual report, CAPTA does require CYFD to respond within 6 months of the date the annual report was provided. CYFD's written response should describe '*...whether or how the State will incorporate the recommendations to make measurable progress in improving the State and local child protection system*'.¹⁷

The SFY 24 annual report was provided to CYFD via electronic transmission on 27 October 2024 with an anticipated response due no later than 28 April 2025. A response from CYFD to meet the CAPTA requirement has not been provided. However, CYFD, under the leadership of Secretary Casados, moved forward with the implementation of recommendations related to CYFD. The status of all the SYF 24 Recommendations is found in Appendix I.

SYF 25 RECOMMENDATIONS

CYFD

- Review and revise procedures for specialized youth services staff to provide youth services to youth aged 14 and older.
- In collaboration with the Legislature, identify needed specialized positions to provide youth services to youth aged 14 and older.
- Continue implementation of the MOU with the Council.
- Approve procedures related to Substitute Care Review Boards, Educational Decision Makers, Transition Home Plans, Case plan development, reports to the courts and case management.

COURTS

- Establish training standards for judges presiding over Children's Court Cases.
- Children's Rules Committee adopt proposed changes related to notice of placement changes, educational decision makers, affidavits, and adjudicatory orders.

LEGISLATURE

- Pass a child welfare reform and investment act to mirror the Behavioral Reform and Investment Act, requiring the sequential intercept mapping and Upstream concepts integrating the systems of child welfare, juvenile justice and criminal justice.
- In collaboration with CYFD, identify and fund specialized youth services positions to provide youth services to youth age 14 and older.
- Allocate recurring funding for the Substitute Care Advisory Council.
- Establish a mechanism that the Council's reports and recommendations are standing items on agendas of interim legislative committees.
- In collaboration with the Administrative Office of the Courts (AOC) and Office of Family Representation and Advocacy (OFRA) determine a reasonable caseload for Guardian ad litem, youth attorneys, respondent attorneys, and judges presiding over abuse/neglect proceedings and provide funding for positions to meet caseload standards and training requirements.

RLD

- In collaboration with the Council, finalize the Memorandum of Understanding (MOU) between the Council and RLD.
- In collaboration with the Council and CYFD, finalize the Memorandum of Understanding (MOU) regarding the interagency transfer of federal funds from CYFD to RLD to support the work of the Council.

¹⁷ CAPTA, Section 106.c. Citizen Review Panels, 6. Reports.

SFY COUNCIL COMPOSITION AND ACTIVITIES

Per the revision of the Act in 2016, the Council was established consisting of nine members which includes the Cabinet Secretary or their designee of the Department of Finance and Administration (DFA), Public Education Department (PED), Human Services Department (HSD), now known as the Health Care Authority (HCA) and the Department of Health (DOH) and five members appointed by the Governor. Members of the Council as of July 2025 are listed in Appendix III.

The Council does not include the Secretary of the Early Childhood Education & Care Department (ECECD) launched in 2020, nor does it include the Secretary of CYFD as a non-voting member. Since its onset, the Council has never been fully appointed and by design is transitory in nature.

Per the Act *‘the general purpose of the Council is oversee substitute care review boards in their monitoring of children placed in the custody of the children, youth and families department to identify systemic policy issues regarding substitute care’*. The Council receives advice on matters related to substitute care from its Advisory Committee of volunteers (listed in Appendix III).

During SFY 25, the Council held regular meetings in September and October 2024 and June and August 2025. An appointed public member who had been in substitute care resigned from the Council prior to completion of a 3-year term and there was a change in the Department of Finance and Administration Cabinet Secretary designee.

The Council is administratively attached to the Regulation Licensing Department (RLD) in accordance with Provisions Section 9-1-7. Challenges to this arrangement have been described in the Council’s past reports. Efforts to establish a Memorandum of Understanding (MOU) between the Council and RLD began in late SFY 25 and expect to be achieved in SFY 26.

The 2025 legislature appropriated \$450,000 to RLD for specific use by the Council as well as an expected \$100,000 from the interagency transfer of federal Title IV-E funds to RLD for use by the Council. HB 2¹⁸ included the requirement of RLD to establish a memorandum of understanding with CYFD to *‘reimburse federal Title IV-E eligible expenses associated with the Council’*, however a Joint Powers Agreement (JPA) has been in place effective July 2016 to allow this transfer of funds. Efforts to establish a Memorandum of Understanding (MOU) only for the interagency transfer of funds began in late SFY 25 and expect to be achieved in SFY 26.

SYF 25 CASE REVIEWS

TRENDS NOTED IN CASE REVIEWS

Per the Act, the Council conducts specific case reviews to fulfill the purpose of the Act. Case reviews are via a Substitute Care Review Board (SCRB) following administrative rules of the Council. Each SCRB is formed of trained volunteers and facilitated by trained Council Staff. Case reviews include research of documents, examination of CYFD policy and procedures¹⁹, the Children’s Code and Children’s Court Rules²⁰, best practices, and receipt of confidential individual perspectives. Per Council rules, at least one case is reviewed in each of the thirteen judicial districts each quarter. A case represents one or more children/youth.

¹⁸ General Appropriation Act of 2025, HB 2, page 55, <https://www.nmlegis.gov/Sessions/25%20Regular/final/HB0002.pdf>.

¹⁹ <https://www.cyfd.nm.gov/program-support/policy-and-procedure/>.

²⁰ <https://www.nmcompcomm.us/>.

In FY 25, the cases of 103 children and youth were reviewed:

66 first time review (64%)

37 follow up reviews (36%)

- 22 second review
- 11 third review
- 1 fifth review
- 3 sixth review

Following each SCRB case review, per the Act, a written report is submitted to the court. The report is also provided to CYFD and other Interested Parties to a case. Each report provides case demographics, a narrative summary, strengths, concerns and recommendations.

Observations from case reviews conducted in FY 25 are similar to case reviews noted in earlier Council annual reports. Broad areas of concern include case planning; Youth Services; medication oversight; family connections; notices of change of placements; CYFD data; court hearings and orders; Educational Decision Makers and information provided to the Council. Each of these broad areas are multi-layered requiring targeted resolution as to the specific concerns observed in each.

In general, concerns fall into the categories of existing policy/procedures/statutes/rules which were not adhered to, or an absence of policy/procedures/statutes/rules to guide practice. The turnover of CYFD staff and vacancies has an adverse impact on adherence to policy and procedures as well as an apparent lack of knowledge by both the CYFD staff and the courts regarding CYFD policy and procedures.

Per CYFD procedures, the term ‘Permanency Planning Worker’ (PPW) *‘may apply to any Protective Services Division [PSD] worker acting in the capacity of a PPW and who meets the qualifications to perform the job duties assigned to a PPW’*. These ‘job duties’ are extensive and include providing after-hours responses. In its *Workforce Development Plan*²¹, CYFD notes the need for *‘individuals who have a relevant education, are well-trained in the discipline, and possess specific professional skills as well as excellent relationship skills and critical thinking. These individuals must possess an understanding of child and adolescent development, mental health, substance abuse and other social problems, and family and community systems’*.

The CFSR final report noted that *‘...more often the court left the direction of the case to the agency. The Court was not directing necessary action that would serve to move the case forward’*. Child welfare specific training is needed for professionals providing care and services, to include judges and attorneys. The recently formed Office of Family Representation and Advocacy requires its attorneys to have 14 hours of Continuing Legal Education (CLE) annually with ten hours related to child and family welfare law²², without mention of requiring an *‘understanding of child and adolescent development, mental health, substance abuse and other social problems, and family and community systems’*. Similarly, dedicated Children’s Court Judges or judges who preside over abuse/neglect proceedings do not have prescribed annual training requirements related to child welfare, law or basic understandings of development, social issues and systems.

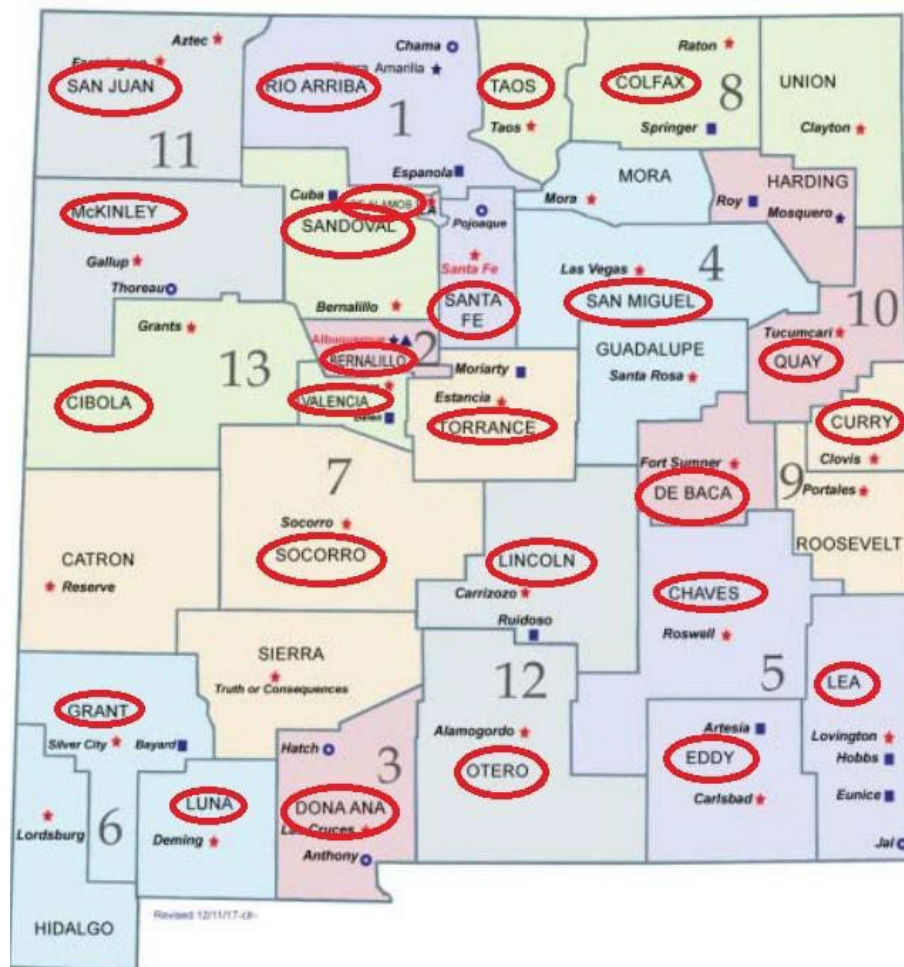
With a coordinated and integrated system of care and services for children, youth and families, manageable workloads can be established and funded for CYFD staff, attorneys, judges, as well as standardized child welfare training for CYFD staff, attorneys and judges who preside over abuse/neglect proceedings.

²¹ Children, Youth & Families Department State of New Mexico Workforce Development Plan, Page 2, <https://www.cyfd.nm.gov/legal/kevin-s-settlement/>, Appendix B.

²² [Practice-Manual-FINAL-4-30-24.pdf](#), Page 23.

CASE REVIEW DEMOGRAPHICS

Following Council rules, case reviews were conducted in all thirteen judicial districts each quarter. Counties which had cases reviewed are circled in this map depicting all thirteen judicial districts.



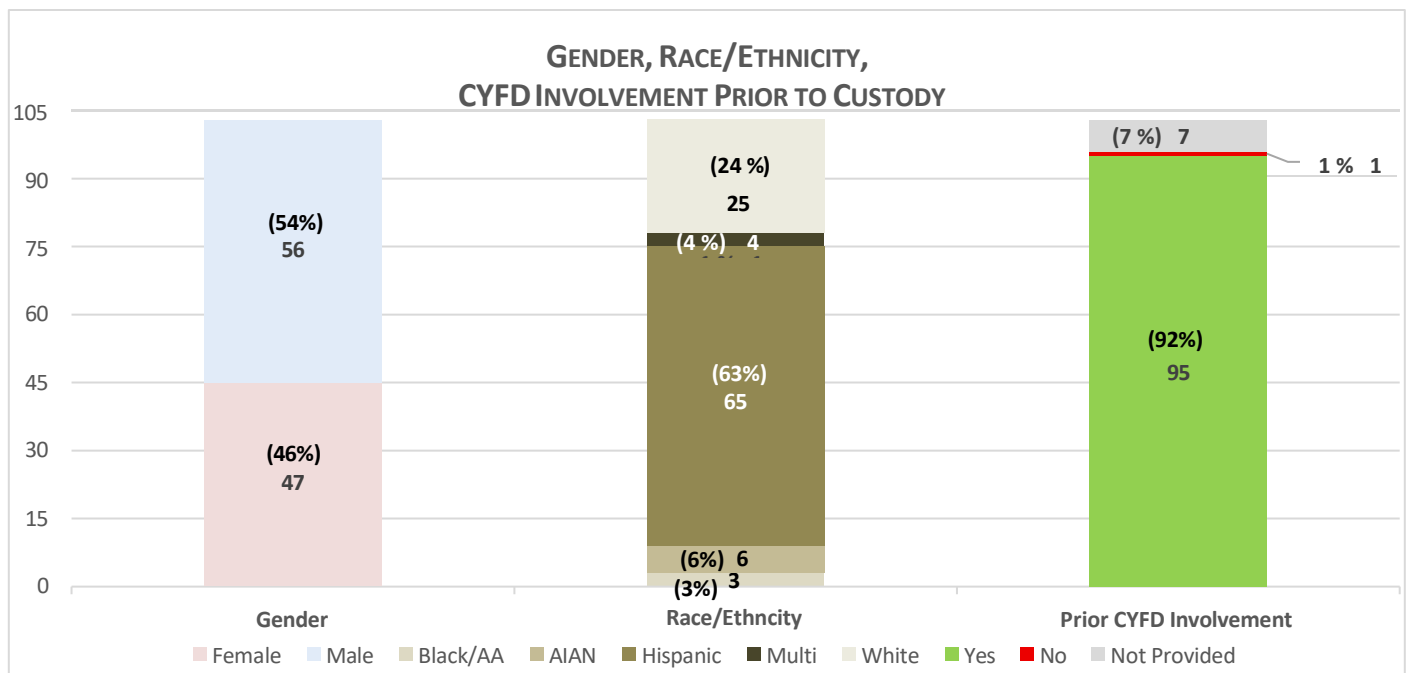
GENDER, RACE/ETHNICITY AND CYFD INVOLVEMENT PRIOR TO CUSTODY

Gender

CYFD provides a monthly list of children/youth in its custody; information provided includes gender as female or male.

Race/Ethnicity

CYFD provides a monthly list of children/youth in its custody; information provided includes 'Race/Ethnicity'. CYFD does not separate race from ethnicity, having categories of AIAN (American Indian/Alaska Native), Asian, Black/AA (African American), Hispanic, Multi-race, Other and White. Earlier Council reports noted concerns with the accuracy of information provided within the monthly list. For example, in a case involving a sibling group of three who the court determined were 'Indian children', CYFD reported only one child as AIAN while the other two children were reported as Hispanic.



CYFD Involvement Prior to This Episode of Custody

The Affidavit which accompanies the *Motion for Ex Parte Custody Order* requires a listing of the reasonable efforts made by CYFD to prevent removal from home. Content of Affidavits generally include the past involvement of CYFD such as number/type of investigations, outcomes, referrals to services, prior custodies. As noted in the Council's SFY 24 annual report, the information contained in Affidavits is inconsistent across the state and may not be comprehensive. As such reporting for FY 25 demographics is yes/no/not provided. In this period of review, CYFD involvement was noted with 86% of children/youth prior to petitioning the court for custody; no information on prior involvement for 14% of children/youth was provided.

The vast majority of children who are placed in the care of the state have had many missed opportunities for intervention to prevent abuse and/or neglect, within their communities as well as referrals of concerns to CYFD for further investigation and referrals to services. For families with prior CYFD involvement, it was not uncommon for CYFD to note families had been referred to specific services which the families may or may not have participated in.

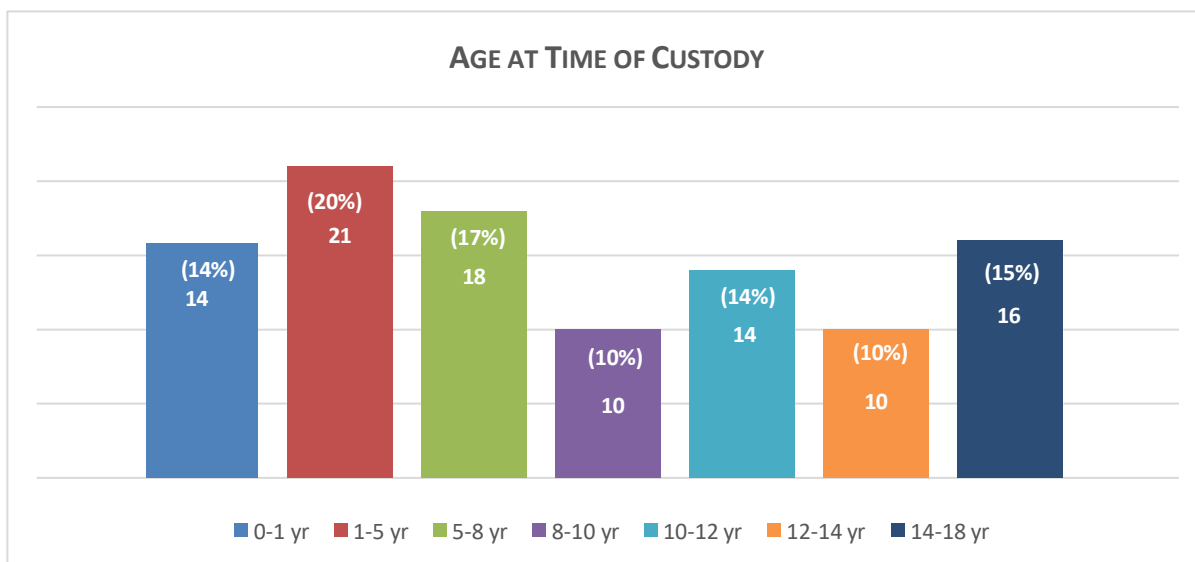
The Children's Code Reform Taskforce reviewed and proposed amendments to NM Stat § 32A-3B, Families in Need of Court-Ordered Services, commonly referred to as FINCOS. The recommendations, provided in two reports, June 2024 and January 2025, included amendments which would encourage the use of the statute as a tool for prevention. The 2025 legislature did not take any action on the recommendations.

There are preventive efforts across the state, such as the recently formed Family Services Division of CYFD which houses many programs with the goal 'to support families before a crisis or before a situation creates an unsafe environment for children'. The NM Children's Cabinet and the Anna Age 8 Institute both have initiatives regarding the provision of services to prevent child maltreatment. However, there is not a coordinated and integrated system of care and services for children, youth and families.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

AGE AT TIME OF CUSTODY

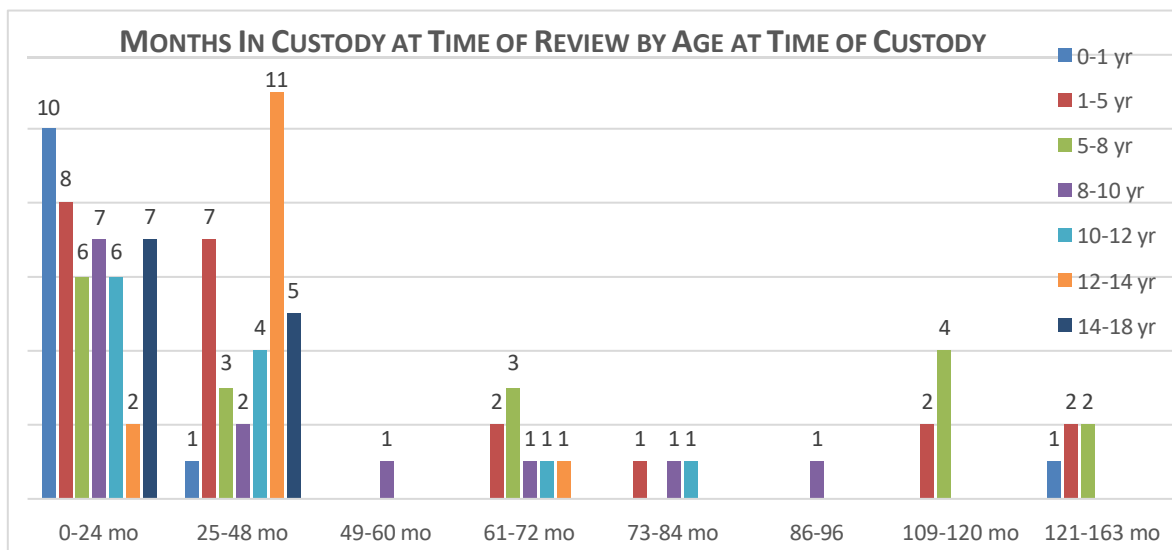
The age of the child/youth at time they entered this episode of custody ranged from 1 day to 17 years 1 month. As this chart shows, over half of the children/youth (51%) reviewed were placed in the care of CYFD by age 8 and of those, 66% were placed in the care of CYFD by age 5.



NUMBER OF MONTHS IN CUSTODY AT THE TIME OF REVIEW

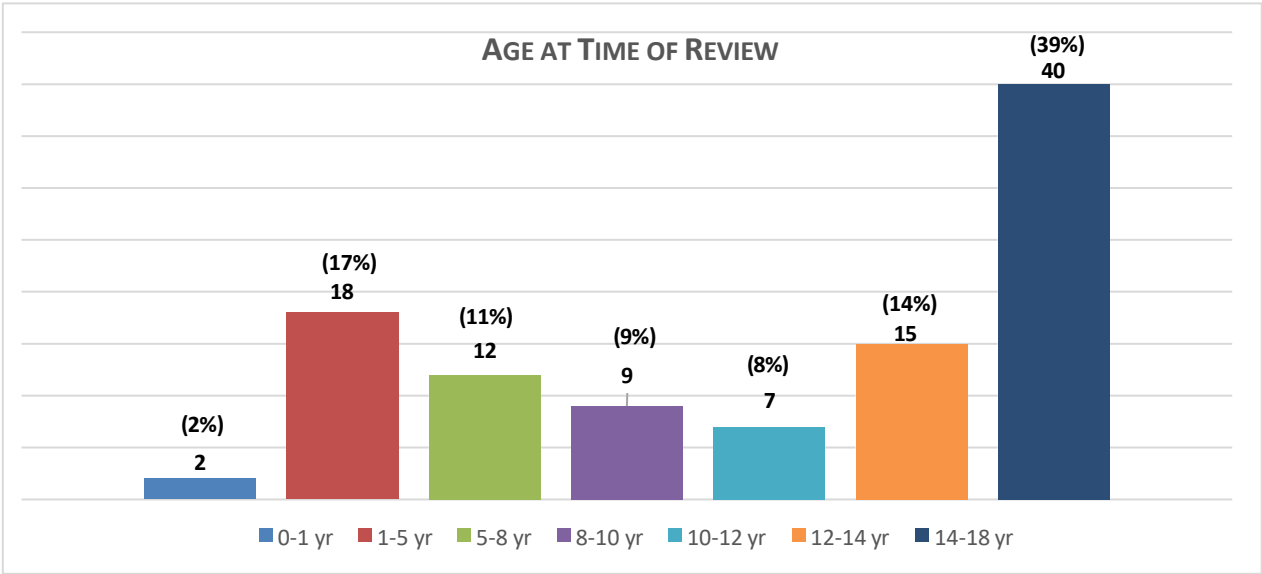
The number of months CYFD had care of the children/youth in the above chart at the time of review ranged from 5 months to 163 months. Using the color of age ranges in the above chart, this chart depicts how long a child/youth had been in the care of CYFD at the time of review.

For example, a child placed in the care of CYFD at age 7 months (0-1 yr column) had been in the care of CYFD 122 months or 10 years 2 months at the time of review. Another example is of a child placed in the care of CYFD at age 3 years 11 months (1-5 yr column) had been in the care of CYFD for 163 months, or 13 years 6 months at the time of review.



AGE AT TIME OF REVIEW

As noted in the *Age at the Time of Custody* chart, the majority of children reviewed were placed in the care of CYFD by age 8. At the time of review the majority of these children were adolescents aged 12 and older with 72% of these adolescents age 14 and older. As shown in the *Months in Custody at Time of Review by Age at Time of Custody* chart, children are being raised in CYFD’s care which increases the negative impacts on their physical, emotional, mental, academic and social development. In addition, the case reviews conducted this period continue to show the concern that youth in the care of the state are not being adequately prepared to successfully transition to adulthood.



NUMBER OF CHANGES IN PLACEMENT BY MONTHS IN CUSTODY

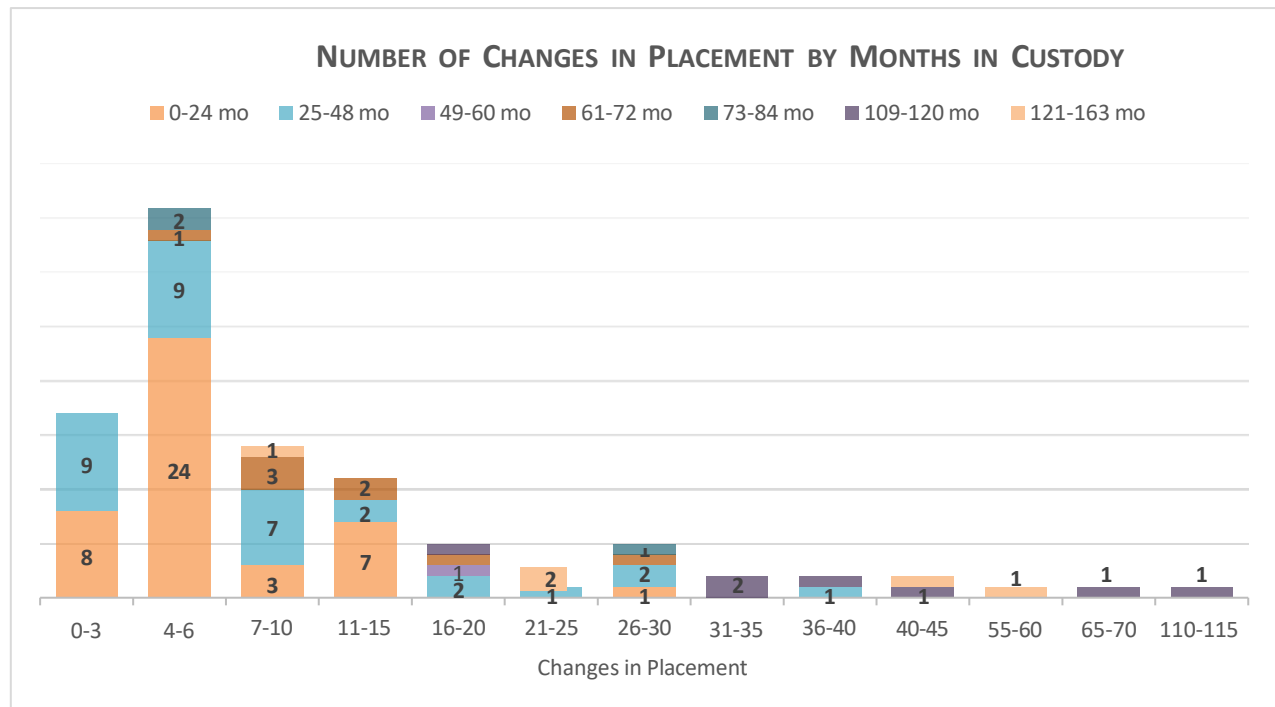
CYFD provides a monthly list of children/youth in its custody; the information provided includes the number of Federal changes in placement a child/youth has experienced while in custody. Temporary absences, such as visitation with a sibling, relative, or other caretaker (i.e., preplacement visits with a subsequent foster care provider or pre-adoptive parents), hospitalization for medical treatment, acute psychiatric episodes or diagnosis, respite care, day or summer camps, trial home visits and runaway episodes should not be counted as a change in placement. Previous Council annual reports have noted the information provided by CYFD contains errors and notices of changes of placement are not in accordance with NM Stat § 32A-4-14.

With the caveat that CYFD’s reporting is inaccurate at times, the following chart depicts the number of changes in placement CYFD reported at the time of the review. During this period of review, placement changes were not provided for three children; placement changes for others ranged from 1 in 35 months to 114 in 117 months. While any change in placement can result in further trauma to a child/youth, of note is the number placement changes within a given time.

For example, a 3-year-old experienced 4 placement changes in 11 months; a 10-year-old experienced 42 placement changes in 122 months; and a 13-year-old experienced 36 placement changes in 32 months. Per the CFSR NM Final Report 2025, *‘children in New Mexico are also experiencing placement moves at a rate nearly*

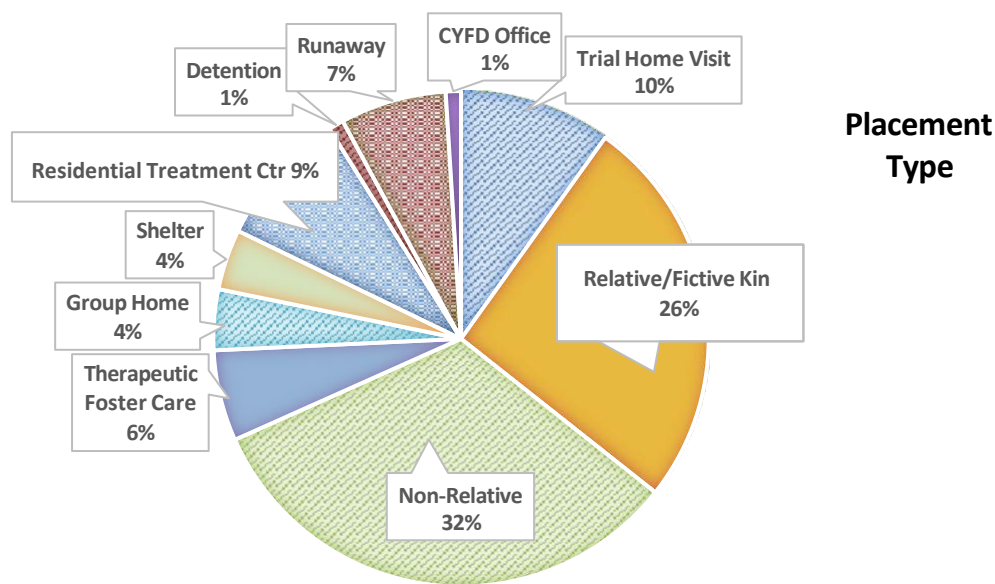
double that of the nation as a whole²³. National performance is 4.48 moves per 1,000 days in substitute care.

Half of the children/youth reviewed in FY 25 had been in the care of the state 1,000 or more days. Of those, 62% experienced more placement changes than the national average. Of the children/youth reviewed who had been in the care of the state less than 1,000 days, 70% had experienced 4 or more changes in placement.

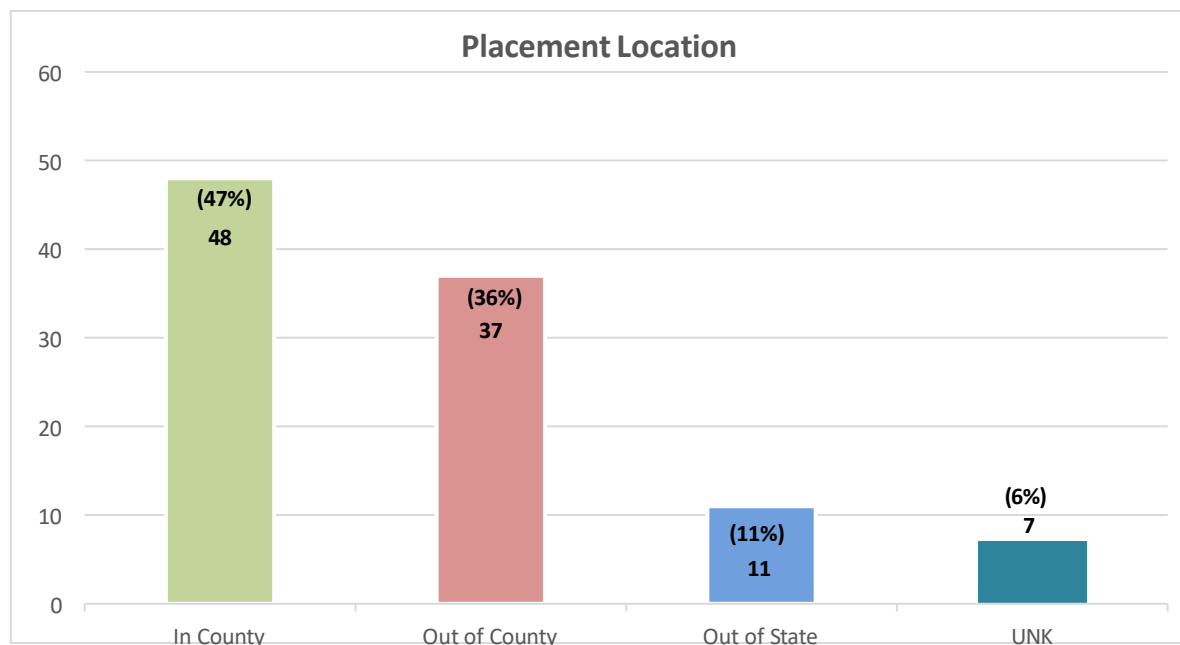


PLACEMENT TYPE AND LOCATION

The types of placement children/youth were in at the time of review ranged from Trial Home Visits (THV) to CYFD offices. In September 2024, the Council added stays in CYFD office to its list of case review priorities.



²³ CFSR NM Final Report 2025, Page 4.



Forty-seven percent of the children/youth reviewed were placed outside of their county of jurisdiction, adding barriers to maintaining family connections and monitoring placements.

Thirty-two percent of children/youth reviewed experienced being placed in a CYFD office at least once. As notices of changes of placement were not always filed in accordance with NM Stat § 32A-4-14, this number could be higher. One youth reviewed had at least 3 office stays in 2024 with one episode lasting two and a half months.

A state must have a sufficient number and types of placements for the children/youth in its custody. While many hold CYFD solely accountable for this, resources to provide for children and youth placed in the custody of the state is more than CYFD's responsibility alone. With a coordinated and integrated system of care and services for children, youth and families, resources can be identified in counties to support the stable placements of children and youth in the care of the state and prevent children and youth staying in a CYFD office.

CYFD OFFICE PLACEMENT

In extraordinary circumstances, CYFD procedures²⁴ provide for when a child/youth may be placed in a non-traditional setting such as a CYFD office. Documentation expectations include:

- Extraordinary circumstances must be approved by the Secretary or PSD prior to placement.
- Staff must contact statewide placement staff for placement availability in all counties, each crisis shelter agency, all host home agencies and every shelter in the state.
- Every contact shall be documented.
- PPW shall participate in daily staffings and document efforts and progress made toward securing placement.

There are no procedures once a child/youth is placed in a CYFD office. While CYFD has indicated such procedures are in progress, as of this report, procedures have not been confirmed. As previously noted, notices of changes of

²⁴ 8.10.8 NMAC PR 10 Out of Home Placement #9 Non-Traditional Placements and Temporary Stays

placement are not provided as required. When a notice is provided of a change in placement to a CYFD office, the aforementioned documentation of approval and exhaustive contact attempts are not included.

SIBLING GROUPS

Children who are removed from their home and placed in the care of the state as part of a sibling group are likely to experience additional trauma if the system does not have the placement providers, trained workers, attorneys and judges and permanent resources to respond to sibling groups. Further challenges arise when siblings may enter custody at different times and when a sibling group is blended, such as having the same mother but different fathers. It is not uncommon for children who were being raised together to experience abrupt separation, sometimes permanent, when some children in a sibling group are placed in the care of the state while another child or children may be placed with a non-custodial parent.

In FY 25, case reviews included:

28 groups of siblings	11 sibling groups were placed together	9 sibling groups of 3 or more had at least two siblings placed together
• 13 siblings groups of 2 • 8 sibling groups of 3 • 6 sibling groups of 4 • 1 sibling group of 5	• 4 groups placed with relatives/fictive kin (3 sibling groups of 2; 1 sibling group of 3) • 4 groups placed with a non-relative (3 sibling groups of 2; 1 sibling group of 3) • 3 groups placed on a Trial Home Visit (Sibling groups of 2)	• 3 sibling groups of 3 • 5 sibling groups of 4 • 1 sibling group of 5

Two of the sibling groups reviewed have been in the care of the state since 2015. A group of three began their journey at ages 7 months, 3 years and 6 years of age. In FY 25, they are not placed together and have experienced a number of placement changes to include stays in a CYFD office. The infant who was placed in the care of the state at age 7 months has experienced 42 changes in placement, while siblings each experienced 9 and 22 changes in placement. A sibling group of 2 was placed in the care of the state for the second time at ages 4 and 5 and have since experienced 36 and 33 changes in placement respectively. Now ages 14 and 15, these youth are not placed together and are in separate out of state residential treatment centers.

Six sibling groups had differing Permanency Plans; 3 groups with the oldest youth having a Permanency Plan of Planned Permanent Living Arrangement (PPLA) and siblings had Permanency Plans of Adoption, 2 groups had the oldest child with a Permanency Plan of Permanent Guardianship and siblings with Permanency Plans of Adoption and one sibling group had 1 child with a Permanency Plan of Reunification and siblings with Permanency Plan of Adoption.

Although a child/youth has a permanency plan of adoption and are legally free for adoption, an adoption resource had not been identified. Although CYFD procedures require *‘when a child’s permanency plan becomes adoption, the child is referred to a PSD adoption consultant for the purposes of identifying a potential adoptive family. If an*

adoptive family is not identified, an individualized adoption plan is developed for the child', Individualized Adoption Plans were not provided.

There are two significant issues with sibling groups; providers to accept the entire sibling group and permanent resource for adoption of a sibling group. With a coordinated and integrated system of care and services for children, youth and families, resources can be identified in counties to support the stable placements of sibling groups as well as intentionally identify homes which would be a permanent resource for a sibling group.

PERMANENCY PLANS

Permanency Plans of the children/youth reviewed included Reunification, Permanent Guardianship, Adoption and Planned Permanent Living Arrangement (PPLA) for youth age 16 and older.

Court reviews of progress towards achieving permanency plans are required. Per NM Stat § 32A-4-25(B), *'the court shall conduct subsequent periodic judicial reviews of the dispositional order within six months of the conclusion of the permanency hearing, or if a motion has been filed for termination of parental rights or permanent guardianship, within six months of the decision on that motion and every six months thereafter.'*

Documentation was not provided for all children/youth reviewed in SFY 25 to demonstrate judicial/permanency reviews were held timely. At times reviews noted that when judicial/permanency reviews were held, resultant orders were not filed timely. In addition, status hearings/conferences may have been held in some cases, however there are no Children's Court Rules regarding this practice resulting in differing practices across the state and raising concerns regarding the use of status conferences/hearings and the impact on required judicial and permanency reviews.

Reunification

- 32% (33) children/youth had permanency plans of Reunification.
- Age range: 11 months to 17 years.
- Length of custody range: 5 months to 35 months
- 10 were on a Trial Home Visit at the time of review.

Permanent Guardianship

- 14% (15) children/youth had permanency plans of Permanent Guardianship.
- Age range: 2 years to 17 years.
- Length of custody range: 21 months to 114 months.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

Adoption

- 48% (49) children/youth had permanency plans of adoption.
- Age range: 1 year to 17 years.
- Length of custody range: 12 months to 122 months.

PPLA

- 6% (6) youth had permanency plans of PPLA.
- Age: 1 16 year old; 5 17+ year olds.
- Length of custody range: 34 months to 163 months.
- 3 youth were on runaway status.
- 1 youth was listed as runaway status but CYFD knew youth was residing out of state with bio-parents who had rights terminated.
- 2 youth were placed in non-relative homes.
- 1 youth was placed in detention.
- 3 youth had parental rights of parents terminated.
- None of the youth had documentation of youth services being provided in accordance with procedures.

YOUTH SERVICES

Per federal and state requirements, youth services, including life skills assessment and planning are required for youth age 14 and older in the care of the state, regardless of permanency plan or placement type.

Per CYFD procedures²⁵, at age 13 and a half, an independent living assessment is completed which will serve as the foundation for an individualized life skills plan for the youth. At age 14, a youth is required to have a Life Skills Plan which is developed in consultation with the youth. A Life Skills Plan is a written document outlining the activities necessary to support the youth in acquiring the knowledge, skills and abilities to successfully promote self-sufficiency and prioritizes those life domains in which the youth requires the most assistance and training.

The Life Skills Plan is a component within the youth's case plan and presented to the court at each permanency hearing or judicial review. The Life Skills Plan is based on the youth's strengths, needs and goals with recommendations to achieve the goals and is not limited to what is available through CYFD and is reviewed every six months, or more often at the request of the youth.

The Life Skills Plan includes but is not limited to life domains of, secondary academic support services, post-secondary educational support services, career preparation services, employment programs or vocational training

²⁵ CYFD procedures regarding Youth Services include PR 8.10.9 and within PR 08.08.08, <https://www.cyfd.nm.gov/program-support/policy-and-procedure/>

services, budget and financial management services, house education and home management training services, health education and risk prevention services, family support and health relationship education services, mentoring, financial assistance needs, such as education related expenses, rent assistance or start-up expenses. The PPW is responsible for the provision and oversight of life skills development, while the Youth Transition Specialist is responsible for provision and oversight over age 18. Life skills may be acquired through group learning, teachable moments, use of community resources and mentors, self-paced or home based curricular and individual practice with out-of-home providers. One of CYFD's procedures states the plan is developed in conjunction with the Youth Transition Specialist however other procedures allow that either the PPW or the YTS document all life skills activities in the FACTS record of the youth.

Of the 40 youth reviewed in SFY 25 eligible for youth services, none had documentation of a Life Skills Plan, nor was documentation provided demonstrating the youth was involved in case plans submitted to the court.

As noted previously the responsibilities of the PPW are vast; it is recommended that CYFD assign youth services responsibilities to the youth specialists in the CYFD Family Services Division and that the legislature fund additional positions as needed to result in all youth, age 13 and a half and older receiving individualized youth services to develop life skills to successfully transition to adulthood.

TRANSITION HOME PLANS

Hearings regarding permanency begin within six months of the initial judicial review. Per NM Stat § 32A-4-25.1(C) *'if the court adopts a permanency plan of reunification, the court shall adopt a plan for transitioning the child home within a reasonable period depending on the facts and circumstances of the case, but not to exceed six months, and schedule a permanency review hearing within three months'*.

CYFD procedure²⁶ require the plan to be *'submitted to the court prior to or at the initial permanency hearing when the child's plan remains reunification'*. Procedures provide more intent in stating *'the plan results in the child being placed with his or her parent, guardian or custodian on a trial home visit within the six month time period'*. This requires case planning created with the bio-parent/guardian/custodian to establish behavioral goals to remediate the safety threats which were the basis for adjudication and the child's removal from the home.

CYFD's report to the court includes a section for *'Transition home plan for each child with a plan of reunification'*. However, it does not include a template for a Transition Home Plan nor is guidance provided on best practices in developing a Transition Home Plan. The common response to Transition Home Plans found in CYFD's reports to the court when the permanency plan is reunification is *'N/A'*; at times the CYFD court report will have a response of *'not ready'*. Trial Home Visits take place without the court adopting a plan and case plans are not updated prior to a Trial Home Visit. Court orders may state a transition home plan was submitted when it was not or mistaking a graduated visitation schedule as a transition home plan. Further, documentation was not provided to demonstrate court hearings occurring every three months for children/youth with a permanency plan of reunification.

EDUCATIONAL DECISION MAKERS

The lack of documentation regarding Educational Decision Maker (EDM) appointments was included in the Council's SFY 24 annual report. This remained a concern in cases reviewed in FY 25 as documentation of an

²⁶ CHILD PROTECTIVE SERVICES PERMANENCY PLANNING PROCEDURES (8.10.8 NMAC) PR 12 – CASE PLANNING 9.2.

appointed EDM was not provided for 41% (42) of children/youth.

Appointed at the custody hearing, EDMs can be the child/youth's parent, foster parent, or other qualified individual, including a person designated by the child/youth. Children's Court Rules provides further guidance in the individual best appointed: *'The individual appointed to be the education decision maker should be a person who knows the child, is willing to accept responsibilities for making educational decisions, does not have a personal or professional interests that conflict with the interests of the child, and is able to make any necessary educational decisions, including decisions related to whether the child is a child with a disability under the federal Individuals with Disabilities Education Act'*. Along with Guardians ad Litem, CYFD workers may not be appointed as EDM.

While a CYFD employee may not serve as an EDM, the PPW *'supports the child or youth in connecting with the education decision maker to ensure the child or youth is a partner in the decision making process'* for the child/youth's education. In addition, CYFD procedures require the PSD caseworker to *'notify the court of any changes to the educational decision maker, especially when there is a change of placement for the child or youth'*.²⁷

This is clearly a challenge to the CYFD caseworker/PPW as previously noted, New Mexico's children and youth in the care of the state experience more changes in placement than the national average. Add to this challenge that notification of placement changes is not always provided and when a notice is provided, information is not included such as the number of changes in educational settings, the name of the current EDM and if a new appointment is needed. Further, EDM's do not receive notice of changes of placement or notices of court hearings unless they are serving in the role of placement provider or CASA. In addition, procedures do not exist to guide CYFD staff, the court or the appointed EDM regarding role and responsibilities and documentation of the EDM's involvement in meeting the child/youth's educational needs, to include the child/youth and the ability to provide input.

With a coordinated and integrated system of care and services for children, youth and families, the educational needs of children and youth in the care of the state can be met and supported.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

²⁷ CHILD PROTECTIVE SERVICES PERMANENCY PLANNING PROCEDURES (8.10.8 NMAC) PR 18 – EDUCATION, 8.

APPENDIX I
STATUS OF SFY 24 RECOMMENDATIONS

CYFD Recommendation	Recommendation Status September 2025
In collaboration with the Council: • develop a pilot project for the Council to be a third party review for grievances which are not successfully resolved internally.	• CYFD did not opt to develop a pilot project for the Council to serve as an outside third party to process grievances. Three bills were introduced in the 2025 legislative session which included an outside third party to process grievances. • Three bills were introduced in the 2025 legislative session: ○ HB 500 gave the Council authority to process grievances. Scheduled for its first committee hearing, HB 500 was removed from the agenda. ○ SB 363 created a nine-member authority, administratively attached to RLD to govern the outside third-party process of grievances. SB 363 was never scheduled to be heard in committee. ○ HB 5 created the Office of Child Advocate, administratively attached to the Office of the Attorney General pursuant to Section 9-1-7 NMSA 1978. A duty of this office is to process grievances. Signed into law.
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, ○ procedures for responding to reports following case specific reviews, ○ procedures for responding to Council reports, ○ procedures for responding to reviews of foster parent grievances, ○ including Council staff on task force, workgroups, ○ participation in Council meetings as a non-voting member.	• CYFD and the Council entered into a MOU on 01 July 2025.

In collaboration with the Council: • create written plans to result in refinements in policies and procedures relating to Educational Decision Making, Substitute Care Review Boards, Youth Services, Case Planning and Progress Reports to the Courts.	• Draft procedures regarding Substitute Care Review Boards are under review within CYFD.
Council Recommendation	Recommendation Status September 2025
• Develop standard operating procedures.	• Under development.
• Update 8.26.7 NMAC to include the role of its Advisory Committee.	• Upon adoption of standard operating procedures, changes needed to the rule will be processed.
• Submit to the Children’s Court Rules Committee proposed changes to notices of changes of placement, identifying substitute care providers at hearings and affidavits for <i>ex parte</i> custody orders and establishing protocol for status hearings.	• Upon clarification of the Children’s Court Rules Committee process, proposals will be submitted.
• Issue an interim report by 01 May 2025 noting progress towards implementation of recommendations.	• Interim report distributed June 2025.
Court Recommendation	Recommendation Status September 2025
• Review practices and make changes to result in findings for all allegations in an abuse/neglect petition included in adjudicatory orders and that the factual basis for pleas/findings are clear and specific.	• Through discussions it has been suggested that this could be addressed via Children’s Court Rules. This will be added to the submissions to the Children’s Court Rules Committee.
• Children’s Court Rules Committee adopt changes to notice of changes of placement, identifying substitute care providers at hearings and affidavits for <i>ex parte</i> custody orders.	• N/A: No changes submitted as of June 2025.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

Legislature Recommendation	Recommendation Status September 2025
Establish direct funding to the Council to meet staffing and operating needs.	HB 2 included \$450,000 to RLD for the specific use by the Council and estimated a interagency transfer of \$100,000 federal funds from CYFD to RLD for the Council. A JPA exists to facilitate the transfer of federal funds; the Council proposed a MOU specific to the interagency transfer of federal funds however this MOU is under review at CYFD and RLD.
Sponsor legislative changes to the Act regarding the composition of the Council.	HB 205, a bill resulting from the work of SM 5 Taskforce included changes to the Act. HB 205 passed the House unanimously. Assigned to the Senate Judiciary Committee HB 205 was never scheduled to be heard.
RLD Recommendation	Recommendation Status September 2025
In collaboration with the Council, establish a Memorandum of Understanding (MOU) to meet the statutory requirements of NM Stat § 9-1-7.	The Council approved a draft MOU with RLD provided to RLD on 16 June 2025. RLD requested changes and a revised MOU was provided to RLD on 07 July 2025; a response has not been received.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

APPENDIX II

AUTHORITY, ORGANIZATION, AND FUNDING

AUTHORITY

- Chapter 32 [32], Article 8 NMSA 1978, (Act)²⁸.
- 8.26.7 NMAC²⁹.
- Child Abuse Prevention & Treatment Act (CAPTA)³⁰.

ORGANIZATION

- The Council is administratively attached to the Regulation and Licensing Department (RLD) in accordance with NM Stat § 9-1-7.
- The Council consists of nine members (see Appendix III).
- The Act requires the Council to appoint a six-member advisory committee (see Appendix III) to advise the Council on matters related to substitute care.
- Council staff (see Appendix IV) consists of a Director, Coordinators and Administrative Assistant.
- In FY 20, the Office of the Attorney General assigned an attorney to provide legal representation and advice to the Council.

FUNDING

- HB 2 included \$550,000 to RLD for SFY 26 for specific use by the Council:
 - \$450,000 to RLD for the Council.
 - An estimated \$100,000 transfer of federal funds from CYFD to RLD for the Council.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

²⁸ <https://nmonesource.com>

²⁹ <https://www.srca.nm.gov/parts/title08/08.026.0007.html>.

³⁰ CAPTA, Section 106.c. Citizen Review Panels.

APPENDIX III

SUBSTITUTE CARE ADVISORY COUNCIL JUNE 2025

APPOINTED BY GOVERNOR		DATE APPOINTED/DESIGNATED
Public Member with Child Welfare expertise	SEAN SCATES (COUNCIL CHAIR)	September 2022
Public Member with Child Welfare expertise	LELA WENDELL (VICE-CHAIR)	May 2024
Public Member aged 18-30 previously in substitute care	Vacant	
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	HENRY VALDEZ Director of Legislative Affairs	April 2025
Department of Health	MIRANDA DURHAM, M.D. Chief Medical Officer	October 2024
Health Care Authority (formerly HSD)	BETINA MCCracken Director Child Support Services Division	June 2023
Public Education Department	SIMONE VANN At-Risk Intervention Response Director	February 2024

ADVISORY COMMITTEE TO THE COUNCIL

Jack Carpenter, Co-Chair	Taos County
Maria Ortiz Bustos, Co-Chair	Dona Ana County
Shannon Poynter	Taos County
Yvonne Tallent	San Miguel County
Nancy Treat	Santa Fe County
Vacant	

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

APPENDIX IV

COUNCIL STAFF JUNE 2025

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 over 35 years of child welfare experience; 24 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.

SENIOR SOCIAL SERVICES 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.

SENIOR SOCIAL SERVICES 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 15 years of 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.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK