

# SUBSTITUTE CARE ADVISORY COUNCIL

## SFY 26 INTERIM REPORT

To

CYFD

Courts

Legislative Interim Committees



Approved  
03 April 2026

## 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 report its recommendations regarding statutes, policies and procedures relating to substitute care annually to CYFD, the courts and interim legislative committees.

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**Substitute Care Advisory Council**  
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10 April 2026

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).

The Substitute Care Advisory Council (Council) oversees the activities of Substitute Care Review Boards (SCRB) and provides an annual report to you with recommendations regarding statutes, rules, policies and procedures relating to substitute care on or before 1 November. All reports may be found on the Council's website [www.scacnm.org](http://www.scacnm.org).

Council reports have noted that an annual report is not, in and of itself, beneficial in ongoing solution focused discussions which result in system improvement. As such, the Council provides you with an interim report. The attached interim report includes demographics and observations from reviews of children/youth in the custody of CYFD during the period of July – December 2025, as well as the status of the recommendations in the Council's SFY 25 Annual Report.

The legislature has made its intent known that a priority in the 2027 legislative session is CYFD reform. It is imperative that the knowledge gained from hundreds of reviews of children/youth in the custody of CYFD is a resource to inform discussions regarding our child protection response system.

Please contact our Director, Shelly A. Bucher, LMSW, with opportunities to provide information to you that is critical in planning for system improvement. She may be reached at 505.469.4781 (cell with text) or Email [shelly.bucher@scac.nm.gov](mailto:shelly.bucher@scac.nm.gov).

Sincerely,

A handwritten signature in cursive script that reads "Lela Wendell".

Lela Wendell  
Chair

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## EXECUTIVE SUMMARY

The Citizen Substitute Care Review Act (Act), enacted in 1985, remains the only legislation in New Mexico for the purpose of providing ‘a permanent system for independent and objective monitoring of children placed in the custody’ of the Children, Youth and Families Department (CYFD). Following reviews of individual children/youths in custody of CYFD, individual reports with recommendations to remediate observed concerns are provided to the court and CYFD. In addition, reports with recommendations to remediate concerning trends observed statewide are provided to CYFD, the courts and the legislature.

In 1996, this monitoring approach was recognized at the federal level 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’<sup>1</sup>. A system which is the responsibility of the judiciary, legislative and executive branches.

This monitoring approach was validated when the federal *Child and Family Services Reviews (CFSR) New Mexico Final Report 2025*<sup>2</sup> included case review findings consistent with the concerns noted in SCRB individual case reports and in the Council’s annual reports.

The Council has noted that New Mexico is not benefiting from recommendations to improve service to children, youths and families as actions have not been taken to implement the recommendations provided to CYFD, the courts and the legislature. Thus, the system continues to traumatize children, youths and families, the foster parents caring for children/youth and the staff attempting to fulfill position responsibilities.

The challenge is not a dearth of findings, observations and recommendations to inform system improvements. Rather the challenge to overcome is the lack of a coordinated and integrated monitoring system to implement recommendations to result in positive system change. Consequently, ill-informed decisions are made which typically result in poor or unintended outcomes. With the NM House Speaker announcing CYFD reform will be a priority in the 2027 legislative session<sup>3</sup> and indications this is a bipartisan effort, New Mexico has a golden opportunity for true system reform should it do so with intention.

True system reform must include the intentional examination of existing performance information and the root causes impairing performance.

True system reform must include the intentional creation of a coordinated, integrated system of care and services for children, youth and families prior to, and after, a child/youth is placed in the care of the state.

True system reform must include the intentional inclusion of a coordinated, integrated monitoring component.

Without these intentional efforts, New Mexico will just put another patch on a system rife with patches and perpetuate the status quo with exorbitant costs reverberating through generations.

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<sup>1</sup> 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>.

<sup>2</sup> The CFSR New Mexico Final Report 2025 <https://www.cfsrportal.acf.hhs.gov/cfsr-reports>.

<sup>3</sup> <https://www.krqe.com/news/politics-government/legislature/new-mexico-speaker-of-the-house-reveals-legislative-priorities-for-next-year/>.

## STATUS OF SFY 25 ANNUAL REPORT RECOMMENDATIONS (OCTOBER 2025)

**Note: 'Not provided' in the Recommendation Status means a response on the status of the recommendation was requested but not received as of the date of this report.**

RECOMMENDATIONS TO CYFD	RECOMMENDATION STATUS MARCH 2026
Review and revise procedures for specialized youth services staff to provide youth services to youth aged 14 and older.	Under consideration.
In collaboration with the Legislature, identify needed specialized positions to provide youth services to youth aged 14 and older.	Not provided.
Continue implementation of the MOU with the Council.	In progress.
Approve procedures related to Substitute Care Review Boards, Educational Decision Makers, Transition Home Plans, Case plan development, reports to the courts and case management.	In progress.
<b>RECOMMENDATIONS TO COURTS</b>	
Establish training standards for judges presiding over Children’s Court Cases.	Not provided.
Children’s Rules Committee adopt proposed changes related to notice of placement changes, educational decision makers, affidavits, and adjudicatory orders.	Proposals for changes regarding placement changes, affidavits and adjudicatory orders are to be submitted for consideration of adoption by June 2026.
<b>RECOMMENDATIONS TO REGULATION AND LICENSING DEPARTMENT (RLD)</b>	
In collaboration with the Council, finalize the Memorandum of Understanding (MOU) between the Council and RLD.	Negotiations began in June 2025; awaiting final signatures.
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.	Negotiations began in June 2025; awaiting final signatures.

RECOMMENDATIONS TO LEGISLATURE	RECOMMENDATION STATUS MARCH 2026
<p>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.</p>	<p>Not provided.</p>
<p>In collaboration with CYFD, identify and fund specialized youth services positions to provide youth services to youth age 14 and older.</p>	<p>Not provided.</p>
<p>Allocate recurring funding for the Substitute Care Advisory Council.</p>	<p>\$450,000 provided for SFY 27 with an expectation of \$100,000 interagency transfer of funds from CYFD to RLD for the use of the Council.</p>
<p>Establish a mechanism that the Council's reports and recommendations are standing items on agendas of interim legislative committees.</p>	<p>Not provided.</p>
<p>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.</p>	<p>Not provided.</p>

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## COUNCIL

Per the revision of the Act in 2016, the nine-member Council was established comprised of the Cabinet Secretary/designee of the Department of Finance and Administration (DFA), Public Education Department (PED), Human Services Department, now known as the Health Care Authority (HSD/HCA) and the Department of Health (DOH); and five members appointed by the Governor. Since its onset, the Council has never been fully appointed and by design is transitory in nature. The Council receives advice on matters related to substitute care from its Advisory Committee of trained volunteers. Information on the functionality of the Council is found in this report's Appendices.

The Council does not include the Secretary of the Early Childhood Education & Care Department (ECECD) which was launched in 2020, nor does it include the Secretary of CYFD as a non-voting member. Unanimously passed bi-partisan legislation to add ECECD and CYFD to the Council was vetoed in 2021<sup>4</sup>.

Per the Act *'the general purpose of the Council is to 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.'*

### SUBSTITUTE CARE REVIEW BOARDS (SCRB)

Monitoring of children placed in the custody of CYFD occurs through specific case reviews via a Substitute Care Review Board (SCRB). Each SCRB is formed of trained volunteers and facilitated by trained Council staff. Following the adopted Quality Services Review model, case reviews include research of documents, examination of CYFD procedures, the Children's Code, Children's Court Rules, best practices, and confidential individual perspectives. At least one case is reviewed each quarter in each of the thirteen judicial districts. A case represents one or more children/youth.

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

### SCRB CASE REVIEWS JULY – DECEMBER 2025

While any child/youth in the care of CYFD is eligible for review, the Council annually establishes priority criteria for specific case reviews. Priority criteria for specific case reviews in SFY 26 are:

- Placement in a CYFD office (current or past).
- Youth aged 13 – 18.
- Placement in institution or congregate care.
- Requested by an Interested Party or community member.
- Number of changes in placement.
- Follow up to previous review.

In July-December 2025, 29 cases, representing 59 children/youth were reviewed. Fourteen cases were follow-up to previous SCRB reviews. In addition to reviewing CYFD procedures, the Children's Code and Children's Court rules, 353 confidential interviews were conducted and over 1,450 case documents were reviewed.

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<sup>4</sup> SB 242, <https://www.nmlegis.gov/Legislation/Legislation?chamber=S&legType=B&legNo=242&year=21>.

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

For cases which had been previously reviewed, concerns included action not taken on previously provided recommendations. This lack of action raises concern that CYFD and the court are not considering recommendations provided in demonstrating reasonable or active efforts required by federal law.

In general, concerns relate to existing policy/procedures/statutes/rules which were not adhered to, or an absence of policy/procedures/statutes/rules. This commonality led the Council to pursue collaborative efforts with CYFD and the court to focus on the challenges of adhering to existing policy/procedures/rule and to develop policy/procedure/statute/rule when there is an absence. For example, to address the concern of recommendations in SCRB reports not being acted upon, proposed procedures are under review at CYFD to establish expectations and actions regarding the processing of SCRB reports.

### **CASE PLANNING**

Collaborative efforts during July-December 2025 focused on the multi-layered area of case planning. Case planning is the keystone in responding effectively to families who come to the attention of CYFD. However, case planning and implementation is not just the responsibility of CYFD. It is also the responsibility of the judiciary, legal representatives for respondents and children/youth as well as it is the responsibility of the legislature to ensure funding is available for training and sufficient positions for reasonable caseloads.

CYFD has struggled with effective case planning as noted in SCRB, Council and Child Family Service Reviews (CFSR) reports and Kevin S documents. SCRB, Council and CFSR reports have noted that courts are not holding required hearings and in the 2025 CFSR report, it was noted that *'the court was not directing necessary action that would serve to move the case forward'*. Further, SCRB reports have noted case plans adopted by the court do not align with the factual basis for adjudication and the court makes progress determinations using terms that are not measurable.

CYFD is providing training on and implementation of individual, behaviorally based case planning for all cases, focusing on the danger indicators that resulted in a child being removed from their home. CYFD has established an Individualized Planning Process (IPP) Unit to facilitate this process. Information on this training for the courts and legal representatives was not provided however it is critical that presiding children's court judges and legal counsel are trained to remediate the factual basis found by the court during an adjudicatory hearing through a case plan.

Council staff and staff of the CYFD Office of Performance and Accountability have begun sharing information from SCRB and CYFD case reviews. Meetings are held quarterly with CYFD Protective Services Division leadership to share successes and problem-solve challenges.

The Facilitating Permanency Workgroup of the Children's Court Improvement Commission (CCIC) is co-chaired by the Honorable Alma Roberson, presiding judge of the Second Judicial District Children's Court and governor appointed Council member and Shelly Bucher, Council Director. The workgroup consists of representatives of children's court, Office of Family Representation and Advocacy (OFRA), CYFD, CASA and native populations.

CYFD report templates are acknowledged as a burden to the CYFD worker and the reader. Meeting monthly, the CCIC



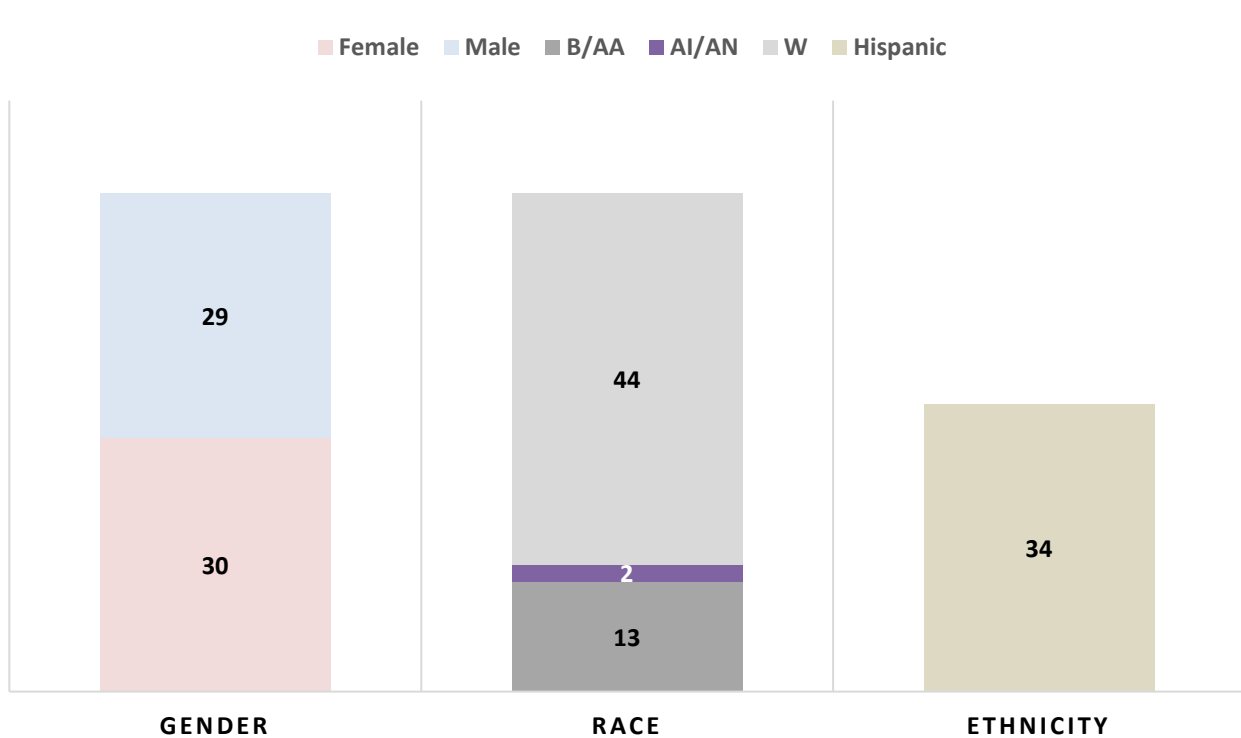
## GENDER, RACE, ETHNICITY

### Gender

CYFD provides a monthly list of children/youth in its custody; information provided includes gender as female or male. Of the children/youth reviewed July-December 2025, 51% are female and 49% are male.

### Race/Ethnicity

CYFD provides a monthly list of children/youth in its custody; information in past lists included 'race/ethnicity.' In FY 26, CYFD lists separated race from ethnicity, allowing a more accurate accounting of race and Hispanic ethnicity. Of the children/youth reviewed July-December 2025, 22% are Black/African American; 3% are American Indian; and 75% are White. Nearly 60% of the children/youth's ethnicity identified as Hispanic.



### CYFD INVOLVEMENT PRIOR TO 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. Affidavits generally include the past involvement of CYFD such as investigations, outcomes, referrals to services, prior custodies.

As noted in the Council's annual reports, the information contained in affidavits regarding reasonable efforts is inconsistent and may not be comprehensive. As such reporting for our demographics is yes/no/not provided.

Of the children/youth reviewed July-December 2025, CYFD involvement prior to petitioning the court for custody was noted for 85% of children/youth; 5% were not known to have contact with CYFD prior to petitioning the court

for custody, and information was not provided for 10% of the children/youth.

Of note, 34% of the children/youths came into custody from the care of someone other than a bio-parent. Of the 20 children and youth who came into custody from the care of someone other than their bio-parent, half were in the care of a guardian/custodian; the other half entered custody from the care of their adoptive parent(s). For one sibling group of 5, this episode of custody was their second episode of custody while in the care of their adoptive parents. Thus, concern is raised regarding services and support available to guardians/custodians and to parents' post-adoption to support families and prevent a child from being placed in the care of CYFD.

Typically, at the point of custody, the guardian or custodian does not want to care for the child/youth any longer and efforts to reunify are not attempted. It is not unusual for an adoptive parent to quickly relinquish their parental rights to their adoptive child and not participate in reunification efforts. This 'return of a child(ren)' phenomena by adoptive parents is all too readily accepted by CYFD and the courts, raising concern that adoptive parents are treated differently than bio-parents for reasonable efforts to reunify. When a child is placed in custody of CYFD from the care of someone other than a bio-parent, CYFD's efforts to support healing of, and find permanency for, traumatized and rejected children/youth require a high level of skill and a multitude of resources.

If New Mexico had a coordinated and integrated system of care and services for children, youth and families, resources would be identified in counties to support guardians, custodians and adoptive parents and prevent a child being placed in the custody of CYFD.

### **SIBLING GROUPS**

Of the children/youth reviewed July-December 2025, there were 14 sibling groups, representing 75% of the children/youth reviewed.

- 7 sibling groups of two
- 2 sibling groups of three.
- 1 sibling group of four.
- 4 sibling groups of five.

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. New Mexico does not have such a system. Only two sibling groups out of 14 were placed together, a sibling group of 2 and a sibling group of 5.

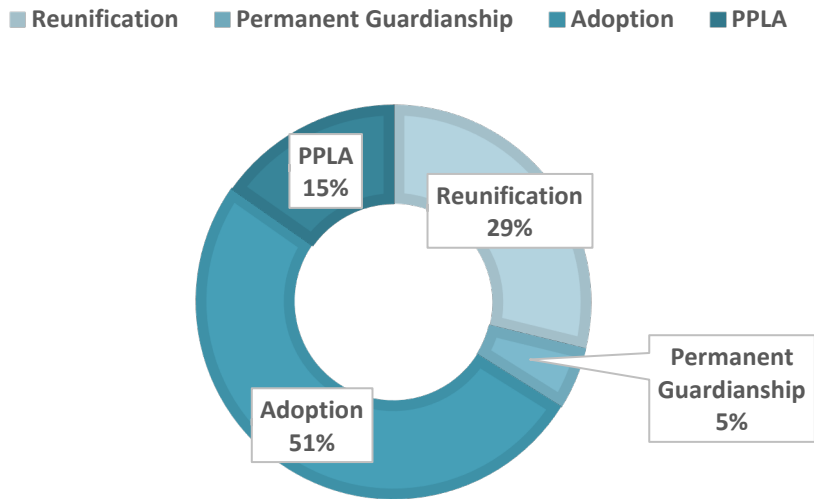
Significant challenges with sibling groups include providers accepting the sibling group, maintaining sibling contact when siblings are not placed together, and permanent resources for adoption of a sibling group for which reunification is not viable.

Too often CYFD and the courts will, without demonstrating informed consideration of the short and long-term trauma to a child, separate siblings permanently and/or not maintain sibling contact with siblings in the care of CYFD and those not in care of CYFD.

If New Mexico had a coordinated and integrated system of care and services for children, youth and families, resources would 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 in July-December 2025 included Reunification, Permanent Guardianship, Adoption and Planned Permanent Living Arrangement (PPLA), a permanency plan only for youth age 16 and older. Case plans are developed and adopted by the court to achieve the permanency plan goal. Children within a sibling group may have different Permanency Plans. Permanency plans for the children/youth reviewed July-December 2025:



Of the 17 children/youth with reunification as a permanency plan, 4 were placed on a Trial Home Visit at the time of review. The remaining 13 children were placed in non-relative homes or in a shelter. Length of time in custody ranged from 2 months to 23 months. Documentation of a Transition Home Plan was not provided for any of the children/youth.

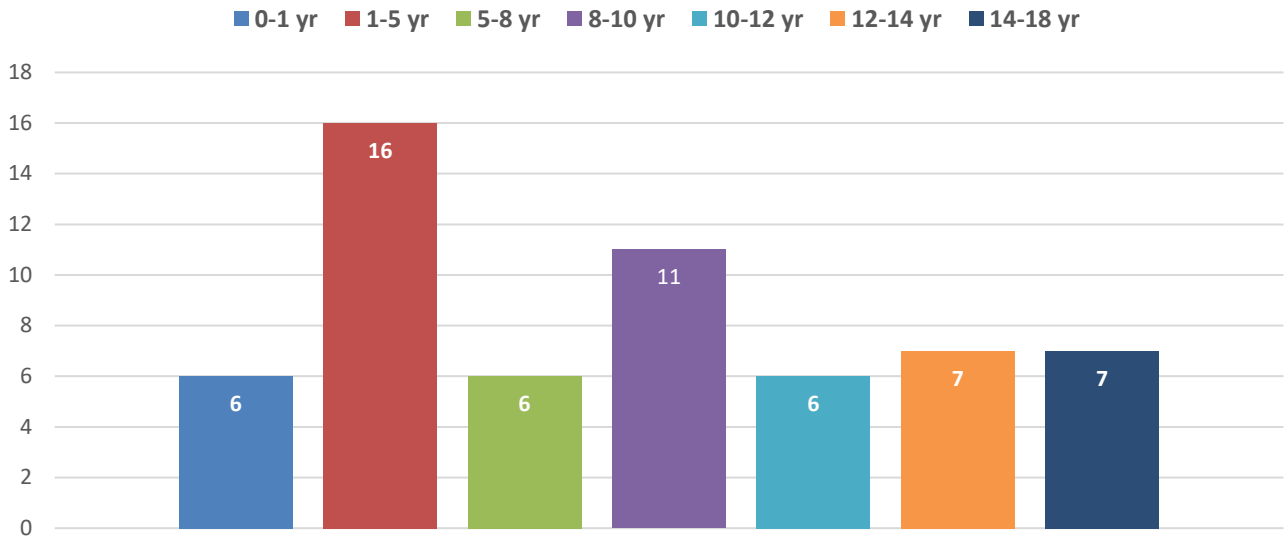
Of the 30 children/youth with adoption as a permanency plan, only one was reported on CYFD's monthly list as being placed in a pre-adoptive home. While other children/youths may be placed in a home with a potential for adoption, documentation of pre-adoption requirements, such as Full Disclosure and Intent to Adopt were not provided. Some children/youth with adoption as a permanency plan were not yet legally free for adoption as the termination of their bio-parents parental rights had not occurred. For example, a sibling group of 5, 4 who have been in the care of CYFD for 75 months and 1 who had been in the care of CYFD for 52 months are placed together in a home who has expressed interest in adopting the sibling group. Yet, hearings to terminate the rights of the bio-parents had not been held at the time of review.

As previously noted in the Case Planning section on page 8, timely judicial hearings are required as established in the Children's Code for adjudicatory/dispositional hearings and hearings on the progress towards achieving permanency plans. Of the children/youth reviewed July-December 2025, documentation was not provided of timely judicial hearings for all children/youth nor was timely filing of all documents demonstrated.

Further, concerns persist that status hearings/conferences continue to be held without Children's Court Rule guidance.

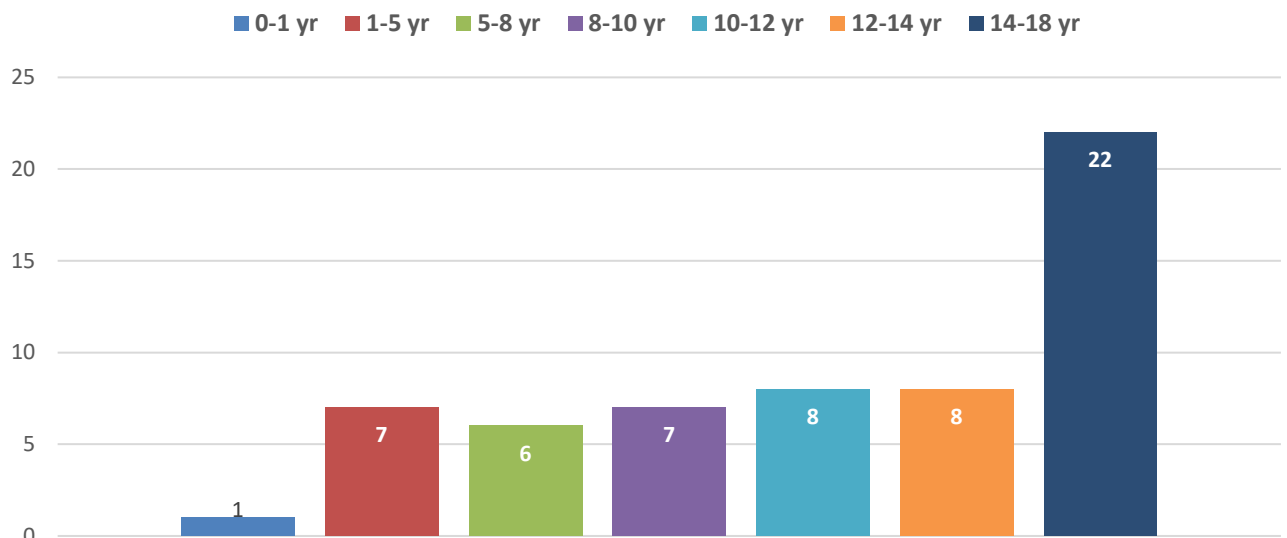
### AGE AT TIME OF CUSTODY

Of the children/youth reviewed July-December 2025, the age of the child/youth at time of this episode of custody ranged from 1 day to 16 years 9 months. Sixty-six percent of the children/youth reviewed were placed in the care of CYFD by age 10 and of those, 56% were placed in the care of CYFD by age 5.



### AGE AT TIME OF REVIEW

As noted in the above chart, 66% of the children/youth reviewed were placed in the care of CYFD by age 10. As the chart below depicts, at the time of review 64% of children/youth were aged 10 and older with 58% of these youth aged 14 and older.

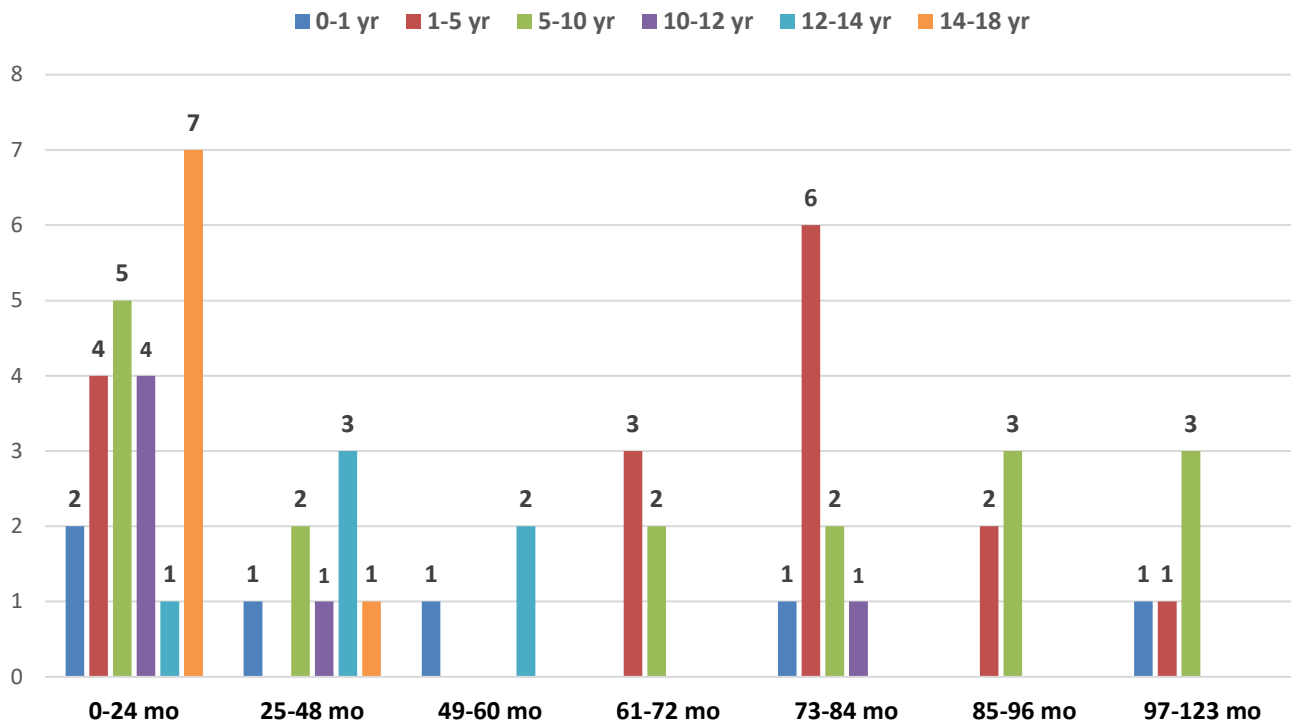


## NUMBER OF MONTHS IN CUSTODY AT THE TIME OF REVIEW BY AGE AT TIME OF CUSTODY

The number of months CYFD had care of the children/youth at the time of review ranged from 2 months to 123 months. Using the color of age ranges in the previous age charts, the chart below depicts how long a child/youth had been in the care of CYFD at the time of review.

For example, at the time of review:

- A sibling group of two, placed in the care of CYFD at age 4 months (0-1 yr blue column) and 5 years 10 months (5-10 yr green column), had been in the care of CYFD 99 months or 8 years 3 months.
- A sibling group of two, placed in the care of CYFD for the second time at ages 3 years and 4 years 2 months (1-5 yr red column), had been in the care of CYFD 81 months, or nearly 7 years.
- A child placed in the care of CYFD at age 6 years 10 months (5-10 yr green column) had been in the care of CYFD for 123 months, or 10 years 3 months.



Children are being raised in CYFD’s care which increases the negative impacts on their physical, emotional, mental, academic, and social development. In the above examples, neither sibling group were placed together. All four children have been given diagnoses and prescribed medication. One child placed out of state in a therapeutic foster placement experienced a nearly fatal incident requiring a four-month hospital stay. Another child was placed in an out of state institution, the child’s 44<sup>th</sup> placement.

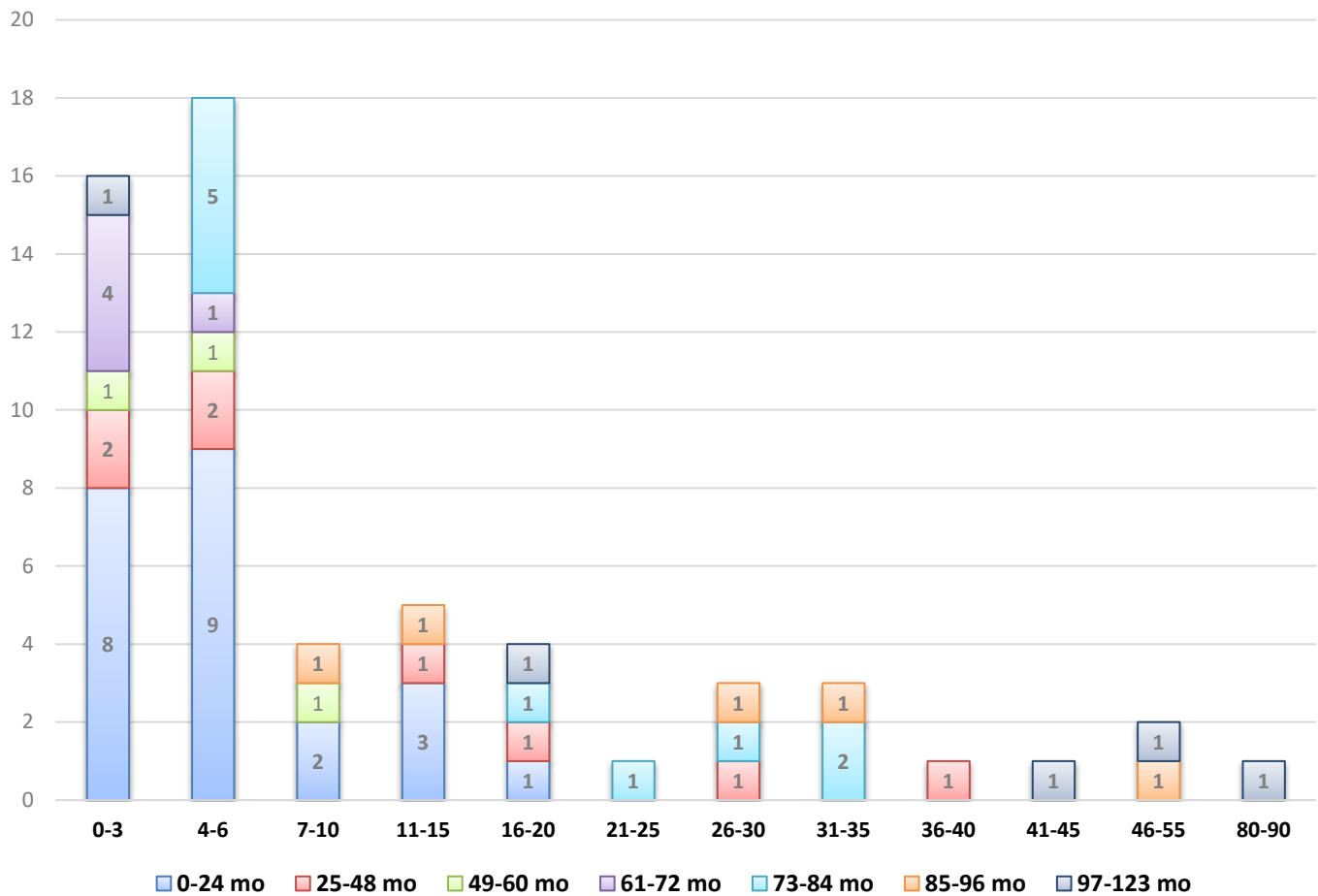
In addition, the case reviews conducted this review period continue to identify CYFD is not fulfilling its responsibility in providing youth services to youth age 14 and older to include life skills development.

### NUMBER OF CHANGES IN PLACEMENT BY MONTHS IN CUSTODY AT TIME OF REVIEW

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. Past Council reports have noted that the information provided by CYFD may contain errors and that notices of changes of placement are not in accordance with NM Stat § 32A-4-14.

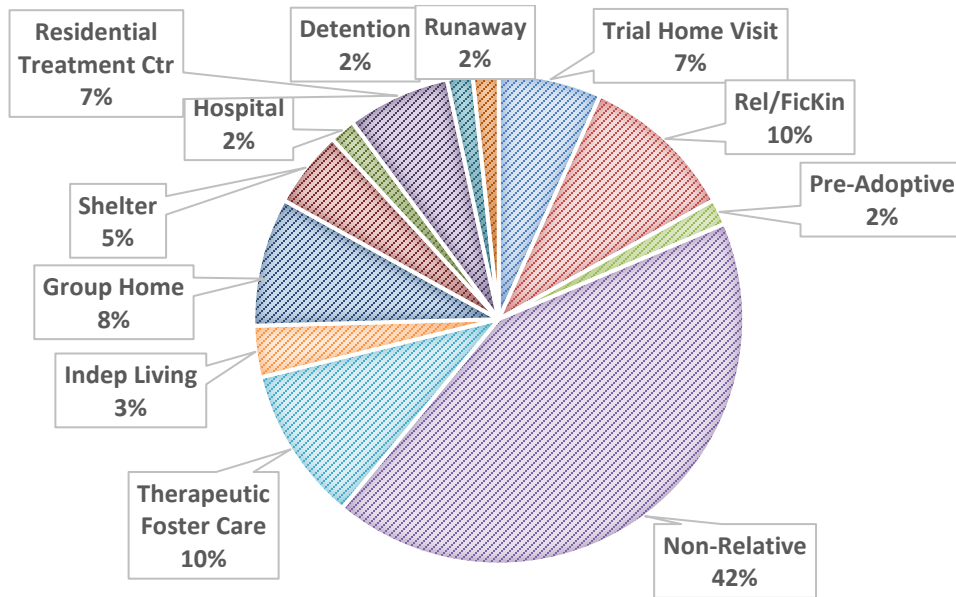
Since July 2025, Council staff and the CYFD Office of Performance and Accountability have coordinated the review of and correction if needed of suspect data.

Of the children/youth reviewed July-December 2025, placement changes ranged from one to 86. Twenty-seven percent experienced 1-3 changes in placement; 31% experienced 4-6 changes in placement; and 42% experienced seven or more changes in placement.



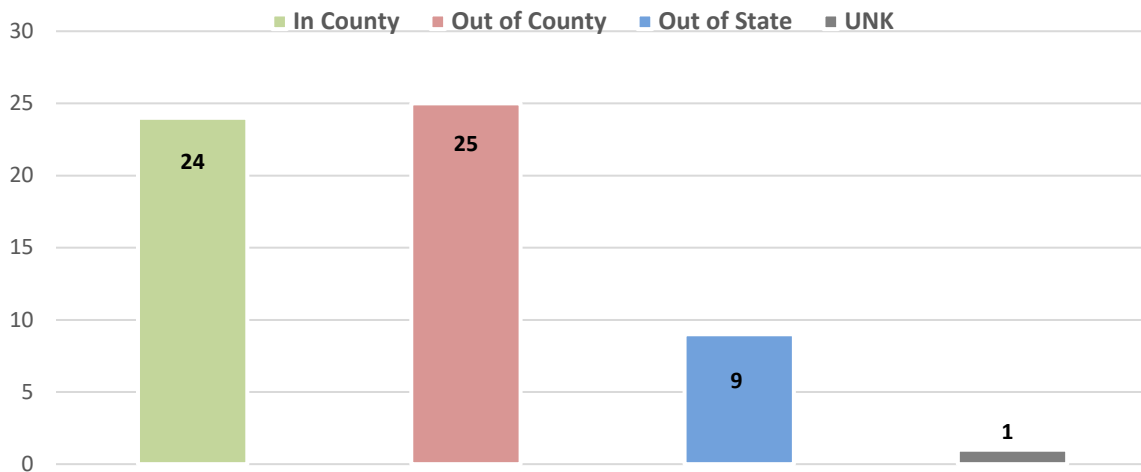
### PLACEMENT TYPE AT TIME OF REVIEW

Types of placement children/youth were in at the time of review ranged from Trial Home Visits (THV) to Detention. Of the children/youth reviewed July-December 2025, at least 28% had experienced one or more placements in CYFD offices. Documentation of discharge planning for children/youth in residential treatment centers was not provided.



### PLACEMENT LOCATION AT TIME OF REVIEW

Fifty-eight percent of children and youth were placed out of their county of origin; one youth, whose *'maturity'* was noted by the court in approving a permanency plan of PPLA prior to the age of 16, was reported as runaway. Children/youth placed out of their county of origin increases the workload of CYFD and legal representatives.



## APPENDIX I

### AUTHORITY, ORGANIZATION, AND FUNDING

#### AUTHORITY

The Substitute Care Advisory Council (Council) is created under Chapter 32 [32], Article 8 NMSA 1978, (Act) and its administrative rules are under 8.26.7 NMAC.

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 (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.

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

In 1996, the federal Child Abuse Prevention & Treatment Act (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. CAPTA requires 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'*.

CAPTA allowed states to designate existing entities established under state and federal law to meet this federal requirement; CYFD has designated the SCRBs as meeting this federal requirement.

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## ORGANIZATION

Council staff consists of a director, three Senior Social Services Coordinators and an Administrative Assistant. 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 (RLD) in accordance with NM Stat § 9-1-7 which authorize the Council to function independently of and not under the control of RLD.. Past Council reports have included persistent concerns with this administratively attached relationship and the need for a Memorandum of Understanding (MOU) between the Council and RLD. As of this report, RLD has not signed the negotiated MOU.

## 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 (DFA). CYFD and DFA entered into a Joint Powers Agreement (JPA) *'to provide for the transfer of federal funds available for the operation of the Citizen Substitute Care Review Act'*.

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 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'*.

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

In the 2025 legislative session, \$450,000 was allocated to RLD for the work of the Council with the expectation of an additional \$100,000 from the interagency transfer of funds from CYFD to RLD for the work of the Council.

Again, in the 2026 legislative session \$450,000 was allocated to RLD for the work of the Council with the expectation of an additional \$100,000 from the interagency transfer of funds from CYFD to RLD for the work of the Council.

In both 2025 and 2026 legislative sessions, the transfer of funds is predicated on an MOU being established<sup>5</sup>. Although an MOU has been in process since June 2025, there is not an MOU in effect for the interagency transfer of funds as of this report. As a result, the Council has not received expected funds and is limited in its functionality.

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<sup>5</sup> Per HB 2 2025 page 55 and 2026 page 57: The regulation and licensing department shall establish a memorandum of understanding with the children, youth and families department to reimburse federal Title IV-E eligible expenses associated with the substitute care advisory council.

## APPENDIX II

### SUBSTITUTE CARE ADVISORY COUNCIL JULY – DECEMBER 2025

The Act in 2016 established a nine-member Council; four members are the Cabinet Secretary or designee of specific state agencies, and five members are appointed by the Governor.

<b>GOVERNOR APPOINTMENTS</b>		
Public Member with Child Welfare expertise	<b>Lela Wendell</b> (COUNCIL CHAIR OCTOBER 2025)	May 2024
Public Member with Child Welfare expertise	<b>Sean Scates</b> (COUNCIL CHAIR APRIL 2023-AUGUST 2025)  VACANT	September 2022- August 2025
Public Member aged 18-30 previously in substitute care	<b>Tianna Lopez</b>	October 2025
Public Member aged 18-30 previously in substitute care	Vacant	
Children’s Court Judge	<b>THE HONORABLE ALMA ROBERSON</b> Second Judicial District	November 2022
<b>STATE AGENCY SECRETARY DESIGNEE</b>		
Department of Finance and Administration	<b>HENRY VALDEZ</b> Director Legislative Affairs	April 2025
Department of Health	<b>MIRANDA DURHAM, M.D.</b> Chief Medical Officer	October 2024
Health Care Authority <sup>6</sup>	<b>BETINA MCCRACKEN</b> Director Child Support Services Division	June 2023
Public Education Department	<b>SIMONE VANN</b> At-Risk Intervention Response Director	February 2024

**ADVISORY COMMITTEE  
TO THE COUNCIL<sup>7</sup>  
July – December 2025**

Jack Carpenter, Co-Chair	Taos County
Maria Ortiz Bustos, Co-Chair	Dona Ana County
Marissa Shoemaker	Eddy County
Yvonne Tallent	San Miguel County
Nancy Treat	Santa Fe County

<sup>6</sup> In FY 24 the Human Services Department was renamed Health Care Authority (HCA).

<sup>7</sup> Pursuant 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 III

### COUNCIL STAFF JULY – DECEMBER 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 37 years of child welfare experience; 25 of which are in NM. Ms. Bucher currently serves on the Children's Court Improvement Commission (CCIC) and the New Mexico Child Fatality Review Panel.

#### **SENIOR SOCIAL SERVICES COORDINATOR: KIMBERLY ANGUIANO, BSW**

Ms. Anguiano joined 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: ELIZABETH "LIZ" REYNOLDS**

Joining Council Staff in July 2025, Ms. Reynolds holds an Associate Degree of Forensic Science and Law Enforcement and has over five years of legal assistant experience, including three years as criminal paralegal and most recently, as legal assistant with the Children, Youth and Families Department Protective Services Division.

#### **SENIOR SOCIAL SERVICES COORDINATOR: MARY YOUNGER**

After serving as contract coordinator of citizen review boards for two years, Ms. Younger joined Council Staff in October 2016. 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 a bilingual 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.

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