



NEW MEXICO
LEGISLATIVE
FINANCE
COMMITTEE

Child Welfare Sub-Committee Wrap-Up

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Framework for Child Welfare System Improvement

Over more than a decade, LFC program evaluations, research, and analysis have recommended the following levers for system improvement:

1. Implement **evidence-based prevention** and **early intervention programs** to support families and divert formal system involvement
2. Recruit, retain, support and develop a **professional social work workforce**
3. Expand **access to behavioral health and other community-based services** for children and adults, particularly **evidence-based** approaches
4. Strengthen **oversight** and **accountability** mechanisms



Recommendations: Prevention and Early Intervention

The Legislature should consider:

1. Using appropriation language and performance measures to target the implementation and evaluation of evidence-based prevention and early intervention programs.
2. Amending the CARA statute to make HCA the lead agency and consider additional changes proposed if not accomplished through rule.
3. Prioritizing the implementation of differential response, in alignment with existing statute. Consider updating statute to remove reference to a pilot and set a target for system-wide implementation.
4. Codifying the implementation of the Families First Prevention Services Act within statute (i.e. amend the children's code to explicitly reflect the prevention and early-intervention services CYFD must provide)



LFC Recommendations: Oversight and accountability

The Legislature should consider:

1. Moving SCAC to be administratively attached to the Administrative Office of the Courts and strengthening oversight and reporting functions (Ex. Increased minimum number of reports, annual review of certain types of cases, strengthening CYFD feedback and response requirements.)
2. Risk management: through statute, directing all agencies to appoint a loss prevention review in the event of a death, serious injury, or other substantial loss.
3. Consolidating functions of existing oversight and any newly proposed oversight mechanisms to avoid duplication of efforts and improve coordination.



Additional Oversight and Accountability Options



Citizen Review Boards in Other States

- Most states house the required Citizen Review Board function (a federal requirement) in a **health and human services agency**, the **judicial branch**, or in a **stand-alone entity**.
- New Mexico is the **only state to house in a regulatory and licensing agency (Substitute Care Advisory Council)**.
- Several states **codify case review criteria** and **child welfare system response** and **data sharing** in statute. New Mexico does not. Some states also require more timely or frequent reporting.

Delaware

Fulfills the citizen review board function through an accountability commission. The commission must report findings and recommendations quarterly.

Idaho

Citizen review functions must review all cases brought under the child protective act open for six months and report quarterly.

Nebraska

Citizen review boards must review cases of all children in foster care for a period of more than 6 months.

Ombudsman and Office of the Child Advocate Functions

According to NCSL, **Children's Ombudsman and Child Advocacy Offices** are an increasingly common function in other states.

Duties of these offices vary by state and may include:

- Investigating complaints from citizens and families
- Recommending system-wide improvements to benefit children and families
- Monitoring placements, programs, and departments responsible for providing services to children.

Ombudsman functions tend to be focused on investigating and resolving individual complaints and grievances---they are less focused on systemic change or improvement, though some offices complete annual, public reporting. Their ability to drive systemic improvement is likely dependent on leadership and relationship.



Child Welfare Commissions and Councils

According to NCSL, since 2012 at least **8 states have created state commissions** related to child welfare.

Commissions are typically **long-term bodies** that work to address broad issues. Some commissions have served **temporary oversight functions** and sunset.

Commissions generally require **membership by appointment**.

In some states, commissions primarily serve an **oversight or advisory function**, while in a few states the commission directly oversees the leadership of the child welfare agency and **provides governance** (ex. Oklahoma temporarily).

New Mexico could consider a model that includes a nomination or vetting function for agency leadership (still subject to governor approval), and the creation of a short-term body to provide consistent oversight, performance monitoring, and advisory functions. New Mexico could achieve this function through a legislative committee or sub-committee focused on oversight, system performance and improvement (Ex. sub-committee of LHHS).



Child Welfare Commissions and Councils

State Examples: Child Welfare Commissions and Councils



Texas's [Policy Council for Children and Families](#) studies and makes recommendations to improve long-term services and supports, including community-based supports, for children with special health care needs, as well as children with disabilities and their families receiving protective services from the state.



Nebraska created a committee within the [State Children's Commission](#) in 2019 as a high-level leadership body to monitor and evaluate the child welfare and juvenile justice systems.



In 2021, **Nevada** required the [Juvenile Justice Oversight Commission](#) to establish a 5-year strategic plan to establish policies and procedures for the Division of Child and Family Services of the Department of Health and Human Services. The plan must outline the use of evidence-based services to children subject to the jurisdiction of the juvenile court.



Oregon established the [Governor's Child Foster Care Advisory Commission](#) in 2016 to advise the Governor and Director of Human Services regarding foster care system in the state.



Thank you

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More LFC Budget and Policy Documents can be found at:

<https://www.nmlegis.gov/Entity/LFC/Default>

