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Child Advocates and State of New Mexico Agree on Partial Corrective Action Plan to Improve the State's Foster Care System

ALBUQUERQUE - Counsel for the plaintiffs in a lawsuit over inadequate state foster care resources have reached a new corrective agreement with the New Mexico Children, Youth and Families Department (CYFD) and the Human Services Department (HSD) that clears the way for the State to fulfill its legal requirement, and make badly needed improvements to New Mexico's foster care system.

The partial corrective action plan stems from a lawsuit brought by 13 children in New Mexico's foster care system who sued the state in pursuit of better essential care, stability, treatment, and support for New Mexico's foster children. The suit settled in 2020, but a dispute later emerged when the Co-Neutral monitoring team found that the State was not fulfilling the requirements of that settlement. The partial corrective action plan – reached in good faith and collaboration with the State – resolves important areas of dispute and lays out a clear roadmap for the state to get back on track.

“The settlement for Kevin S. was designed to allow us to work together to build a system of care to meet the needs of trauma-impacted children in foster care, and there is no doubt we need all hands-on deck if we are going to better serve the children and families caught up in the child dependency system in New Mexico” said **Tara Ford, Senior Counsel at Public Counsel**.

“While we were unable to reach a full agreement on all areas of dispute, we are heartened that CYFD has embraced the commitments the State made in the original settlement and will now take necessary steps to come into compliance with the settlement. We need bold action now.”

“The Kevin S. settlement has provided the framework for how to create a ‘trauma-responsive’ system of care that prioritizes placing children in secure family settings with proper support and services—but there is still a lot more to be done,” said **Bette Fleishman, Executive Director of Pegasus Legal Services for Children**. “The state of New Mexico has a responsibility to

provide children with the care they deserve in order to heal from the traumatic experiences and grow into happy and healthy adults.”

Once again, Kids Count, a respected national data center sponsored by the Anne E. Casey Foundation, has ranked New Mexico last in the nation on “child well-being.”

“Unfortunately, we were not able to resolve some of the most pressing issues in the settlement related to New Mexico’s desperate need for a continuum of behavioral health services,” said **Gary Housepian, CEO of Disability Rights New Mexico**. “To bring urgently needed services and support to children who need it most in New Mexico, HSD needs to devote more resources such as leadership, management and financial support to develop better trauma-informed services. This lack of progress means far too many children continue to languish rather than thrive.”

The purpose of the CAP is to ensure that children currently in state custody are able to benefit from the state’s commitments. To follow the CAP, CYFD and HSD will:

- Strengthen and stabilize CYFD’s workforce to meet caseload standards
- Recruit new family placements to help meet the needs of foster care children
- Take active steps to bring children currently placed in facilities out-of-state back to New Mexico
- Monitor all critical incidents
- Engage local community partners to implement the settlement through pilot teams in San Juan and Dona Ana counties.
- Ensure that every child receives a well-child check within 30 days of coming into state custody
- Strengthening CYFD’s collaboration and communication with New Mexico’s Nations, Pueblos, and Tribes

“The Corrective Action Plan recognizes the sovereignty of New Mexico’s Nations, Tribes and Pueblos and CYFD has formalized its commitment to work with Native partners to ensure that Native children’s rights under the Indian Child Welfare Act and New Mexico’s Indian Family Protection Act are protected,” said **Therese E. Yanan, Attorney and Executive Director of the Native American Disability Law Center**. “Communication and collaboration is key in this effort – tribal leaders have essential and invaluable input on how the State can meet its obligations under federal and state laws. Sadly, we were unable to resolve our dispute with HSD regarding the need to improve services for Native children, families and communities. The state needs to improve the services available to Native children and can only do so working in partnership with each of New Mexico’s Nations, Tribes and Pueblos.”

Read the Kevin S. settlement agreement [here](#).

Read [here](#) the CAP agreement.

For media inquiries, please email Alex Comisar [here](#).

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