

Senate Memorial 5 Update Improving New Mexico's Child Welfare System

Presentation to the Legislative Health and Human
Services Committee
Senator Linda Lopez, Chair, Senate Memorial 5
Taskforce
November 22, 2024

Taskforce Charge

Senate Memorial 5 outlined the following areas:

- Agency mission values and organization, compared to national best practices
- Implementation of differential or alternative response (to investigations and removals)
- Availability, needs, and gaps in existing services
- Best practices in permanency and well-being, including hard-to-place children
- Workforce
- Leveraging federal funding
- Juvenile justice, including trauma-informed programming and behavioral health
- Equity considerations

The taskforce will make recommendations to the legislature and the governor for consideration during the 2024 legislative session.

Taskforce Membership

Task Force Members

Governor appointment	Teresa Casados, Secretary CYFD
Speaker of the House appointment	Representative Eleanor Chavez
House Minority Floor Leader appointment	Barbara Tedrow
Senate President Pro Tempore appointment	Senator Linda Lopez
Senate Minority Leader appointment	Maralyn Beck
Supreme Court Justice appointment	Honorable Emilio Chavez
Representative from the Kevin S. settlement	Jesse Clifton
Service provider	Robert Chavez
Foster family representative	Nicholas Natividad, Ph.D.
Youth representative	Mia Calle
Juvenile justice stakeholder	Nick Costales
Tribal member with ICWA lived-experience	Yazh Elliot Pending
At-large representative	Carol Wilson Spigner, DSW



Taskforce Meetings and Focused Topics

Meeting	Focus Topic
May 24	Welcome and overview of systems
June 21	Prevention and Early Intervention
July 25	Workforce
August 16	Access to services: resource families and children's behavioral health
September 27	Juvenile Justice
October 18	Compliance and oversight
November 15	Final task force recommendations

The Senate Memorial 5 taskforce has not yet finalized a report or adopted recommendations but is considering the recommendations summarized in the next slides.

Child Welfare Workforce

Developing and stabilizing CYFD's workforce is core to the functioning of the child welfare system. The state needs to focus on retention, as high rates of turnover undermine any recruitment efforts.

The taskforce is considering recommending:

- **CYFD** implement a variety of strategies to recruit, train, support, and retain a child welfare workforce, including establishing targets and incentives to hire and retain licensed social workers.
- **The Legislature** consider:
 - Continuing to monitor and evaluate **the impact of the \$80 million** appropriations to the schools of social work, as these investments should increase the number of social work graduates in New Mexico.
 - Establish **HB2 measures** related to the % of case workers who are licensed social workers
 - Consider **return-to-work legislation for licensed social workers**, to incentivize return to work at CYFD
 - Prioritize addressing high protective service **caseworker caseloads** when considering **CYFD's FY26 budget**.
 - **Codifying in statute CYFD leader priority criteria**, as is outlined for OFRA, PED, OSI, PRC. (Ex. child welfare or human services leadership experience)

Prevention and Early Intervention

New Mexico has gaps in its array of prevention and early intervention services, particularly evidence-based programs, which may prevent and divert the need for foster care.

The taskforce is considering recommending:

- **CYFD** implement prevention and early intervention programs, identify outcome measures that include preventing subsequent interaction with CYFD and track progress, and prioritize implementing programs that will be eligible for Title IV-E (requires an approved state plan) and Medicaid.
- **The Legislature** consider:
 - Existing statute requires CYFD make “reasonable efforts” to preserve families. Consider updating this section of statute (32A-4-7) to **outline the types of actions CYFD take**, including **delivering services eligible for Title IV-E and Medicaid** and helping connect families to services delivered by other departments (HCA and ECECD).
 - Update the **differential response statute**, as it currently references a pilot to complete in 2022, and establish a target for statewide implementation.

Community-Based Prevention and Intervention

The state should prioritize retention of foster families and treatment foster care providers to improve the availability of community-based placements for children in care, leveraging appropriations made through the GRO.

The taskforce is considering recommending:

- **CYFD** dedicate resources at a regional level for foster family recruitment and training; consider an exit survey for foster families to identify retention opportunities; leverage the GRO appropriations to pilot an intensive support model for foster families; focus efforts on placements for young people who have had multiple placements or lack home placements.
- **The Legislature** consider:
 - Providing CYFD with funding for an external entity to **conduct a rate study of foster care and TFC rates**;
 - Ensuring the statutory **functions of the Behavioral Health Collaborative** are performed (identifying gaps, coordinating the behavioral health system, etc).

Juvenile Justice

New Mexico should continue to make data-informed about juvenile justice services, recommending the state the seek to better understand current data trends and program outcomes to inform any future decisions about juvenile justice. The state should look to implement evidence-based and trauma-informed programs.

The taskforce is considering recommending:

- **CYFD** continue to evaluate the JJS budget to identify opportunities for efficiency and to move resources to the front end of the system; use a validated risk-assessment tool; and resume annual public-facing reporting, and convene with the association of district attorneys to facilitate collaboration regarding decisions to bring charges.
- **The Legislature** consider:
 - Directing the LFC or another entity to study juvenile justice trends, programs, and outcomes, updating previous research, to better understand current trends and inform any future changes to the children's code.
 - Updating statutory language related to the Community Corrections Fund to allow for the provision of services pre-adjudication.

System Oversight, Accountability, and Governance

A variety of federally mandated and state-created external mechanisms exist to provide oversight of child welfare and protection agencies. Within New Mexico, existing mechanisms for oversight and accountability have gaps and could be enhanced to drive system improvement, provide continuity, and improve outcomes.

The taskforce is considering recommending:

- **Moving the Substitute Care Advisory Council (SCAC)** from RLD and strengthening the functions of this oversight body;
- Risk management recommendation: to require all **agencies conduct post-hoc reviews** following significant losses;
- Additional AGA performance measures related to the child welfare system;
- The creation of additional oversight or accountability mechanisms, along with streamlining mechanisms that already exist.

Thank You

