

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE JOINT MEMORIAL 10

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Rebecca Dow and Kelly K. Fajardo and Patricio Ruiloba  
and Gail Armstrong

A JOINT MEMORIAL

REQUESTING THE SECRETARY OF CHILDREN, YOUTH AND FAMILIES TO  
CONVENE A CHILD PROTECTIVE SERVICES TASK FORCE TO REVIEW AND  
RECOMMEND CHANGES TO CHILD PROTECTIVE SERVICES RULES, POLICIES  
AND PROCEDURES AND CREATE STANDARDIZATION AND CONSISTENCY  
ACROSS ALL CHILD PROTECTIVE SERVICES DIVISION OFFICES AND TO  
CREATE A PARALLEL AND EQUAL PROCESS TO BETTER SERVE AND SUPPORT  
FOSTER FAMILIES AND RESOURCE FAMILIES ACROSS THE STATE.

WHEREAS, the child protective services division of the  
children, youth and families department serves the state's most  
vulnerable populations, who are children in need of the state's  
intervention and protection; and

WHEREAS, resource parents, which include guardians and  
kinship caregivers, and foster parents are individuals who  
volunteer their time, energy and resources to provide a safe

underscoring material = new  
~~[bracketed material] = delete~~

1 home for children in need of intervention and protection; and

2 WHEREAS, there are numerous critical issues in the child  
3 protective services system that have not been addressed and  
4 need to be rectified in order to better promote the safety and  
5 security of children being cared for by foster parents and  
6 resource parents; and

7 WHEREAS, many foster parents and resource parents report  
8 feeling disenfranchised by current rules and procedures; and

9 WHEREAS, the push by the state for parental reunification  
10 over other options raises questions about the safety of  
11 children and families, as reunification is not always in a  
12 child's best interest; and

13 WHEREAS, foster placements by the child welfare system  
14 without care and consideration of a long-term plan cause  
15 further trauma to children; and

16 WHEREAS, safety monitors are placed in a precarious  
17 situation because they are often related to or are friends of  
18 the biological family, and safety plans may not keep New Mexico  
19 children safe nor out of the child protective services system;  
20 and

21 WHEREAS, many populations of youth within the foster care  
22 system have specific needs that are not adequately being  
23 addressed; and

24 WHEREAS, the current child protective services environment  
25 creates a revolving door of ongoing child abuse in New Mexico;

.212343.1

underscoring material = new  
~~[bracketed material] = delete~~

1           NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
2 STATE OF NEW MEXICO that the secretary of children, youth and  
3 families be requested to convene a child protective services  
4 task force to review and make recommendations to the children,  
5 youth and families department for updating department rules,  
6 policies and procedures to create standardization and  
7 consistency across all child protective services offices and  
8 programs and to create a parallel and equal process to better  
9 serve and support foster families and resource families across  
10 the state; and

11           BE IT FURTHER RESOLVED that the task force be requested  
12 to:

13           A. review existing children, youth and families  
14 department rules to ensure that all rules are consistent across  
15 all child protective services division offices and programs  
16 throughout the state;

17           B. ensure that all children, youth and families  
18 department rules are given to every foster family and resource  
19 family, as well as all interested stakeholders and members of  
20 the general public, and that the rules are readily accessible  
21 to the public;

22           C. ensure that current rules and procedures support  
23 New Mexicans who devote themselves to being foster parents or  
24 resource parents and streamline the foster care system to  
25 reduce bureaucratic burdens on foster parents;

.212343.1

underscoring material = new  
~~[bracketed material] = delete~~

1           D. review training, support and ongoing  
2 opportunities to retain foster parents and resource families,  
3 to study foster parent and resource family retention and to  
4 determine desired and needed training topics and best sources  
5 of support;

6           E. undertake a study on the success of a preference  
7 for reunification over a period of five years;

8           F. determine whether New Mexico's push to reunify  
9 families separated through child protective services is  
10 overburdensome in comparison to other states;

11          G. analyze family reunification policies and  
12 procedures and recommend safeguards to create safe and lasting  
13 reunification of families;

14          H. study the benefits of long-term foster  
15 placements to avoid multiple, disruptive placements;

16          I. consider whether there should be a requirement  
17 that removal of a child from a safe and committed long-term  
18 placement with a foster family or resource family should occur  
19 only by court order;

20          J. evaluate the efficacy of safety monitors and  
21 identify solutions to better keep children, biological families  
22 and safety monitors safe and healthy;

23          K. identify better ways to recruit, support and  
24 retain resources that foster families, resource families and  
25 children and family service providers need to support the

.212343.1

underscoring material = new  
~~[bracketed material] = delete~~

1 state's most vulnerable population;

2 L. consider ways to permit runaways to be placed in  
3 protective custody if they are determined to be in danger and  
4 to allow the state to maintain custody of children for a  
5 maximum of seven business days, versus the current maximum hold  
6 of forty-eight hours, while abuse claims are being  
7 investigated; and

8 M. request the child protective services division  
9 of the children, youth and families department to report a  
10 child known to be, or who is suspected to be, in danger of  
11 human trafficking or a child known to recruit, or is suspected  
12 of recruiting, other children to be trafficked to any potential  
13 foster or resource families; and

14 BE IT FURTHER RESOLVED that the secretary of children,  
15 youth and families be requested to include the following  
16 participants in the task force:

- 17 A. the chair of the children's cabinet;  
18 B. two foster parents;  
19 C. a guardian of a child or a child's kinship  
20 caregiver;  
21 D. a certified medical health expert;  
22 E. an expert representative of law enforcement;  
23 F. a classified children, youth and families  
24 department employee;  
25 G. a family reunification expert; and

.212343.1

underscoring material = new  
~~[bracketed material] = delete~~

1           H. a children's court improvement commission  
2 representative; and

3           BE IT FURTHER RESOLVED that the secretary of children,  
4 youth and families be requested to invite as at-large members  
5 of the child protective services task force:

6           A. a child care services or other children's  
7 service provider;

8           B. a court-appointed special advocate;

9           C. an expert in education;

10          D. an expert from a nonprofit children's advocacy  
11 organization;

12          E. a medical professional with New Mexico forensic  
13 or significant child abuse or neglect experience;

14          F. an expert in the federal Every Student Succeeds  
15 Act or the federal Family First Prevention Services Act;

16          G. an expert in the state's medicaid system;

17          H. experts in commercial health insurance; and

18          I. a professional attachment or trauma expert in  
19 infant, child and youth behavior; and

20          BE IT FURTHER RESOLVED that findings and recommendations  
21 of the task force be presented to the legislative health and  
22 human services committee by December 1, 2019; and

23          BE IT FURTHER RESOLVED that copies of this memorial be  
24 transmitted to the governor, the chair of the legislative  
25 health and human services committee, the secretary of children,

.212343.1

underscoring material = new  
~~[bracketed material] = delete~~

1 youth and families, the co-chairs of the children's court  
2 improvement commission, the director of the child protective  
3 services division of the children, youth and families  
4 department and the chair of the children's cabinet.

5 - 7 -  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25