

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 MEMORIAL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

DISCUSSION DRAFT

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

A MEMORIAL

REQUESTING THE SECRETARY OF CHILDREN, YOUTH AND FAMILIES TO
CONVENE A TASK FORCE TO ADDRESS THE ONGOING PROBLEM OF CHILDREN
RUNNING AWAY FROM FOSTER HOME PLACEMENT.

WHEREAS, throughout the United States, an estimated fifty-
five children will disappear today from the foster care system;
and

WHEREAS, in the past twenty years, more than one hundred
thousand cases involving missing foster children in the United
States were closed before the children were located; and

WHEREAS, according to the children, youth and families
department, as of January 1, 2023, there were thirty children
missing after placement by the department's protective services
division; and

WHEREAS, in New Mexico, according to the children, youth

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

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

1 and families department, in 2022, nine children in foster care
2 turned eighteen years of age while on runaway status, thus
3 aging out of foster care and losing the safety and protection
4 of the department charged with protecting them; and

5 WHEREAS, state agencies were not required to report
6 missing foster children to law enforcement until 2014, and
7 since that time, reports of children missing from foster care
8 have more than doubled; and

9 WHEREAS, human traffickers know that children without
10 stable families are easy prey, and research overwhelmingly
11 shows that most sexually trafficked children are from foster
12 care; and

13 WHEREAS, children in foster care and out-of-home placement
14 constitute most of the sexually trafficked children in the
15 United States; and

16 WHEREAS, children removed from sex trafficking report that
17 they are given a quota of up to fifteen buyers per night,
18 perhaps resulting in sex-trafficking victims being raped
19 thousands of times a year; and

20 WHEREAS, missing foster children often remain missing and
21 potentially sexually trafficked because there are no involved
22 families to lead a search and law enforcement authorities are
23 hindered by laws that prevent transparency about the details of
24 a missing child's identity; and

25 WHEREAS, there are no state or nationwide protocols for

.226524.1

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

1 preventing the disappearance of foster children or for the
2 search and recovery of missing foster children; and

3 WHEREAS, the purpose of child protective services is to
4 prevent reoccurring child abuse and the traumatization of
5 children in New Mexico; and

6 WHEREAS, many children within the foster care system have
7 specific needs that are unaddressed; and

8 WHEREAS, New Mexico should make every effort to keep
9 foster children safe and spare no effort to locate a child
10 missing from foster care;

11 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
12 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the secretary
13 of children, youth and families be requested to convene a child
14 protective services task force to make recommendations to the
15 children, youth and families department on how to prevent
16 children from running away from foster care and develop an
17 effective strategy to recover children missing from foster
18 care; and

19 BE IT FURTHER RESOLVED that the child protective services
20 task force be requested to:

21 A. analyze data related to children who have run
22 away from foster care;

23 B. analyze the root causes of why children run away
24 from foster care;

25 C. identify and analyze behaviors that contribute

.226524.1

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

1 to children running away from foster care;

2 D. analyze the likelihood that children who have
3 run away from foster care will become victims of crime;

4 E. analyze best practices, state laws and rules and
5 foster home protocols and practices related to children running
6 away from foster care;

7 F. develop a consistent, prompt and effective
8 response to recover missing children; and

9 G. address the safety and well-being of a child who
10 has run away upon the child's return to a foster home; and

11 BE IT FURTHER RESOLVED that the secretary of children,
12 youth and families be requested to include the following as
13 members of the child protective services task force:

14 A. a representative of the office of the attorney
15 general;

16 B. a representative of the federal bureau of
17 investigation;

18 C. a representative of the homeland security and
19 emergency management department;

20 D. a representative of the university of New Mexico
21 office for community health;

22 E. two individuals with experience living in foster
23 care;

24 F. an individual with experience living in a youth
25 homeless shelter;

.226524.1

- 1 G. an expert in the area of human trafficking;
- 2 H. an expert in the area of protective services for
- 3 children;
- 4 I. a licensed behavioral health care expert;
- 5 J. a representative of law enforcement; and
- 6 K. a social worker; and

7 BE IT FURTHER RESOLVED that the secretary of children,
8 youth and families be requested to invite the following as
9 appropriate to participate in discussions of the child
10 protective services task force:

- 11 A. an expert from a nonprofit children's advocacy
- 12 organization;
- 13 B. an expert in behavioral health care services;
- 14 C. a representative of a sexual minority community;
- 15 D. a representative of a gender minority community;
- 16 E. an expert on the federal Indian Child Welfare
- 17 Act of 1978; and
- 18 F. other stakeholders whose expertise the secretary
- 19 of children, youth and families deems necessary to the work of
- 20 the child protective services task force; and

21 BE IT FURTHER RESOLVED that the child protective services
22 task force be requested to enter into an agreement with an
23 institution of higher education to perform research that
24 supports the task force's work and conduct focus groups with
25 children in foster homes, young adults who have aged out of the

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

1 child protection system and foster home providers; and

2 BE IT FURTHER RESOLVED that findings and recommendations
3 of the child protective services task force be presented to the
4 interim legislative health and human services committee by
5 October 1, 2025; and

6 BE IT FURTHER RESOLVED that the report include the child
7 protective services task force's findings and recommendations
8 to reduce the number of children who run away from foster
9 homes; and

10 BE IT FURTHER RESOLVED that copies of this memorial be
11 transmitted to the governor, the attorney general, the chair of
12 the interim legislative health and human services committee,
13 the co-chairs of the legislative interim committee that
14 addresses courts, corrections and justice issues, the director
15 of the legislative finance committee, the secretary of
16 children, youth and families, the co-chairs of the children's
17 court improvement commission, the director of the protective
18 services division of the children, youth and families
19 department and the chair of the children's cabinet.