



# New Mexico Child Abuse and Neglect Citizen Review Board

## PREVIEW 2008 Annual Report and Recommendations October 2007



# About the New Mexico Child Abuse and Neglect Citizen Review Board

## **Local Citizen Review Boards meet in the following locations:**

Alamogordo

Albuquerque

Bernalillo

Carlsbad

Clovis

Deming

Española

Estancia

Farmington

Gallup

Grants

Hobbs

Las Cruces

Las Vegas

Los Lunas

Portales

Raton

Roswell

Santa Fe

Silver City

Socorro

Taos

Truth or  
Consequences

Tucumcari

*Our vision is a comprehensive child welfare system that protects children, creates permanency, and maximizes well-being; a system in which children receive the best possible services and are promptly placed in loving, nurturing permanent homes.*

The New Mexico Child Abuse and Neglect Citizen Review Board (CRB) was legislatively created in 1983 “to provide a permanent system for independent and objective monitoring of children placed in the custody of the Children, Youth and Families department.” CRB’s mission is to fulfill the directives of the New Mexico Legislature, pursuant to the Citizens Substitute Care Act (Section 32-A-8 NMSA 1978). Specifically, the law requires that CRB:

1. *Make recommendations to the department, the courts, and the legislature regarding statutes, policies and procedures relating to substitute care. (Section 32-8-4 NMSA 1978)*
2. *Prior to any judicial review by the court...CRB shall review any dispositional order or the continuation of the order and the department’s progress report on the child and submit a report to the court. (Section 32-8-6 NMSA 1978)*

CRB fulfills its mandate through the efforts of more than 180 volunteers in 37 local review boards statewide. These volunteers, with the assistance of staff, review the cases of children in state’s custody and make recommendations to the judge presiding over the case.

Each local review board meeting provides an opportunity for the parties involved in a case to present information pertinent to the families’ progress toward achieving permanency for the child. The information gathered at these meetings form the basis for a written report with recommendations sent to the presiding judge.

Data gathered at these meetings are the basis for CRB’s Annual Report and Recommendations to the legislature, the Children, Youth and Families Department, and the courts.

# 2008 Annual Report: Recommendations

According to the Children, Youth and Families Department (CYFD), between January 1 and March 31 of 2007, a total of 2,901 children were in foster care in New Mexico. Put another way, the equivalent of a large New Mexico high school's enrollment was in the custody of the state during that three-month period. These children have been removed from their homes due to neglect or abuse. The child protection system's goal is to provide support that will make a safe, quick return home possible for these children, but the severity of the neglect or abuse experienced by the children, the pervasiveness and complexity of the obstacles to reunifying them with their families, and the increasing pressure on community support resources test the limits of the entire system. Courts struggle to keep up with federally-mandated timelines for finalizing permanency decisions for children in state custody. CYFD struggles to prepare youth approaching the age of 18 to exit foster care with the tools they need to become healthy, productive members of the community. The legal and volunteer advocacy communities struggle to provide children with the support they need in professional, high-quality ways. Foster parents struggle to nurture meaningful connections with more children who are faced with increasingly complex issues.

Given this context, and in keeping with the New Mexico Child Abuse and Neglect Citizen Review Board's (CRB) commitment to provide quality recommendations for systemic change in New Mexico's child protection system, CRB presents the following recommendations:

1. Increase judicial and CYFD resources to expand services for youth exiting foster care between the ages of 18 and 21 and better prepare children approaching the age of 18 for adulthood.
2. Improve the quality of legal representation for children and families in abuse and neglect cases by increasing compensation to the attorneys representing them.
3. Increase and enhance placement resources for the children and youth in foster care.

## New Mexico Children in Foster Care

*Total Children Served  
in 2006 = 4487*

## Exit from Foster Care Oct.-Dec. 2006

*63.6 % - Reunification*

*24.4% - Adoption*

*18.8% - Emancipation*

*2.8% - Other*

*2.5% - Transfer*

*1.4% - Guardianship*

*0.3% - Living with Other  
Relatives*

*Data From New Mexico  
Protective Services Fact  
Book. Quarter 4 and Annual  
2006.*

# Recommendation 1

Youth who do not have families to rely on for

emotional and financial support are more likely

to become

*incarcerated,*

*homeless,*

*mentally or*

*physically ill, and*

involved in

*high risk*

*behaviors.*

**Increase judicial and CYFD resources to expand services for youth exiting foster care between the ages of 18 and 21 and better prepare children approaching age 18 for adulthood.**

Context: In the ideal world, no child would emancipate or “age-out” of foster care at age 18. Unfortunately, not all youth will have permanent families by that time. Youth that age out of foster care do not have families to fall back on for emotional or financial support. When youth are not adequately transitioned into adulthood, they are more likely to become incarcerated, homeless, mentally or physically unhealthy, or involved in high-risk behaviors.

## Specific CRB Recommendations/Endorsements

- CRB endorses legislative funding requests by CYFD to expand the capacity of transitional services that include: transition coordinators, permanent supportive housing, teen foster homes, other transitional living arrangements, adult mentors, discretionary living funds and peer support for youth ages 16 to 21.
- CRB endorses the implementation of the recommendations of the Court Improvement Task Force’s Transition Blueprint Committee, including comprehensive transition planning, transition coordinators, creating new housing options, and other supports.
- CRB endorses the creation (by statute or court rule) of discharge hearings within three to six months prior to a child reaching age 18. These hearings would determine whether benchmark criteria for discharge have been met and, if the criteria have not been met, give the young person the choice to remain under the jurisdiction of the court until they have been met.
- CRB endorses the adoption (by statute or court rule) of specific discharge criteria for youth approaching age 18 that address education, employment, housing, life skills, health and supportive relationships post-discharge.

For additional background, data, and CRB perspective related to each recommendation, view the CRB’s 2008 Annual Report and Recommendations available January 2008 at [www.nmcrb.org](http://www.nmcrb.org).

## Recommendation 2

**Improve the quality of legal representation for children and families in abuse and neglect cases by increasing compensation to the attorneys representing them.**

Context: Inadequate compensation is a major barrier to the provision of quality representation. Quality representation is a critical component of ensuring that safety, permanence, and well-being outcomes are achieved for the children in state's custody. These cases are complex and demanding; there are numerous hearings and tight time frames; and a high degree of skill is required to minimize appeals.

### Specific CRB Recommendations/Endorsements

- CRB endorses the Administrative Office of the Courts' legislative budget request to increase the Court Appointed Attorney Fee Fund as determined by AOC and the Judiciary's Unified Budget strategy.

For additional background, data, and CRB perspective related to each recommendation, view the CRB's 2008 Annual Report and Recommendations available January 2008 at [www.nmcrb.org](http://www.nmcrb.org).

### Legal Events and Time-lines Affecting Children

#### Day 1:

Child enters custody

#### By Day 10:

##### Custody Hearing

*Judge decides whether there is justification for the child to remain in CYFD custody. Judge can only order custody, evaluations, and visitation.*

#### By Day 60:

##### Adjudication/Dispositional Hearing

*Judge hears evidence and decides if the child has been maltreated. If the judge determines the child has been abused and/or neglected, the judge orders a treatment plan be developed. The disposition is the treatment plan.*

#### By Day 120:

##### Initial Judicial Review

*Judge checks the progress of the treatment plan. Changes may be made if all parties agree.*

#### By Day 300:

##### Permanency Hearing

*Judge determines if the child can return home safely.*

##### Annual Permanency Hearings and Judicial Reviews

*Held throughout the life of a case to determine progress, to order further treatment, and to achieve permanency for the child.*

## Recommendation 3

*Foster parents must be available 24 hours a day to foster children, many of which have special needs. Included in foster parent reimbursement rates are:*

- *room and board;*
- *clothing;*
- *hair care/personal care items;*
- *diapers;*
- *school expenses;*
- *mileage to children's appointments;*
- *activity fees;*
- *and baby sitting.*

### **Increase and enhance placement resources for the children and youth in foster care.**

Context: Highly valued, well trained, and adequately reimbursed foster parents are vital to good outcomes for children in foster care. Increasing the quantity of high quality foster homes and increasing the diversity of foster homes reduces over-placement and placement changes.

#### Specific CRB Recommendations/Endorsements

- CRB endorses legislative budget requests by CYFD to adequately increase monthly reimbursements to foster families.
- CRB endorses strategies that will emerge during the development of the Child and Family Services Review Program Improvement Plan process that will address recruitment, certification, and retention of new foster care placements.

**For additional background, data, and CRB perspective related to each recommendation, view the CRB's 2008 Annual Report and Recommendations available January 2008 at [www.nmcrb.org](http://www.nmcrb.org).**

# About this Preview Report

Last year, the New Mexico Child Abuse and Neglect Citizen Review Board (CRB) approached its legislatively mandated recommendations differently than in the past. In an effort to increase the likelihood of implementing its systemic recommendations, CRB convened a summit of key stakeholders. Representatives and analysts from agencies impacted by this year's recommendations were invited. The purpose of the summit was to enrich the background and systemic perspectives of CRB's recommendations to better promote systemic change for children and youth in foster care.

The five major recommendations included in last year's CRB Annual Report and Recommendations helped frame and advance dialogues among important government decision-makers. As a small but critical piece of a larger and vastly more complicated process, the CRB report informed the acquisition of significant increases in human resources for the Children, Youth and Families Department (CYFD), new financial resources for the Corrine Wolf Children's Law Center at the University of New Mexico's Institute of Public Law, and higher reimbursement rates for foster families. In light of these great successes, the CRB project has chosen to continue the preview summit process.

On behalf of the Statewide Advisory Committee of the CRB, the Board of Directors of New Mexico Child Advocacy Networks, and all of the dedicated professionals and lay volunteers committing their time and energy to the children and youth in our state's custody, we thank the following individuals who contributed their expertise to help evaluate and improve CRB's recommendations:

Dorian Dodson, Cabinet Secretary, Children, Youth and Families Department

Angela Adams, Protective Services Director, Children, Youth and Families Department

Fern Goodman, General Counsel, Administrative Office of the Courts

Norton Francis, Chief Economist, Legislative Finance Committee

Christian Sanchez, Fiscal Analyst, Legislative Finance Committee

Sandra Wechsler, Shaening and Associates

Joe Chambers, President, New Mexico Child Advocacy Networks Board of Directors

John Myers, Chair, CRB Statewide Advisory Committee

Pat Briggs, Project Director, New Mexico Child Abuse and Neglect Citizen Review Board

Brian O'Connell, Executive Director, New Mexico Child Advocacy Networks

New Mexico  
Child Abuse and Neglect  
Citizen Review Board

PO Box 30228

Albuquerque, NM 87190-0228

Office (505) 217-0226

Fax (505) 766-1818

Toll Free 1-866-857-2976

[www.nmcrb.org](http://www.nmcrb.org)

