



New Mexico Child Abuse and Neglect Citizen Review Board

PREVIEW 2010 Annual Report and Recommendations November 2009



About the New Mexico Child Abuse and Neglect Citizen Review Board

New Mexico Citizen Review Board is a visionary advocate for the safety, permanency and well-being of individual children in foster care and for statewide improvement of the child welfare system.

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 190 volunteers in 39 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.

Data gathered at these over 3,000 CRB reviews per fiscal year are the basis for CRB’s Annual Report and Recommendations to the legislature, the Children, Youth, and Families Department, and the courts. The review’s focus is on the areas that impact children, such as: where they live while they are in foster care (placement), mental and behavioral health needs, physical and dental health needs, educational and developmental needs, and the permanency plan for each child (reunification, adoption, guardianship, or permanent planned living arrangement).

CRB helps illuminate the child welfare system through the reported county and statewide data and the identification of community successes and challenges by the trained local community CRB volunteers.

CRB Boards meet in the following locations: Alamogordo, Albuquerque, Artesia, Carlsbad, Clovis, Deming, Espanola, Estancia, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Los Lunas, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Socorro, Taos, Truth or Consequences, and Tucumcari.

It is imperative that New Mexico wisely use their child welfare resources (money and personnel) to appropriately care for foster children with acute and chronic needs while simultaneously helping the children move quickly to a safe and permanent home - whether it is home with their parents or to another family.

In these economically challenging times, the child welfare system is even more stressed and stretched even thinner. The children and families in the child welfare system must be provided appropriate and timely services and hearings to meet federal laws that guide outcomes in the areas in safety, permanency, and well-being (the federal Adoption and Safe Families Act of 1997 and the Fostering Connections to Success and Increasing Adoptions Act of 2008). Children, Youth, and Families Department (CYFD), courts, providers, foster parents, Managed Care Behavioral Health Organization, and advocates are struggling to provide the mandated and needed services and accountability.

Everyone is trying to “do more with less” and “working more efficiently not necessarily more”. 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 information on successful or promising initiatives, challenges, and recommendations:

2010 Annual Report: Recommendations

Successful or Promising Initiatives

- In-home services provided by CYFD to prevent the trauma of removing the children from the home when there are indicators of abuse and neglect.
- Family Centered Meetings that try to increase and formalize natural supports to the families, set up a safety plan for the children, and provide voluntary services.
- Early identification of relatives for appropriate placements for when children do need to be removed from their parents due to safety concerns.
- The newly formed Infant Mental Health team to consult on infant trauma on a case-by-case basis. (First Judicial District in Santa Fe)
- CYFD's child welfare and juvenile justice functions working more collaboratively to engage the children and parents and to streamline services and accountability.
- The Corrine Wolfe Children's Law Center's core curriculum for attorneys and judges who work with abuse and neglect cases and a vast array of other trainings for others involved in the child welfare world.
- CYFD's Core Training for their workers. New collaboration with a National Implementation Center to improve policies and practices.
- Administrative Office of the Courts' work to provide support and accountability for the attorneys and judges that do this work.
- Child Welfare Improvement Planning meetings held in each judicial district using relevant data from various data sources including CYFD, courts, and Citizen Review Board paired with local problem solving and collaborating to improve timely permanency and good outcomes for children.
- The First Steps To Reunification program (FSTR) in Roswell to engage parents early in the process to increase the likelihood that their children will be returned after the parents deal with their issues therefore increasing the likelihood of the safety and well being of the children.
- The New Mexico Friends of Foster Children providing individual support for children and maximizing their potential.

Challenges

- Abuse and neglect caseloads may be smaller in some areas of the state but the cases are increasingly complex and severe. There are indications that with additional stressors in the community, caseloads are again increasing. The need for appropriate and frequent supervision of permanency planning workers is growing.
- CYFD has struggled with nearly 30% vacancy in Children's Court Attorney positions and high turnover in permanency planning worker positions which greatly affect case management and children's outcomes in safety, permanency, and well-being. Children's Court Attorney positions did not grow with the increasing number of cases so the vacancies are severely impacting the ability of the attorneys to do what they are mandated to do. Note: CYFD indicates that 5 CCA positions will be posted before January 2010.
- Placement and educational stability for foster children, which is mandated in federal and state law.
- Youth living in foster care and then transitioning out on their own at age 18 have significant needs and CYFD has additional mandated requirements by federal and state law. Youth (under the age of 18 years) need a wider array of placement options to support their needs such as group homes and regular foster homes. Youth need more realistic education and guidance in their semi-independent living classes and programs. Youth need more peer interaction and support, in addition to support from the professionals. More creative solutions to individual needs as the youth age-out of the system are required.
- Courts have heavy caseloads with demands of holding timely and appropriate judicial hearings. Some attorneys representing the children, youth, or families have high caseloads. (The American Bar Association recommends 40 to 50, some caseloads in New Mexico are over 100).
- The statewide entity for providing behavioral health services through the New Mexico Behavioral Health Collaborative (NMBHC) has been slow to pay providers for services and there is a lack of a statewide service array accessible to parents and children around the state. Services need to be available in local communities and stable for children and parents. There is a lack of trauma-informed practice which is a proven benefit to abused and neglected children and their parents.
- Large percentages of parents have chronic substance abuse problems but with lack of services around the state and fewer drug courts.
- Lack of educational stability (too much changing of schools) and progress for foster children.
- Lack of referrals to Access and Supervised Visitation programs, especially those providing parent coaching and mentoring to improve parenting skills. Programs provide a neutral party monitoring the visits and accountability of the parents.

Recommendations

Given that there will be little or no new money available through the legislative appropriation process for the next few years, the following recommendations are made knowing that progress will need to move forward in incremental steps while working to streamline and achieve efficiencies. Creative solutions and partnerships will be needed to ensure timely and positive safety, permanency and wellbeing outcomes for children. The need for new money will remain, particularly since there are new federal and state laws representing new opportunities for federal funds to achieve positive outcomes for children only if there are state dollars to match.

Given state budget realities for Fiscal Year 2011, we recommend that all efforts be made to avoid further cuts in spending related to children in custody, particularly Medicaid and foster care reimbursements.

Recommendation 1

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.

Each time a foster child moves, there is more instability in their lives – new homes with new routines and rules, new neighborhoods and friends, often new schools and new service providers. The goal must be fewer placements, which is an outcome measure for the federal Child and Family Services Review (CFSR), a comprehensive audit of the Child Welfare System.

Specific CRB Recommendations / Endorsements:

- CRB endorses an increase in monthly foster care reimbursement rates per child. With an increase, CYFD will be more able to adequately compensate foster parents who are experiencing rising costs in utilities, food, and transportation. This increase will help to retain and recruit foster parents to provide placement stability for the children. This increase will also help New Mexico develop a larger pool of foster homes to make appropriate placement matches for children. Placement stability will also help with educational stability.
- CRB endorses placement stability strategies that have emerged with New Mexico's CFSR Program Improvement Plan, such as:
 - Redesigning the process for foster parent recruitment to increase the number and types of placement resources.
 - Increasing and improving on-going support and crisis support to foster parents to lessen placement changes: this includes providing more experienced foster parents as mentors to foster parents, increasing assistance to foster parent liaisons so as to increase support to foster parents, and providing support groups for foster parents.
 - Improving case worker and provider training in the areas of assessment, support, and monitoring of placements. Improve assessment and planning that addresses the needs of children.
 - Improve foster parent training to better care for children who have many needs.

Recommendation 2

Increase educational support and assure appropriate educational services to all foster children

Context: All children need support and advocacy to ensure educational success which leads to successful adult lives. Educational stability is an important component to success. Foster children face unique challenges including: the consequences of their abuse and neglect, consequences they experience as they change foster homes which may mean a change in schools, and delayed academic progress and loss of credits due to school disruptions.

Specific CRB Recommendations / Endorsements:

- Institute educational advocacy training for foster parents and foster youth to help each child and youth receive the appropriate education and support services in regular and special education.
- Add an education and special education component to CYFD core training for case workers. This training should include information to help them engage biological and foster parents in advocating for the foster child's education and to assure that workers are taking the necessary steps to see that foster children are receiving the appropriate education and support services.
- Create an MOU between CYFD and the Public Education Department that would facilitate sharing information through the Educational Star System that provides each New Mexico student with one identification number to track their progress through all school districts that they might attend in the state. Create a liaison in CYFD and in PED to encourage collaboration throughout the state.
- Identify an educational liaison in each county office, not necessarily a separate worker, to be the point person on educational issues. Encourage local school districts to identify a liaison to the local county CYFD office.
- Encourage the enrollment of foster children in pre-kindergarten giving them the head start that they need for educational success.

Recommendation 3

Increase and enhance behavioral health services for children, youth, and their parents

Context: Foster children and their families often have chronic or acute behavioral health needs that are made more complex with issues relating to separation from parents and foster care. Adequate resources are needed to develop a service array for the whole state so that communities can provide necessary services to children and families. Federal directives include such things as: wrap-around services and greater family involvement with developing treatment plans. Plans should not only include treatment but basic needs such as housing and employment.

Specific CRB Recommendations / Endorsements:

- Comprehensively and strategically plan with people knowledgeable in the child protection field, providers, consumers, parents, the Statewide entity, and the appropriate state agencies before implementing services. The system of care needs to be integrated, statewide, efficient, and effective with funding prioritized to care for foster children and their parents. Clear and consistent service definitions and regulations are needed. Different kinds of assessments are needed. Training on these items is needed for all involved.
- Explore ways to develop a funding stream for mental and behavioral health services for parents whose children are in foster care due to abuse and neglect. Consider increasing family stabilization dollars and family preservation dollars. Trauma-informed practice has been proven to be effective with foster children. For a real chance to reunify as a family in a timely manner, children and parents need timely access to appropriate services.
- Train all providers on the unique circumstances and needs of foster children, wrap-around services, family-based treatment and services, and other appropriate issues. Consider cross-training for the other players in the foster care system such as: case workers, foster parents, attorneys, judges, CASA volunteers, and CRB members.
- Explore ways to provide foster children with the level of care they need while maintaining placement stability.

Recommendation 4

Increase support and accountability of attorneys in abuse and neglect cases

Context: Attorneys who represent children, youth, and families in abuse and neglect cases have complex and emotional cases that need to be dealt with in a timely and appropriate manner while keeping children's safety, permanency, and well being at the forefront. Attorneys' caseloads are in some parts of the state over the recommended level of 40 to 50, reaching over 100.

Specific CRB Recommendations / Endorsements:

- Increase the court-appointed attorney fee fund to raise compensation for contracted attorneys.
- Increase support while increasing accountability of the attorneys by providing: formal mentoring, web-based subject matter experts, forms and pleadings for attorneys use, and free training and other resources.
- Coordinate and work collaboratively with other systems and other courts to make it possible for attorneys who do other legal work to make a living representing children, youth, and families in abuse and neglect cases.

Recommendation 5

Maintain or increase contract dollars and matching funds for federal dollars

Context: Adding new contract dollars will assist in providing timely and appropriate services to children and families while increasing the efficiency of CYFD workers and new collaborations and partners to maximize the many new federal and state opportunities. The infusion of new dollars will also assist in securing federal dollars through matching funds.

Given state budget realities for Fiscal Year 2011, we recommend that all efforts be made to avoid further cuts in spending related to children in custody, particularly Medicaid and foster care reimbursements.

Specific CRB Recommendations / Endorsements:

- Prevention services and In-home services to prevent the trauma and cost of taking children into state custody.
- Time-limited Reunification services to reunify children with their parents more quickly.
- Access and Supervised Visitation services to provide critical parent mentoring and coaching to improve parenting skills.
- Home studies for foster and adoptive families to increase the pool of quality placements.
- State dollars to increase federal matching funds
 - Medicaid services.
 - Subsidized guardianships to bring permanency for more children, more quickly.
 - Services for youth aging out and over 18 years of age to support and increase success in adulthood.

For additional background, data, and CRB perspective related to each recommendation, view the CRB's 2010 Annual Report and Recommendations available January 2009 at www.nmcrb.org.

About this Preview Report

In an effort to increase the likelihood of implementing its systemic recommendations, CRB regularly participates in a variety of collaborative task forces and workgroups to understand federal and state mandates, best practices, and upcoming initiatives to better the lives of abused and neglected children. For this report, CRB staff interviewed key stakeholders to enrich the background and systemic perspectives of CRB's recommendations to better promote systemic change for children and youth in foster care.

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 and understanding of the current child welfare system and of promising best practices to better outcomes for children and youth.

Cristen Conley, Guardian ad Litem, Youth Attorney, Respondent Attorney, and Staff Attorney with the Corinne Wolfe Children's Law Center

Deborah Dungan, Child Welfare and Juvenile Justice Attorney, Administrative Office of the Courts

Judy Flynn – O'Brien, Director, Corinne Wolfe Children's Law Center

Ellen Genne, Program Director, New Mexico CASA Network

Liz McGrath, Co-Director, Pegasus Legal Services for Children

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