

Foster Parenting in New Mexico

Learning Objectives

After studying the information in this training module, you should

- Be familiar with the requirements for being a foster parent.
- Be able to identify the different categories of foster care.
- Know the major content areas of foster parent training.
- Identify major concerns of foster parents.

Introduction

As recently as fifty years ago, children in New Mexico who had no family or who were abandoned were sent to the Juvenile Detention Home because there was no other place in the state to legally “shelter” such children. Thus, infants, toddlers, young children, and innocent young teens ended up in a facility designed to hold young criminals. It wasn’t until 1955 that the concept of a special facility to keep these children separated from the criminal element came into being.

The notion that children should be removed from their families because of neglect and abuse came even later. Until child abuse and neglect statutes were legislated, children were treated as the property of their parents, much like an animal is the property of its owner. Before the enactment of child abuse and neglect statutes, abused and neglected children, when finally removed from their families, were institutionalized in non-criminal juvenile facilities.

Sometime during the 1970s, the New Mexico Human Services Department began placing abused and neglected children with families who volunteered to “foster” them and provide them substitute care. It wasn’t until 1990 that the Children, Youth and Families Department (CYFD) was legislatively created, with a mandate to place appropriately every child who was taken into custody by the state because of abandonment, neglect, or physical and psychological abuse.

Basic Requirements to Become a Licensed Foster Parent

Foster parents in New Mexico must meet the following requirements as stipulated by CYFD:

- Be 21 years of age or older

- Be able to provide a safe and suitable space for a child or children
- Be a resident of New Mexico
- Receive pre-service training
- Provide character references
- Pass a home study
- Clear criminal background checks for every adult living in the household
- Attend parenting classes
- Complete required amount of annual training
- Be committed to caring for and loving children

Agencies such as New Mexico Parent & Child Resources recruit, train, and license families who wish to provide respite care, long-term care, or short-term care for children who are in the custody of CYFD. Agency staff provide ongoing support and consultation to foster families and act as a liaison between foster families and CYFD social workers and other personnel. These agencies provide these services for both regular and specialized foster care.

Categories and Training Requirements for Foster Care in CYFD-Licensed Homes

- **Regular Foster Care** – 10 hours of pre-training plus 20 additional hours per year.
- **Emergency Care** – 10 hours of pre-training plus additional training hours. This is for short-term (usually 48-hour) foster care.
- **Treatment Foster Care** – An additional 24 hours of training plus additional training hours per year. Treatment Foster Care is provided through treatment agencies, which beginning in 2005 are under the auspices of ValueOptions, the company selected by the state to manage behavioral health systems in New Mexico.
- **Specialized Foster Homes** – Additional initial training and ongoing training.
- **Respite Care** – Foster parents or other providers appropriately licensed give foster parents in all categories “respite.”
- **Kinship Care** – Includes grandparents and/or other relatives. The same licensing regulations apply as in non-relative foster care. (According to the 2000 census there are 70,055 grandparents in New Mexico who are either living in households with at least one grandchild under the age of 18 or who are the primary caregivers for their grandchildren.)
- **Supplemental Foster Care** – Foster parents receive reimbursement over and above their regular reimbursements for special-needs children. There are five

levels of supplemental care: levels 1-3, in-home care; level 4, a Nursing Home or a Residential Treatment Center; and level 5, special-needs teenagers in home care.

New Mexico foster parents receive training in the following areas:

- Communication techniques
- Parenting techniques for children of varying ages who are in crisis.
- Communication and working with biological parents.
- Child development and the impact of out-of-home placement on children's development.
- Techniques for de-escalating crisis situations.
- Adult, child, and infant CPR and first aid.

CRB has recommended that attachment disorders and issues be addressed in this initial training.

Foster Parent Responsibilities

According to CYFD regulations and the New Mexico Children's Code, foster parents have the following responsibilities:

- ✓ Foster parents are responsible for the daily care and supervision of a child placed in the foster parent's home and for contributing to the physical, social and emotional well-being of that child.
- ✓ Foster parents agree to abide by all federal, state, and local laws and by CYFD's licensing standards for foster care.
- ✓ Foster parents are members of the child's case management team and as team members participate in the development and implementation of team plans. Foster parents have the statutory and regulatory right to participate in conferences, CRB reviews, certain judicial reviews, agency staffings, and other similar planning sessions. However, foster parents may not make independent plans for children in their care.

In a 2004 survey of New Mexico foster parents, CRB found that this item was rarely adhered to by CYFD. Response after response noted that the biggest problem that foster parents encounter is "not being treated as part of the team."

- ✓ When requested by the local educational agency, the foster parent may serve as a surrogate parent to protect the foster child's educational rights and may act as the student's advocate in the education decision-making process. Foster parents are appropriate members of an Individual Educational Plan team for children in their care.
- ✓ Foster parents may, and should, refuse placements that they believe are not appropriate for their home or family.

- ✓ Foster parents facilitate the relationship between foster children in their care and their guardian ad litem (GAL).
- ✓ Foster parents provide information concerning children in their care to CYFD and to the guardian ad litem; accordingly, foster parents should document their observations of the child’s attitudes, behaviors, needs, concerns, and desires related to their out-of-home placement.
- ✓ Foster parents must honor the confidentiality provisions of the Children’s Code.
- ✓ Foster parents maintain and return all of a child’s belongings when he or she moves to another placement, including a return home.
- ✓ Foster parents should understand the judicial process affecting the foster children in their care and the function of the judicial system in the lives of their foster children.
- ✓ Foster parents must cooperate with and carry out the court-ordered plans for the child, including returning the child to his or her parents, placing with relatives, transferring to another substitute care setting, or adoption planning and placement.

Foster Parents Reimbursements

Basic monthly maintenance rates for substitute care are shown in the following table. These basic monthly maintenance allowances include *clothing, hair care/personal, school expenses, spending allowances, babysitting, mileage, activities, and diapers.*

Item	Age of Child		
	<i>0 – 5 years</i>	<i>6 – 12 years</i>	<i>13 or older</i>
Foster Home or Relative Foster Home	\$408	\$441	\$467
Semi-independent Living (minimum age 16)	---	---	\$467
Crisis Shelter Group Care	\$331	\$352	\$367
Emergency Foster Home (30-day maximum)	\$331	\$352	\$367
Specialized Foster Home	\$587	\$620	\$645
Group Home	\$331	\$352	\$367
Residential Treatment Center	\$331	\$352	\$367
Maternity Home	---	\$352	\$367

Treatment Foster Care (average)	\$510	\$531	\$546
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In addition to the basic monthly maintenance allowances, foster parents may also receive the following *incidental allowances*:

- Birthdays:** up to \$50 for preapproved birthday expenses.
- Activities:** those not included in maintenance payment.
- Graduation:** up to \$500 for graduation expenses
- Vacations:** up to \$45 per child per day for a maximum of ten days
- Clothing:** \$100 upon entering out-of-home placement; thereafter clothing is included in the monthly maintenance payment.
- Daily Supervision/ Respite Care:** \$25 per day for up to four days each month.
- Christmas Gifts:** \$50 from CYFD each year per child for foster parents to purchase gifts.
- Property Loss or Damage:** claims to be submitted within thirty days; claims under \$100 need one estimate; claims between \$100 and \$250 need two estimates; claims over \$250 up to \$3,000 need three estimates.
- Mileage:** Mileage is included in the monthly maintenance allowance to reimburse expenses associated with driving 100 miles. If that amount is exceeded, foster parents may request additional reimbursement.

Foster parents may also apply for nonstandard allowances when the cost of the child's placement is reimbursed through other funding sources, for example Medicaid.

Foster Parent Adoption/Permanent Guardianship

Until relatively recently, foster parents were not permitted to adopt the foster children in their care. CYFD has initiated a new policy that not only allows foster parents to adopt their foster children, but one that actively recruits foster parents who would be willing to adopt the child placed in foster care with them. The prerequisite for adoption is court-approved Termination of Parental Rights (TPR) or voluntary relinquishment by the parents. In addition, the Children's Code allows foster parents who have had a child in their home for six months or more (even if the child is not currently in the home) to intervene in actions for Termination of Parental Rights so as to be considered as an adoptive placement for the child.

Kinship foster parents may become permanent guardians rather than adoptive parents. Permanent Guardianship does not require TPR or relinquishment by the parents. It is very often the first choice of both CYFD and the biological parents.

Even though foster parents are now allowed to adopt or to become guardians, they are often reluctant to do so because of financial issues. Many foster parents are not aware that both adoption and permanent guardianship can be subsidized through federal programs and/or state programs. Federal subsidy does not depend on the family's income, but only on the special needs and status of the child. If the child does not meet federal criteria, then the foster family can apply to the state for an adoption or guardianship subsidy. The state will consider both the special needs of the child and the family income when considering an application for subsidized adoption or permanent guardianship. Foster parents may also not be aware that both adoption and permanent guardianship require in-depth home studies and background checks in addition to the checks required for foster parents.

Common Foster Parent Concerns

The following are concerns often expressed by foster parents:

- Lack of input into the decisions regarding children in their care. Foster parents are supposed, by CYFD regulations, to participate in CYFD staff conferences when decisions are made regarding their foster children. According to the data from the 2004 CRB survey, this participation is rarely the case. Also, foster parents report that their social workers do not listen them nor give them the respect they feel is their due.
- Lack of realistic reimbursement dollars. The last raise in reimbursement dollars foster parents received was over ten years ago. Given today's cost of living, they are not receiving adequate reimbursement for many items, especially the cost of clothing and gas mileage.
- Need for more and better foster parent training, especially regarding attachment issues. Not only do children coming into foster care have attachment issues related to their dysfunctional families of origin, but also foster children can have additional and often more severe attachment issues if they have been moved several times while in state custody. Children with attachment issues make successful foster parenting more difficult.
- Need to minimize the number of placements for children, and need for more concurrent planning. In order to minimize the trauma of multiple placements for children in foster care, an assessment procedure needs to be in place that will allow Protective Services to determine early on which children are most likely to be returned home and which children will not. With concurrent planning those children most likely not to return home could be placed in foster homes where the outcome could likely be adoption by that foster family. In the first instance initial placement in a foster home with a "better match" would reduce the number of sometimes unnecessary moves from home to home. For either of these situations there would have to be a large pool of foster homes, which New Mexico does not have at this time.

- Timeliness of placement agreements and licensing renewal. Legally, when a child is placed in a foster home there must be a signed substitute care agreement between CYFD and the foster parent. Foster parents must have their licenses renewed periodically. For a variety of reasons an agreement or renewal has not been executed, so that foster parents are often in the position of having children in their homes without legal protection or without a current license.
- Inclusion of foster parents in training when implementing new policies or modifying existing ones. Recently a new policy of visitation between children in foster care and their birth families was instituted. Social workers, GALs, Respondent Attorneys, and other interested parties were trained for the new system, but one extremely important group—the foster parents—was not. The foster parents found out when they were told that Johnny would now have to be brought to the office three times a week to visit with his family. And then Susie, from a different family. At no time were the foster parents told or consulted about this policy. This is a recent example of foster parents being the last to know about what was expected of them.
- Social worker turnover. Social worker turnover contributes detrimentally, in a very profound way, to the health, welfare, and safety of children in foster care. When there is turnover, both the children and the foster parents have to try to continually relate to and accept different social worker personalities and case management styles, in addition to lack of continuity and forward movement in any given case. CYFD has a Herculean task in its efforts to remedy this situation.
- Removal of children from non–Native American foster homes under the Indian Child Welfare Act. If the biological parents reside on the reservation, the tribal government has total control over the placement of abused and neglected children. The children are usually placed with relatives on the reservation and get services from the tribal social workers and the nearest Indian Hospital. CYFD has no jurisdiction in these cases, and thus foster parents off the reservation are usually not involved.

If the biological parents live outside of the reservation, CYFD initially takes custody and places the children, but must notify the tribal government immediately of both the custody and the placement, and tribal authorities make a placement decision. The foster family may thus have the child removed from their home soon after placement, especially if the family is not Native American. Because many Native American children in custody receive services from Indian hospitals, foster parents may also have to make special arrangements to access these services.

Foster Parent Associations

Support and information are available to foster parents through several organizations geared toward their specific needs. The *National Foster Parent Association* serves as a voice and provides support for foster parents. Its purpose is to bring together foster parents, agency representatives, and community people who wish to work together to improve the foster care system and enhance the lives of all children and families. It promotes mutual coordination, cooperation, and communication among foster parents, foster parent associations, child care agencies, and other child advocates. It also encourages the recruitment and retention of foster parents, and informs the membership and general public of current issues regarding foster care.

There are several regional foster parent associations around New Mexico, such as the *New Mexico Treatment Foster Parents Association*. A prominent statewide association is the *Rainbow Coalition*. This group has been very active in trying to work out a Foster Parents Bill of Rights with CYFD as well as other foster parent issues.

Implications for CRB Members

A foster care home may provide abused and neglected children with their first experience of a normal childhood and family life. It is important, therefore, for board members to understand:

- The commitment and generosity of spirit that most foster parents have.
- The concerns, limitations, and barriers to being a foster parent.
- Because the foster parent is with the child 24 hours/7 days a week, he/she has invaluable information about the child that can be used in making recommendations to the court and that cannot be replicated by sporadic social worker visits.
- Foster parents may develop ties with their foster children that transcend time and a return home or adoption by another family, and these ties should be supported where appropriate. In the 2004 survey of New Mexico foster parents, CRB learned that many foster families maintain these ties through informal arrangements with biological and adoptive families; the survey results indicate that foster children and foster families desire that these important relationships continue after return home or adoption.

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Sources:

North American Council on Adoptable Children,
<www.nacac.org/stateprofiles/newmexico.html>;

New Mexico State Foster Care,
<http://adoption.about.com/cs/fosteringbystate/p/new_mexico.htm>;

Child Welfare Handbook, chapter 11, “Foster Parents,”
<http://jec.unm.edu/resources/benchbooks/child_law/ch_11.htm>.

New Mexico Parent & Child Resources, Inc., <www.nmpcr.org/traditionalfoster.html>;

NM History & Laws, <www.preventchildabusenewmexico.org>;

Social Services, Child Protective Services, appendix G, “Maintenance Payments to Substitute Care Providers PR8.10.8.23 (dated 12/31/97);

CRB foster parent survey, 2004;

Grandsplace, <www.grandsplace.com/gp8/nm.html>.

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