

CAPTA STATE GRANT PROGRAM

New Mexico State Plan
Children, Youth & Families Department
Protective Services
September 25, 2018



CAPTA STATE GRANT PROGRAM

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Agency Response to 2017 Annual CRB Report provided as a separate document

2017 Annual CRB Report provided as a separate document

CAPTA STATE PROGRAM

NEW MEXICO STATE PLAN

CHILDREN, YOUTH & FAMILIES DEPARTMENT PROTECTIVE SERVICES DIVISION

The Protective Services Division (PSD) is the division within the Children, Youth and Families Department (CYFD) responsible for administering the Child Abuse Prevention and Treatment Act (CAPTA) plan that remains in effect for the duration of the State's participation in the CAPTA grant program. The CAPTA plan shares many of the same goals and objectives found within the New Mexico Child and Family Services Plan.

PSD is one of four service areas that make up the New Mexico Children, Youth and Families Department (CYFD), along with Early Childhood Services, Juvenile Justice Service and Behavioral Health Services.

CYFD consists of four service divisions:

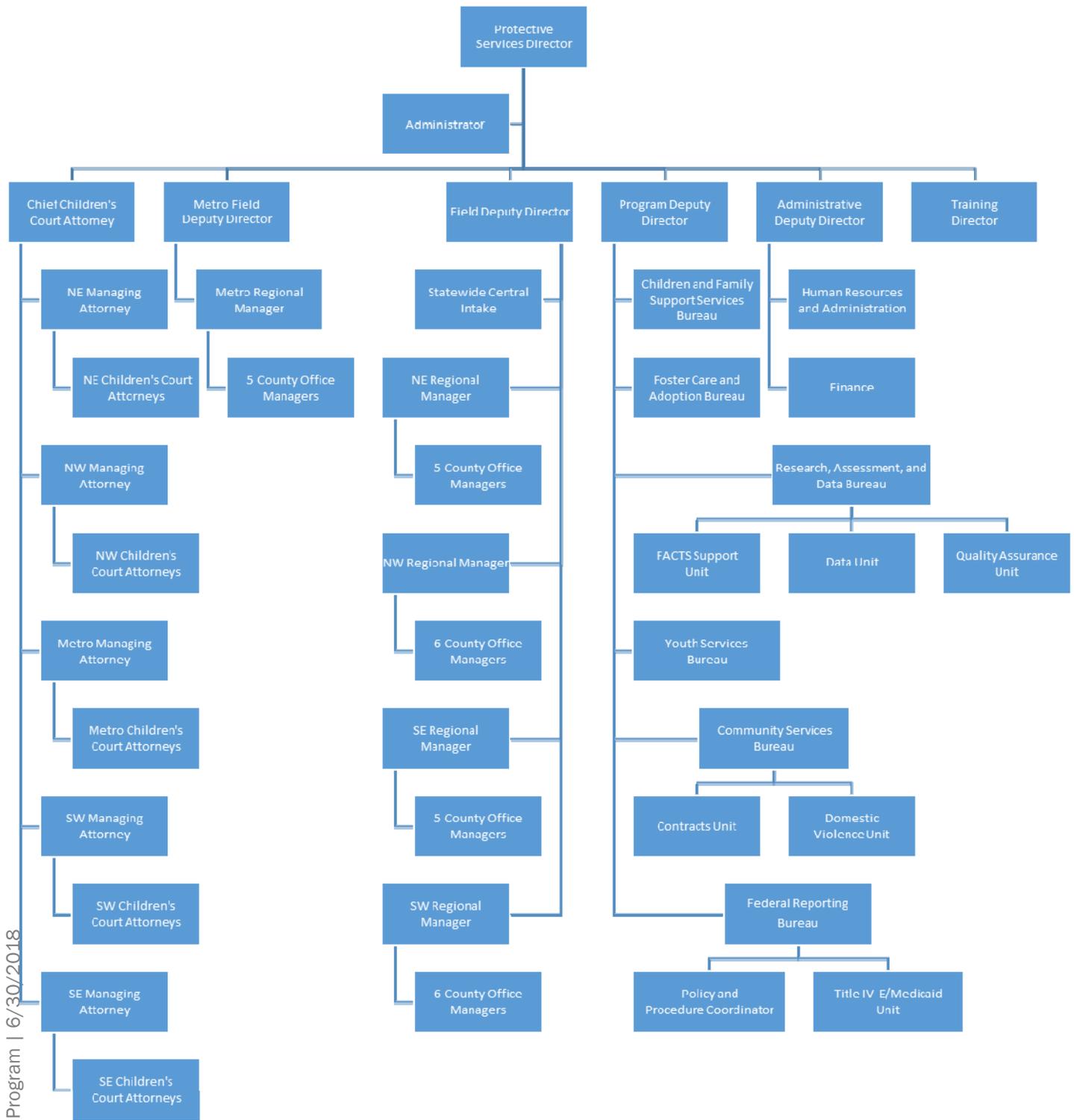
- Protective Services Division
- Early Childhood Services
- Juvenile Justice Services
- Behavioral Health

CYFD administrative services supports all the service areas and includes budget and revenue, financial management, employee support services, and information technology services. The office of the cabinet secretary includes the general counsel's office, the inspector general's Office, the constituent affairs director, the Native American liaison, and the director of legislative and community affairs.

PSD is the division within the CYFD designated to administer the Stephanie Tubbs Jones Child Welfare Services Program (Title IV-B subpart 1), the Promoting Safe and Stable Families (PSSF) Program (Title IV-B subpart 2), Child Abuse Prevention and Treatment Act (CAPTA), Title IV-E, the Chafee Foster Care Independence Program and Education and Training Voucher Program, and domestic violence services. As such, PSD is responsible for all child welfare services for children and families in New Mexico. PSD is mandated, in accordance with the New Mexico Children's Code, Section 32A-4 *et. seq.*, NMSA 1978, to receive and investigate reports of children in need of protection from abuse and neglect by their parent, guardian or custodian, and to take action to protect those children whose safety cannot be assured in the home. In addition, PSD is committed to assuring the safety and well-being of the children in its custody and to providing permanency in a timely manner.

PSD provides child protective services and other child welfare services throughout the state of New Mexico. Administration of the child welfare program is centralized, with direct services offered through county offices located within five designated regions. PSD consists of one director, a training director, four deputy directors, and one chief children's court attorney. County office managers report to five regional managers who, in turn, report one of two deputy directors.

PSD has in-house Children's Court Attorneys, located throughout the state and managed by Regional Attorney Managers under the Chief Children's Court Attorney.



PROGRAM AREAS DESCRIBED IN CAPTA AND PROPOSED FUNDING USE

In accordance with section 106(b)(1)(A) of CAPTA, the State plan must specify which of the following program areas described in section 106(a) it will address with the grant funds in order to improve the child protective services system of the State. New Mexico has elected to address the following program areas:

Program Area 1: the intake, assessment, screening, and investigation of reports of child abuse or neglect;

Program Area 2:

- creating and improving the use of multidisciplinary teams and interagency, intra-agency, interstate, and intrastate protocols to enhance investigations; and
- improving legal preparation and representation, including—
 - procedures for appealing and responding to appeals of substantiated reports of child abuse or neglect; and
 - provisions for the appointment of an individual appointed to represent a child in judicial proceedings;

Program Area 3: case management, including ongoing case monitoring, and delivery of services and treatment provided to children and their families;

Program Area 4: enhancing the general child protective services system by developing, improving and implementing risk and safety assessment tools and protocols, including the use of differential response;

Program Area 5: developing and updating systems of technology that support the program and tracking of child abuse and neglect from intake through final disposition and allow interstate and interstate information exchange;

Program Area 6: developing, strengthening, and facilitating training including:

- training regarding research-based strategies, including the use of differential response, to promote collaboration with the families;
- training regarding the legal duties of such individuals;
- personal safety training for case workers; and
- training in early childhood, child and adolescent development;

Program Area 7: improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers;

Program Area 8: developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect;

Program Area 10: developing and delivering information to improve public education relating the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect, including the use of differential response;

Program Area 14: developing and implementing procedures for collaboration among child protective services, domestic violence services, and other agencies in:

- investigations, interventions, and the delivery of services and treatment provided to children and families, including the use of differential response, where appropriate; and
- the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their non-abusing parents.

CHANGES FROM THE PREVIOUSLY APPROVED CAPTA STATE PLAN

There are no significant changes from the previously approved plan. The table below provides specific information on the activities, services and training planned under the grant for the coming year.

DESCRIPTION OF ACTIVITIES, SERVICES AND TRAINING UNDER THE GRANT

PSD coordinates programs and funding streams to provide for a comprehensive approach to service delivery. Activities, services and training supported with CAPTA grant funding are identified below. The following table outlines that status of the activities that New Mexico carried out with its CAPTA State Grant funds in the previous year, as well as activities intended to be carried out in the upcoming year.

Activity/Service/Training	2018 Status	Corresponding CAPTA Program Area
Continued support for maintenance of FACTS, the system used by PSD to track reports of child abuse and neglect from intake through final disposition and allows interstate and intrastate information exchange.	On-going: PSD anticipates use of funds in 2017-2018 to support maintenance of FACTS and anticipates moving toward “mobile FACTS” by late 2018.	Program Area 5
Provide training to foster parents, staff and other stakeholders at the New Mexico’s Children’s Law Institute (CLI), on the prevention of human trafficking and the prudent parent standards as outlined in the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183)	Support attendance and participation of PSD staff and foster parents (CPS workers and children’s court attorneys) at the annual conference held in January 2018. Will continue to support attendance and participation at the January 2019 institute and annual CLI thereafter. A specific track is provided on Preventing Sex Trafficking at the CLI Conference.	Program Areas 4, 6, 7 and 14
Develop and implement public education and awareness campaign for targeted audiences to increase knowledge of New Mexico’s child protective services system and improve reporting.	In 2018 PSD utilized CAPTA funds for Pull-Together campaign. The Pull Together includes a website is designed to be a simple navigation tool for resources such as parenting tips, services in communities and family activities. This same website will have information on volunteer opportunities, #SAFE, foster children backpack donation program, foster and adoption as well how to work for CYFD. Funds were also utilized towards the Pull-Together liaison work with county offices and towards the #SAFE hot line number.	Program Areas 1, 8 and 10

DESCRIPTION OF SERVICES, TRAINING AND POLICIES AND PROCEDURES

SERVICES

CYFD provides the following services to individuals, families or communities either directly or through referrals aimed at preventing the occurrence of child abuse and neglect. Services listed are not funded through the CAPTA grant of award.

- Information and referral services through PSD Statewide Centralized Intake (SCI) services. Services are available 24 hours a day, 7 days a week.
- CYFD Family Nutrition Bureau administers a statewide Child and Adult Food and Summer Food programs that provides nutritional meals for children and adults and nutrition education training for childcare providers and families.
- CYFD Early Care Services is committed to building and maintaining a quality childcare system and to assuring that children from low income families have equitable access to high quality programs.
- CYFD provides an array of behavioral health services for children and youth in partnership with the state's Behavioral Health Purchasing Collaborative.
- PSD Domestic Violence Unit within the Community Services Bureau oversees the Family Violence Services Prevention Act which provides such services as education, shelter and support services, including specific services to underserved populations.
- PSD, through the Safe and Stable Families program provides services and supports to families who have accepted children for foster care or adopted children.
- PSD through the Child Abuse Prevention and Treatment Act Title II program has funded services for community based child abuse prevention programs targeted at children aged 0-5 years old.
- New Mexico's home visiting program partners visitors with families to promote child development and confident parenting by supporting the relationship among family, home visitor and the community. Home visiting programs provide parents with support to enhance the parent-child relationship.
- The Children's Trust Fund provides funding for a variety of community based child abuse and neglect prevention programs across the state.

TRAINING

PSD provides the following training to support direct line and supervisory personnel in report taking, screening, assessment, decision making, and referral for investigating suspected instances of child abuse and neglect:

- CYFD PSD Statewide Central Intake (SCI) staff participate in mandatory Foundations of Practice offered through the Academy for Training and Professional Development. Training includes but is not limited to topics on interviewing, engagement, identifying child abuse and neglect, worker safety, worker self-care, decision making, and relevant New Mexico statutes on reporting child abuse and neglect.
- PSD SCI workers also receive on the job training and ongoing supervision.

CYFD PSD provides the following training to individuals who are required to report cases of child abuse and neglect:

- PSD provides training to community members including but not limited to: school personnel, early childhood education providers funded Part C of IDEA, law enforcement, behavioral health and community providers, and the medical community. Training is provided by SCI staff as well as staff from the local county offices. An e-learning has been completed for school personnel on detecting and reporting child abuse and neglect.

POLICIES AND PROCEDURES CROSSWALK

All Protective Services policies and procedures, and state statutes are available upon request.

Reporting of known or suspected child abuse and neglect, including a State law for mandatory reporting.	<ul style="list-style-type: none"> • NMSA 1978 Section 32A-4-3 A
Reporting and addressing the needs of infants born with and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder, including a requirement that health care providers involved in the delivery or care of such infants notify the child protective services system.	<ul style="list-style-type: none"> • NMSA 1978 Section 32A-4-3 A • PS Intake Procedures PR 8
Procedures, including the use of differential response, for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service.	<ul style="list-style-type: none"> • In-Home Services Policy, 8.10.6 NMAC • In-Home Services Procedures • NM does not provide Differential Response
Procedures for immediate steps to be taken to ensure and protect the safety of a victim of child abuse or neglect and of any other child under the same care who may also be in danger of child abuse or neglect and ensuring their placement in a safe environment.	<ul style="list-style-type: none"> • Permanency Planning Policy, 8.10.8.10 NMAC • Permanency Planning Procedure, PR 10
Provisions for immunity from prosecution under State and local laws for individuals making good faith reports of suspected or known instances of child abuse or neglect.	<ul style="list-style-type: none"> • NMSA 1978 Section 32A-4-5 B
Methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians.	<ul style="list-style-type: none"> • NMSA 1978 Section 32A-4-33 • PS General Policies, 8.8.2.15 NMAC • PS General Procedures. PR 15
Provisions to require a State to disclose confidential information to any Federal, State, or local government entity that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect.	<ul style="list-style-type: none"> • NMSA 1978 Section 32A-4-33 B
Provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality.	<ul style="list-style-type: none"> • NMSA 1978 Section 32A-4-33.1
The cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services in the investigation, assessment, prosecution, and treatment of child abuse and neglect.	<ul style="list-style-type: none"> • NMSA 1978, "Abuse and Neglect Act," Sections 32A-4-1 through 32A-4-34 • PS Investigation, 8.10.3 NMAC • PS Investigation Procedures • Permanency Planning, 8.10.8 NMAC • Permanency Planning Procedures

Provisions and procedures requiring that in every case involving a victim of child abuse or neglect which results in a judicial proceeding, a guardian ad litem who has received training appropriate to the role, including training in early childhood, child, and adolescent development, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role, shall be appointed to represent the child in such proceedings.	<ul style="list-style-type: none"> • NMSA 1978 Section 32A-1-7
The establishment of citizen review panels.	<ul style="list-style-type: none"> • NMSA 1978, "Citizen Substitute Care Act," Section 32A-8-1 through 32A-8-7
Provisions, procedures, and mechanisms for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law; and by which individuals who disagree with an official finding of child abuse or neglect can appeal such finding.	<ul style="list-style-type: none"> • NMSA 1978 Section 32A-4-29
Provisions, procedures, and mechanisms that assure that the State does not require reunification of a surviving child with a parent who has been found by a court of competent jurisdiction: <ul style="list-style-type: none"> • to have committed murder (which would have been an offense under section 1111(a) of title 18 if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent; • to have committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18 if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent; • to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter; • to have committed a felony assault that results in the serious bodily injury to the surviving child or another child of such parent; • to have committed sexual abuse against the surviving child or another child of such parent; or • to be required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16913(a)). 	<ul style="list-style-type: none"> • NMSA 1978 Section 32A-4-2 C • Permanency Planning Procedures, PR 8
Provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse or neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant.	<ul style="list-style-type: none"> • PS Investigation, 8.10.3.12 NMAC • PS Investigation Procedures, PR 12
Provisions and procedures for improving the training, retention, and supervision of caseworkers.	<ul style="list-style-type: none"> • PS General Policies, 8.8.2.21 NMAC • PS General Procedures, PR 21
Provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to early intervention services funded under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).	<ul style="list-style-type: none"> • PS Investigation Procedures, PR 19
Provisions and procedures for requiring criminal background checks that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20) for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household.	<ul style="list-style-type: none"> • Licensing Requirements for Foster and Adoptive Homes, 8.26.4.10 NMAC • Licensing Requirements for Foster and Adoptive Homes Procedures, PR 21
Provisions for systems of technology that support the State child protective service system track reports of child abuse and neglect from intake through final disposition	<ul style="list-style-type: none"> • PS General Policies, 8.8.2.14 NMAC • PS General Procedures, PR 14

<p>Provisions and procedures for training CPS workers about identifying, assessing and providing comprehensive services to children who are sex trafficking victims, including efforts to coordinate with state law enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters.</p>	<ul style="list-style-type: none"> • Permanency Planning 8.10.8.24 NMAC • Permanency Planning Procedures, PR 24 • Youth Services, NMAC 8.10.9.22 • Youth Services Procedures, PR 22
<p>Provisions and procedures regarding identifying and assessing all reports involving known or suspected child sex trafficking victims</p>	<ul style="list-style-type: none"> • Permanency Planning 8.10.8.24 NMAC • Permanency Planning Procedures, PR 24 • Youth Services, NMAC 8.10.9.22 • Youth Services Procedures, PR 22
<p>Policies or procedures to ensure that victims of sex trafficking, as defined in sections 103(9) (A) and (10) of the TVPA, are considered victims of child abuse and neglect and sexual abuse.</p>	<ul style="list-style-type: none"> • Permanency Planning 8.10.8.24 NMAC • Permanency Planning Procedures, PR 24 • Youth Services, NMAC 8.10.9.22 • Youth Services Procedures, PR 22

JUSTICE FOR VICTIMS OF SEX TRAFFICKING ACT OF 2015

POLICIES AND PROCEDURES:

Protective Service Division has incorporated amendments made by the Justice for Victims of Sex Trafficking Act of 2015 into the policies and procedure listed in the table below. All Protective Services policies and procedures, and state statutes are available upon request.

<p>Provisions and procedures for training CPS workers about identifying, assessing and providing comprehensive services to children who are sex trafficking victims, including efforts to coordinate with state law enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters.</p>	<ul style="list-style-type: none"> • Permanency Planning 8.10.8.24 NMAC • Permanency Planning Procedures, PR 24 • Youth Services, NMAC 8.10.9.22 • Youth Services Procedures, PR 22
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TRAINING:

All PS staff will be trained in Youth Sex Trafficking during the month of July, 2018. A curriculum was developed with the assistance of Behavioral Health and the PSD Training Director to include an e-learning component and a 3 hour face to face training that is regionally based.

TECHNICAL ASSISTANCE NEEDED:

PSD does not require any technical assistance at this time.

COMPREHENSIVE ADDICTION AND RECOVERY ACT (CARA)

The State of NM CYFD/Protective Services Division (PSD) entered a Program Improvement Plan in 2017 with the purpose of becoming compliant with PL 114-198. PSD formulated a workgroup comprised that includes significant stakeholders and advocates in the child welfare community to begin this work. The workgroup includes:

- Dr. Andrew Hsi, Co Chair of the CARA Safe Planning Workgroup, UNM FOCUS Program
- Jennifer Saavedra, CYFD Dep. Cabinet Secretary, Co Chair
- Dr. Janis Gonzales, NM Department of Health (DOH) Family Health Bureau Chief
- Dr. Thomas Massaro, Regional Manager, NM Department of Health
- Susan Merrill, NM DOH Children’s Medical Services
- Susan Chacon, Children’s Medical Services
- Cynthia Chavers, CYFD Federal Reporting Bureau Chief
- Kelly Wascher, GRACE Program Director, Lovelace Health Systems
- Kim Strauss, The Brindle Foundation
- Johnny Wilson, Fathers NM
- Tena Ross, United Health Care
- Dr. Wendy Johnson, La Familia Health Clinic
- Wayne Lindstrom, NM Behavioral Health Division
- Sarah Meadows, CYFD Data Manager
- Luigi Saavedra Garcia, NM DOH Epidemiology
- Andrea Sundberg, NM DOH Medical Cannabis Program
- Su Hodgeman, NWNM First Born

The workgroup also includes several other participants not listed here.

The workgroup convened in September 2017 and meets monthly to create a statewide plan to meet the requirements of the CAPTA PIP. The co-chairs of the group were Jennifer Saavedra, CYFD, and Dr. Andy Hsi, medical expert on Neonatal Abstinence Syndrome and childhood adversity, and Director of the UNM Hospital FOCUS Program. The workgroup has a stated value of creating a statewide plan that is not punitive in nature and that encourages family engagement in safe care planning for newborns.

The workgroup decided early-on that a change in law is not required for NM to meet the requirements of the PIP, because the NM Children’s Code already mandates that any person with a reasonable suspicion of child abuse or neglect must report their concerns. CARA safe planning should not interfere with a medical provider’s ability to make a CPS referral, if the medical provider suspects that the parent does not have the capacity to parent the child adequately. PSD’s Chief Children’s Court Attorney, has provided the following guidance regarding New Mexico’s plan to not change legislations around reporting requirements:

1. All persons in New Mexico are already required under the Abuse/Neglect Act to report reasonable suspicions of child abuse/neglect (32A-4-3);
2. CARA requires that Health care providers “notify” the CPS system of the occurrence of a separate condition, not equivalent to abuse/neglect (although it undoubtedly overlaps), which is “*being affected* by substance abuse or withdrawal symptoms”. Let’s call this the “being affected” (BA) population of newborns in NM.
3. Some of the BA population are already the subjects of reasonable suspicion of abuse/neglect, in which case they are already reported through SCI under the Abuse/Neglect Act. However, there is some percentage of the BA population that are not subjects of reasonable suspicion of abuse/neglect

(e.g. parent or bio mother takes all necessary steps in pre- and post-natal care to address substance issues).

4. I believe the child-welfare stakeholders in NM would recoil at having BA reported within Abuse Neglect Act, as there would be too much tendency to see BA as the equivalent of abuse/neglect;
5. Thus, if NM needed a statutory requirement for reporting of BA, it should probably be placed somewhere in New Mexico statutes other than the abuse/neglect act.

The work group acknowledges that summary reports regarding notification by health care providers involved in the delivery or care of such infants will be collected by appropriate data systems in collaboration with the directive to child protective services. The data will be entered into the National Child Abuse and Neglect Data System (NCANDS) as specified in communications from the Children's Bureau. The work group has determined that the identification of substance use in pregnancy or the identification of an infant with prenatal substance exposure does not, by the New Mexico Children's Code and by the amendment of CARA constitute:

- a. a definition of what constitutes child abuse or neglect; or
- b. require prosecution for any illegal action.

The work group has further drafted this response to create a safe plan for an infant exposed to substances that addresses the health and substance use disorder treatment needs of the infant and affected family or caregiver.

Additionally, the Federal Reporting Bureau Chief and Community Services Bureau Chief have begun meeting on how to spend the additional CAPTA funds received in regards to CARA safe care planning. Plans for the additional funds include:

- Contracting training to hospitals on identifying those infants and families in need of a safe care plan;
- Training to hospital staff on completing a safe care plan; and
- Assistance with data collection.

(See attached *Plan to Meet the Requirements of the 2017 CYFD CARA Program Improvement Plan*)

CHILD FATALITIES AND NEAR FATALITIES

CHILD FATALITIES

In 2017, the number of deaths resulting from child abuse or neglect was 8 deaths. Data was gathered for the NCANDS child file through New Mexico's SACWIS system; additional data was obtained regarding the NCANDS agency file was obtained through the New Mexico Office of the Medical (OMI).

According to the New Mexico OMI's website, the OMI "investigates any death occurring in the State of New Mexico that is sudden, violent, untimely, unexpected, or where a person is found dead and the cause of death is unknown." Additionally the OMI provides the formal death certification. Reports from the OMI are utilized as these are the most comprehensive and reliable reports available.

New Mexico State statute, 32A-4-33.1, "Records Release When A Child Dies," outlines CYFD's responsibility for publically disclosing a child fatality when there is reasonable suspicion the fatality was caused by abuse or neglect.

32A-4-33.1 NMSA 1978 states:

- A. After learning that a child fatality has occurred and that there is reasonable suspicion that the fatality was caused by abuse or neglect, the department shall, upon written request to the secretary of the department, release the following information, if in the department's possession, within five business days:
 - (1) the age and gender of the child;
 - (2) the date of death;
 - (3) whether the child was in foster care or in the home of the child's parent or guardian at the time of death; and
 - (4) whether an investigation is being conducted by the department.
- B. If an investigation is being conducted by the department, then a request for further information beyond that listed in Subsection A of this section shall be answered with a statement that a report is under investigation.
- C. Upon completion of a child abuse or neglect investigation into a child's death, if it is determined that abuse or neglect caused the child's death, the following documents shall be released upon request:
 - (1) a summary of the department's investigation;
 - (2) a law enforcement investigation report, if in the department's possession; and
 - (3) a medical examiner's report, if in the department's possession.
- D. Prior to releasing any document pursuant to Subsection C of this section, the department shall consult with the district attorney and shall redact:
 - (1) information that would, in the opinion of the district attorney, jeopardize a criminal investigation or proceeding;
 - (2) identifying information related to a reporting party or any other party providing information; and
 - (3) information that is privileged, confidential or not subject to disclosure pursuant to any other state or federal law.
- E. Once documents pursuant to this section have been released by the department, the department may comment on the case within the scope of the release.
- F. Information released by the department consistent with the requirements of this section does not require prior notice to any other individual.
- G. Nothing in this section shall be construed as requiring the department to obtain documents not in the abuse and neglect case file.

- H. A person disclosing abuse and neglect case file information as required by this section shall not be subject to suit in civil or criminal proceedings for complying with the requirements of this section.

CHILD NEAR FATALITIES

PSD has developed a protocol system to report “serious injury,” which can be construed as a near fatality, to the CYFD Secretary and Chief of Staff, as well as PSD Executive Management. All public response to the any child fatality or serious injury is handled by the CYFD Public Information Office. This protocol has been added to PSD’s Intake Policy at 8.10.2.15 NMAC:

8.10.2.15 HIGH PROFILE CASE, SERIOUS INJURY AND CHILD FATALITIES: SCI shall initiate an internal notification protocol within CYFD when a SCI supervisor has determined a report involves a serious injury, child fatality or may be a high profile case. [8.10.2.15 NMAC - N, 09/29/2015]

STEPS TO TRACK AND PREVENT CHILD MALTREATMENT DEATHS

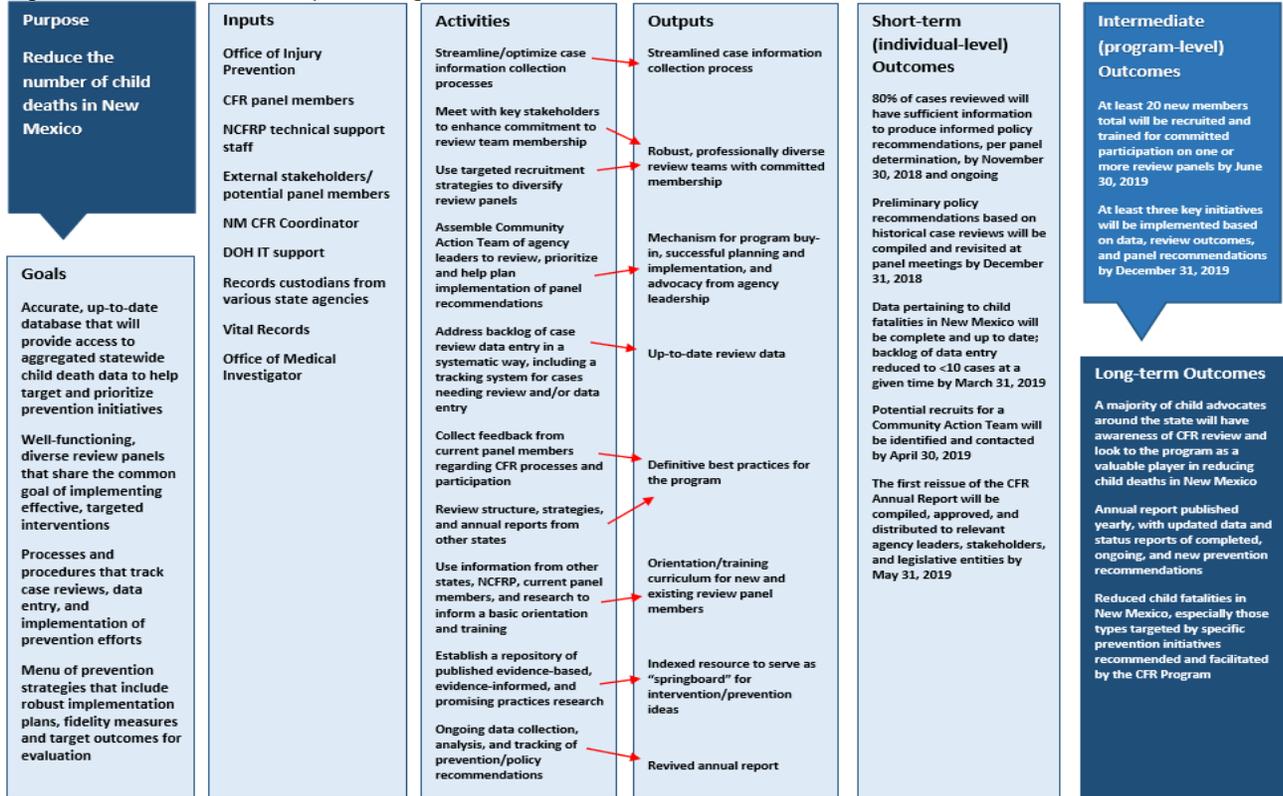
PSD has members on all four of the panels of the New Mexico Child Fatality Review (NMCFR) which was established to examine the circumstances that contribute to the deaths of infants, children, and youth in New Mexico. The four panels include child abuse/neglect, youth suicide, sudden unexpected infant death, and unintentional injury. NMCFR brings together multidisciplinary teams composed of experts from professional and community agencies to evaluate information pertaining to child deaths and to identify risk factors in those deaths.

NMCFR’s goal is to develop recommendations for improved interagency collaboration, and policy and practice changes that focus on prevention of fatalities and near-fatalities. There has been some discussion on reeving near-fatalities in the child abuse/neglect panel, but this idea is still in early stages of development.

The NMCFR releases an annual report that is posted to the New Mexico Department of Health public website. In addition to the website, NMCFR has future plans for distributing the report more strategically by targeting agency leadership, advocates, and legislators. Case identifying information surrounding child fatalities is confidential.

PSD has begun collaborating with the Department of Health (DOH) on steps to track and prevent child maltreatment deaths. DOH has developed an initial Logic Model for Child Fatality Review; the Logic Model is a “living document” and will likely be updated as PSD meets with DOH over the next several months. (*See Logic Model below*)

Logic Model: New Mexico Child Fatality Review Program



NOTIFICATION REGARDING SUBSTANTIVE CHANGES TO STATE LAW

There were no significant child welfare amendments made to the New Mexico Children’s Code this 2018 New Mexico Legislative Session.

CITIZEN REVIEW PANELS

The NM Citizen Review Board, a project of the New Mexico Child Advocacy Networks has over 180 volunteers staffing 39 local review boards across the state. The director of the NM Citizen Review Board reports that a few volunteers have disclosed prior child abuse history. The Board is also currently engaged in efforts to work with CYFD’s foster care youth advocacy board to formalize a relationship to provide for active participation on the boards by youth. The NM Citizen Review Board is an independent project legislatively created by the State of New Mexico with a two part mandate:

1. To review the cases of children in the custody of the state and make recommendations to the Judge who presides over the case; and
2. To make recommendations to the NM Legislature, Children, Youth and Families Department and the courts regarding the statutes, policies and procedures relating to substitute care.

A copy of the annual report from the Citizen Review Board and the agency’s response is attached as a separate document.

CAPTA ANNUAL STATE DATA REPORT

REQUIREMENT	VALUE	COMMENT
Number of children reported to the State during the year as victims of child abuse or neglect	26,597	Number of alleged child victims reported for FFY2017
Number of children who were:		
<ul style="list-style-type: none"> • Substantiated 	8,577	
<ul style="list-style-type: none"> • Unsubstantiated 	17,534	
<ul style="list-style-type: none"> • Determined to be False 	N/A	PSD does not collect information on false reports.
Of the number reported above, the number of children who:		
<ul style="list-style-type: none"> • Did NOT receive services from state 	N/A	Not available. Provision of services is determined by placement, payment for services and development of a case plan for services. Unpaid and undocumented services cannot be counted. For this reason the count of children receiving services is considered underreported. Children not receiving services cannot be easily identified by subtracting the number receiving services from the total number of children reported.
<ul style="list-style-type: none"> • Received services from state 	7,394	Number of duplicated children receiving services as a result of the investigation which includes both substantiated and unsubstantiated children.
<ul style="list-style-type: none"> • Removed from families during year by disposition of case 	2,258	Number of duplicated children entering care which includes both substantiated and unsubstantiated children; the number of unique substantiated child victims entering care is 1,269.
Number of FAMILIES that received preventative services, including use of differential response, from state during year	N/A	In FFY2015 all contractors reported both family and child counts. As a result, the state is reporting only child numbers based on NCANDS instructions and guidance for programs that report both.
CHILDREN receiving preventative services through the Community-Based Prevention of Child Abuse & Neglect Grant	241	The number of children and families served are significantly higher in FFY16 as we began year 2 of these contracts. Providers have established referral sources and families were served through the entire FFY, instead of 9 months the prior year.
CHILDREN receiving preventative services through the Safe and Stable Families Program	457	
CHILDREN receiving preventative services through "Other" funding sources	293	
Number of deaths resulting from child abuse or neglect	13	
Of number of child deaths, number in foster care	0	

REQUIREMENT	VALUE	COMMENT
Number of CPS staff responsible for:		
<ul style="list-style-type: none"> Intake, screening and assessment of reports 	46	Intake, screening and assessment are all done by SCI staff. There are 40 FTE SCI staff including intake workers, senior workers and supervisors.
<ul style="list-style-type: none"> Investigation of reports 	213	This count includes all investigation staff excluding county office managers and client service aides. It does not include SCI staff.
Agency response time to initial investigation of reports		Response time here is measured from the Report Received Date/Time to the Date/Time worker made contact with all alleged victims.
Response time with respect to provision of services	N/A	Not Available
Personnel qualifications		See Section 1 below
Number of children reunited with families who within 5 years are the subject of a substantiated report	346	The count of child victims includes unduplicated children who experienced substantiated maltreatment during FFY17 <i>and</i> were reunified within the previous five years (regardless of the date of removal).
Number of children whose family received family preservation services who within 5 years were the subject of a substantiated report	350	The count of child victims includes unduplicated children who experienced substantiated maltreatment during FFY17 <i>and</i> had a family preservation (known in New Mexico as In-Home Services) case close within the five years prior to the reporting period. Contracted I-HS services cases are likely underreported.
Number of children with court appointed representation	1,194	Number of unduplicated children with juvenile court petitions filed during FFY17. All children named in petitions are appointed a Guardian ad Litem or Youth Attorney.
Average number of out of court contacts	10	This number is provided by the New Mexico Child Advocacy Network's CASA Volunteer Program.
Annual Citizen Review Panel Report		Submitted by NM Citizen Review Board
Number of children under care of CPS who are transferred into custody of state Juvenile Justice System		See Section below
Number of children referred to CPS who are drug affected at birth	N/A	Not Available
Number of children eligible for referral to early intervention services	3,702	Unduplicated children referred to early intervention services.

A. INFORMATION ON CHILD PROTECTIVE SERVICES WORKFORCE

- Qualifications:** PSD staff must meet minimum qualifications, as determined by their positions and job functions. If a social work license is required for a position, the employee will meet the necessary requirements to maintain that licensure. Qualifications for each position are as follows:

 - Statewide Central Intake (SCI) Worker:** Bachelor's Degree in Social Work, Education, Counseling, Psychology, Sociology, Criminal justice or Family Services/Studies from an accredited college/university. Experience is not required for these positions.
 - SCI Senior Worker:** Bachelor's Degree in Social Work, Education, Counseling, Psychology, Sociology, Criminal justice or Family Services/Studies from an accredited

college/university and two years of any combination of experience including working with communities, working on health or social service related matters, social work/case management experience, behavioral health and/or health care.

- **SCI Supervisor:** Bachelor's Degree in Social Work from an accredited college/university, four (4) years of any combination of experience including working with communities, working on health or social service related matters, social work/case management experience, behavioral health and/or health care, and licensure by the NM Board of Social Work Examiners at the LBSW, LMSW, or LISW level or eligibility for such licensure in accordance with NM requirements **OR** Bachelor's Degree in Social Work, Education, Counseling, Psychology, Sociology, Criminal Justice or Family Services from an accredited college/university and six (6) years of any combination of experience including working with communities, working on health or social service related matters, social work/case management experience, behavioral health and/or health care.
- **Investigation Case Worker:** Bachelor's Degree in Social Work, Education, Counseling, Psychology, Sociology, Criminal Justice or Family Services from an accredited college/university and two (2) years of any combination of experience including working with communities, working on health or social service related matters, social work/case management experience, behavioral health and/or health care
- **Investigation Senior Worker:** Bachelor's Degree in Social Work, Education, Counseling, Psychology, Sociology, Criminal Justice or Family Services from an accredited college/university and four (4) years of any combination of experience including working with communities, working on health or social service related matters, social work/case management experience, behavioral health and/or health care.
- **Investigation Supervisor:** Bachelor's Degree in Social Work from an accredited college/university, four (4) years of any combination of experience including working with communities, working on health or social service related matters, social work/case management experience, behavioral health and/or health care, and licensure by the NM Board of Social Work Examiners at the LBSW, LMSW, or LISW level or eligibility for such licensure in accordance with NM requirements **OR** Bachelor's Degree in Social Work, Education, Counseling, Psychology, Sociology, Criminal Justice or Family Services from an accredited college/university and six (6) years of any combination of experience including working with communities, working on health or social service related matters, social work/case management experience, behavioral health and/or health care.
- **In-Home Services Practitioner:** Master's Degree in Social Work, Guidance and Counseling, Counseling, Psychology, Sociology or Criminology from an accredited college/university is required for this position and two years of any combination of experience including working with communities, working on health or social service related matters, social work/case management experience, behavioral health and/or health care. Must possess a current license in New Mexico as a Doctoral Level Psychologist, Psychologist Associate, LISW, LMSW, LPC, and LPCC, LMHC or LMFT or eligibility for such licensure in accordance with New Mexico requirements.
- **In-Home Services Practitioner Supervisor:** Master's Degree in Social Work, Guidance and Counseling, Counseling, Psychology, Sociology or Criminology from an accredited college/university is required for this position and four years of any combination of experience including working with communities, working on health or social service related matters, social work/case management experience, behavioral health and/or health

care. Must possess a current license in New Mexico as a Doctoral Level Psychologist, Psychologist Associate, LISW, LMSW, LPC, and LPCC, LMHC or LMFT or eligibility for such licensure in accordance with New Mexico requirements.

2. **Training:** PSD staff participates in training as required by PSD and CYFD, and as determined by their positions and job functions. All training is based on competencies for positions and job functions.

- **Supervisory Training:** All new PSD supervisors and County Office Managers (COM) attend a week of Human Resources training and a three day Situational Leadership training.
- **Pre-Service Training:** All new Social and Community Services Coordinators working in PSD county offices and Statewide Central Intake and other staff as determined by supervisors and managers shall complete Foundations of Practice offered through the Academy for Training and Professional Development before receiving primary case assignment in FACTS. In addition to Foundations of Practice, workers attend on the job training.
- **In-Service Training:** All Social and Community Services Coordinators working in PSD county offices and Statewide Central Intake, Children’s Court Attorneys, COMs, and other staff as determined by supervisors and managers shall participate in in-service training as required by PSD management. In addition, the PSD worker meets any other training requirements set by his or her supervisor.

3. **Education:**

Full Time Employee (FTE)	Number
Total Division FTE	927.0
Total Case Worker FTE	506.0
Total Case Worker Vacancies	71.5
Caseworker	Percentage
Total BSW w/ Licensure	10.6%
Total MSW w/ Licensure	19.9%
Total BSW no Licensure	16.4%
Total MSW no Licensure	14.4%
Total Related Bachelors no Licensure*	28.6%
Total Related Masters no Licensure*	10.1%
Total Related Degrees no Licensure*	N/A

*No related degree employees are licensed Social Workers.

PSD does not have an automated system to collect education levels of caseworkers. As of date, hand counts are tallied. The PSD HR manager has tasked the newly hired HR coordinator with collecting this information, it will be submitted to the Children’s Bureau once completed.

4. **Demographic Information:** Percentages provided below are based upon a total of # Investigation and Intake workers, including supervisors.

Ethnicity	Percentage
African American	2.1%
American Indian	5.0%
Asian	0.5%

Hispanic	55.7%
Samoan	0.1%
White	29.0%
Other	0.2%
Not Specified	7.0%

Gender	Percentage
Female	85.1%
Male	14.9%

- 5. Information on Caseload or Workload Requirements:** The state does not set a maximum number of cases per child protective services worker or supervisor. The 12-month average caseloads for 2018 were 12.7 new reports per month for investigation workers; 19.7 children for permanency planning workers; and 4.3 families for in-home services workers. The average ratio of supervisors to workers is 4.4 case workers per supervisor.

B. JUVENILE JUSTICE TRANSFERS

New Mexico does not transfer children who were in the care of the protective services system to the custody of the juvenile justice system. The child protective services system retains custody of the child during the time the child is served by the juvenile justice system. CYFD is the umbrella agency for both the Protective Services Division and Juvenile Justice Services. All cases are contained in the same management information system (FACTS).

STATE CAPTA COORDINATOR/STATE LIAISON OFFICER

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