



New Mexico Children,
Youth & Families Department

For Immediate Release

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The Children, Youth, and Families Department Announces Settlement In Childcare Suit

The Children, Youth and Families Department announced this week that a settlement has been reached in a lawsuit regarding childcare assistance payments. The settlement of the suit, which was brought against the department in September 2018, will require CYFD to provide increased access to child care assistance to families across the state.

“This agreement is a step in the right direction when it comes to increased transparency and accountability,” CYFD Secretary Brian Blalock said. “This agreement will also ensure due process for our children and our families.”

Parents will now have access to the methods used to determine child care co-pays and will receive appropriate notices about appeals and free legal assistance.

Blalock said, “This will make it easier for families to check the department’s methodology to ensure they are receiving an appropriate subsidy and to file an appeal when they think something is wrong.”

Families who applied for benefits and the organization OLÉ were represented by the New Mexico Center on Law and Poverty as plaintiffs in the suit. First Judicial District Court Judge Matthew J. Wilson signed off on the order this week.

The order also requires the department comply with the following:

- Maintain the income cap of the program at 200% of the federal poverty level or hold appropriate public rule change hearings to modify the income cap.
- Provide information on co-payment rates and the methodology used to determine the share a family pays in CYFD offices statewide and on the department website.
- Add child care assistance eligibility requirements to existing regulations. Regulation must also include methodology used to determine the portion of parental cost calculated by CYFD.

- Display information on childcare assistance program eligibility and rights in all CYFD offices and provide the same information in writing in English and Spanish.

“This will allow more New Mexican children and families access to affordable child care,” CYFD Chief Council Kate Girard said. “The department remains committed to improving access to all services and we are happy to have resolved this matter to serve more kids.”

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