



State of New Mexico

CHILDREN, YOUTH AND FAMILIES DEPARTMENT

Michelle Lujan Grisham, Governor
Brian Blalock, Secretary
Terry Locke, Deputy Secretary

FOR IMMEDIATE RELEASE

Contact: Charlie Moore-Pabst, Deputy Public Information Officer
Phone Number: (505) 470-3248

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**CYFD Unveils Foster Care Regulation Changes that Align with
Federal Law**

*The Changes Will Help Family and “Fictive Kin” of Children Taken into Care to Become
Licensed Foster Care Providers*

Albuquerque – CYFD unveiled updated regulations for licensing foster care providers in the State. The updates are designed to better serve children who have experienced abuse or neglect by helping those children’s extended family members become licensed foster care providers for them in a timely manner.

Licensing family members as care providers promptly when children come into care has the effect of reducing the number of placement moves for children, ensuring more social stability and helping facilitate continuity of sibling and parental relationships while children are in care. Crucially, licensing kinship care providers ensures that they can receive vital supports and services available to them from the State of New Mexico to provide the best possible care for their young family members.

“We’re removing unnecessary barriers that have prevented us from immediately placing children with family members, especially those who they already know and love,” said Cabinet Secretary Brian Blalock. “When children come into foster care, they have already experienced trauma. Being placed with strangers can be an additional trauma – an additional Adverse Childhood Experience (ACE) - that we can avoid when kinship placement is a priority.”

Research shows that children and youth who have experienced abuse or neglect and are placed in foster care do better across several measures, including time to permanency, educational outcomes and mental/behavioral wellness, if they remain with family or “fictive kin” during their time in out-of-home placement. “No one wants to be without their family,” said Joseph Garcia, who serves as the President of LUVYANM, an advocacy group by and for young people who have experienced foster care. “Without your family, you lose a sense of security and love, and it makes you question yourself. We feel ashamed because of what happened and we don’t like carrying that around with us. When I finally got to a relative, it was a lot easier for me



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to feel and work through the emotions that I was feeling and to and to grieve [being away from my parents] in a healthy way because I had that comfort zone of being at my grandmother's house."

Joseph's Grandfather added, "It takes a village to raise a child but sometimes parents won't allow the village in. As a Grandparent, you may want to help your own children parent differently, but it's hard to tell them how to raise their children, and your influence is limited [unless the system gets involved]."

With the enhanced supports CYFD plans to provide to these kinship care providers, the home is entire family systems will be strengthened for the long term.

The updates include provisions for licensing people who are undocumented as foster care providers. "We're very proud of this provision because it acknowledges New Mexico's unique social and cultural circumstances and the State's unwavering commitment to supporting asylum seekers and refugees, many of whom are children," said CYFD's Immigration Director Megan Finno-Velasquez. "Most of these relatives have been an informal support to these children for years – if not decades. This change in policy helps us formalize that relationship to better support both our children and their caregivers."

While not written into the regulations, CYFD's procedures always include emergency contingencies including back-up foster care providers in the event that a caregiver is not available due to any circumstance. In New Mexico, 1 in 11 children live with at least one relative who is undocumented, according to the American Immigration Council¹. Removing barriers to licensing people who are undocumented as foster care providers for children who have experienced abuse or neglect is the right move and has the support of the American Bar Association, which CYFD worked with in drafting the updated regulations.

"Across the country, child welfare systems are shifting to prioritize kinship care, because research consistently shows children and youth do better in both the short- and long-term if they are placed with relatives or 'fictive kin' – people they already know," said Heidi Redlich Epstein, JD, MSW, Senior Staff Attorney and Director of Kinship Policy for the American Bar Association's Center on Children and the Law. "New Mexico's updated regulations are some of

¹ American Immigration Council analysis of data from the 2010-2014 ACS 5-Year, using Silva Mathema's "State-by-State Estimates of the Family Members of Unauthorized Immigrants" and IPUMS-USA. Steven Ruggles, Katie Genadek, Ronald Goeken, Josiah Grover, and Matthew Sobek, Integrated Public Use Microdata Series: Version 7.0 [dataset] (Minneapolis, MN: University of Minnesota, 2017).



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the most diligent I've seen in the country as far as following the Federal Families First Act to ensure that they can place children with relatives.”

Other updates that CYFD has added to its regulations include:

- Ensuring that processes are in place for performing the required background checks for all caregivers – including undocumented caregivers – using accessible, appropriate and accurate methods for doing so;
- Clarifying the process for assessment of non-child-abuse-related criminal histories for prospective foster care providers, which goes further than federal requirements related to criminal history by setting additional protocols for evaluation of crimes that are not automatic disqualifiers;
- Following Federal guidelines, limiting the number of foster children that can be in any one home to six (6) (up to 8 children, total) with exceptions for sibling groups, teenaged youth who are parenting, and others.

CYFD worked closely with the American Bar Association in making the updates, which align with Federal law and nationally recognized best practices while maintaining important elements that are unique to New Mexico's culture and border state status. All told, these updates bring New Mexico's child welfare system up to date with what has been shown to work better for children.

Information, statistics and research references about the benefits of kinship care for children and youth in foster care:



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Children in kinship foster care experience fewer placement changes², fewer school changes³ and better behavioral and mental health outcomes⁴ than children in non-relative foster care placements.

Children in kinship placements achieve higher levels of permanency than children in non-relative foster care placements, including reduced likelihood of reentering the foster care system after returning to their birth parents⁵ and increased adoptions (32% of children adopted from foster care are adopted by relatives)⁶.

² Helton, J. (2011). Children with behavioral, non-behavioral, and multiple disabilities, and the risk of out-of-home placement disruption. *Child Abuse & Neglect* 35, 956-964.

Testa M., Bruhn C., & Helton J. (2010). Comparative safety, stability, and continuity of children's placements in formal and informal substitute care. In M.B. Webb, K. Dowd, B.J. Harden, J. Landsverk, & M.F. Testa (Eds.). *Child Welfare and Child Well-being: New Perspectives from the National Survey of Child and Adolescent Well-Being* (pp. 159-191). New York: Oxford University Press.

Zinn, A., DeCoursey, J., Goerge, R.M., & Courtney, M.E. (2006). A study of placement stability in Illinois. Chapin Hall. Retrieved from https://www.chapinhall.org/sites/default/files/old_reports/280.pdf

Chamberlain, P., et al. (2006). Who disrupts from placement in foster and kinship care? *Child Abuse & Neglect* 30, 409-424. Retrieved from http://www.mtfc.com/2006_chamberlain_et%20al_a_Who_Disrupts.pdf

Testa, M. (2001). Kinship care and permanency. *Journal of Social Service Research* 28(1), 25-43.

³ U.S. Department of Health & Human Services, Administration for Children & Families. (2005). *National Survey of Child and Adolescent Well-Being (NSCAW) CPS Sample Component Wave 1 Data Analysis Report*, April 2005. Washington, D.C.: U.S. Department of Health & Human Services, Administration for Children & Families. Retrieved from http://www.acf.hhs.gov/sites/default/files/opre/cps_report_revised_090105.pdf

⁴ Garcia, A., et al. (2014). The influence of caregiver depression on children in non-relative foster care versus kinship care placements. *Maternal and Child Health Journal* 19(3), 459-467. Cheung, C., Goodman, D., Leckie, G., & Jenkins, J.M. (2011). Understanding contextual effects on externalizing behaviors in children in out-of-home care: Influence of workers and foster families. *Children and Youth Services Review* 33, 2050-2060. Fechter-Leggett, M.O., & O'Brien, K. (2010). The effects of kinship care on adult mental health outcomes of alumni of foster care. *Children and Youth Services Review* 32, 206-213. Winokur, M., Holtan, A., & Valentine, D. (2009). Kinship care for the safety, permanency, and well-being of children removed from the home for maltreatment. *Campbell Systematic Reviews* 1. Retrieved from <http://www.campbellcollaboration.org/lib/project/51/> Rubin, D.M., et al. (2008). Impact of kinship care on behavioral well-being for children in out-of-home care. *Archives of Pediatric and Adolescent Medicine* 162(6), 550-556. U.S. Department of Health & Human Services, Administration for Children & Families. NSCAW.

⁵ Falconnier, L.A., et al. (2010). Indicators of quality in kinship foster care. *Child Welfare and Placement* 91(4).

⁶ U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2015). *The AFCARS report: Preliminary FY 2014 estimates as of July 2015* (No. 22). Retrieved from <http://www.acf.hhs.gov/sites/default/files/cb/afcarsreport22.pdf> Testa, M. & Shook, K., Cohen, L., & Woods, M. (1996). Permanency planning options for children in formal kinship care. *Child Welfare* 75(5).



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Children living with kinship foster care providers are more likely to keep their connections to brothers, sisters, extended family and community⁷ and retain greater connection to their cultural identities⁸.

Further reading:

1. Advancing Equity in New Mexico, New Mexico Voices for Children, <https://www.nmvoices.org/archives/13050>
2. Fuller, T. et al. *Conditions of Children in or at Risk of Foster Care in Illinois 2013 Monitoring Report of the B.H. Consent Decree*, 2015. Published by the Children and Family Research Center University of Illinois School of Social Work.
3. Evan B. Donaldson Adoption Institute. *Never Too Old: Achieving Permanency and Sustaining Connections for Older Youth in Foster Care*, July 2011.
4. Ahrens, K. R., et al. "Qualitative Exploration of Relationships with Important Nonparental Adults in the Lives of Youth in Foster Care." *Children and Youth Services Review*, 33, 2011, 1012–1023.

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⁷ Rolock, N. & Testa, M. (2006). Conditions of children in or at risk of foster care in Illinois. Urbana, IL, Children and Family Research Center. Retrieved from http://cfrc.illinois.edu/pubs/rp_20150101_ConditionsOfChildrenInOrAtRiskOfFosterCareInIllinois2013MonitoringReportOfTheB.H.ConsentDecree.pdf Wulczyn, F. & Zimmerman, E. (2005). Sibling placements in longitudinal perspective. *Children and Youth Services Review* 27, 741-763. Shlonsky, A., Webster, D., & Needell, B. (2003). The ties that bind: A cross-sectional analysis of siblings in foster care. *Journal of Social Service Research* 29(3), 27-52.

⁸ Broskoff, A., Harder-Mehl, C., Johnson, S., Munsterman, L., & Wojciak, L. (2006). Minnesota safety, permanency and well-being performance update. Minnesota Department of Human Services. Retrieved from http://www.dhs.state.mn.us/main/groups/county_access/documents/pub/dhs16_137114.pdf Casey Family Programs. (2004) Commitment to kin: elements of a support and service system for kinship care. Seattle, WA: Casey Family Programs.