

**From:** [Dittel-Payne, Serra, CYFD](#)  
**To:** [CYFD-ProtectiveServices](#)  
**Subject:** PIG - 06-2021-#11: COM Approvals for Placement with Non-Relative Resource Families  
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**PROGRAM INSTRUCTION GUIDELINE 06-2021-#11**

**TO:** Protective Services Division Staff  
**FROM:** Annamarie Luna, Protective Services Division Acting Director  
**DATE:** June 16, 2021  
**RE:** County Office Manager Approval for Placement with Non-Relative Licensed Resource Families and Ongoing Staffing Requirements

**EFFECTIVE IMMEDIATELY:** The purpose of this Program Instruction Guideline (PIG) is to notify all PSD Staff of the requirements regarding priority placement with relatives or fictive kin as required by state and federal law:

*“New Mexico Statutes Chapter 32A. Children's Code § 32A-4-17.1.- Notice to grandparents and relatives there shall be a preference that the child be placed in the home of a relative of the child when a relative is available to provide foster care; provided that:*

- (a) placement with a relative is in the best interest of the child;*
- (b) the relative signs a sworn statement that the relative will not return the child to or allow unsupervised visits with the parent, guardian or custodian who is alleged to have committed the abuse or neglect, unless otherwise directed by the department or the court; and*
- (c) upon the department accepting or seeking custody of the child, the relative completes an application form for licensure to operate a resource home pursuant to the Children's Code.”*

And New Mexico Statutes Chapter 32A. Children's Code § 32A-4-9. Indian child placement preferences:

- A. An Indian child accepted for foster care or pre-adoptive placement shall be placed in the least restrictive setting that most closely approximates a family in which his special needs, if any, may be met. The Indian child shall also be placed within reasonable proximity to the Indian child's home, taking into account any special needs of the Indian child. In any foster care or pre-adoptive placement, a preference shall be given, in the absence of good cause to the contrary, to a placement with:*
  - (1) a member of the Indian child's extended family;*
  - (2) a foster care home licensed, approved and specified by the Indian child's tribe;*
  - (3) an Indian foster care home licensed or approved by an authorized non-Indian licensing authority; or*
  - (4) an institution for children approved by the Indian child's tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs.*

**Investigation Procedures have been modified to reflect the above statute: PSD Caseworkers must obtain County Office Manager (COM) approval prior to placing children or youth with non-relative licensed resource families.**

When a petition will be or has been filed, Law Enforcement provides temporary custody or a voluntary agreement will be or has been signed, the PSD Caseworker requests the parents, guardians or custodians, children and (when applicable) Tribes and Pueblos provide the names and contact information for the following:

1. all grandparents;
2. aunts and uncles;
3. adult siblings;
4. all parents of a sibling of the child where such parent has custody of the sibling;
5. other adult relatives;

6. adult fictive kin; and
7. adult members of that child's Tribe or Pueblo, when applicable.

When asking children about their relatives, the PSD Caseworker must use child friendly language (i.e. "If you cannot live with your parents who would you like to live with?").

PSD operates under the premise that placement with relatives or fictive kin reduce the trauma of separation from their parents and is in their best interest. Once potential relatives and fictive kin placements have been identified, the assigned PSD Caseworker contacts those relatives and fictive kin to inquire about their ability to care for the child or youth. To identify relatives, the PSD Caseworker will also search:

1. Social media platforms;
2. Seneca platform; and/or
3. Been Verified

If the potential placement is a relative or fictive kin who is not a licensed resource family home, the Investigator (or other assigned PSD Caseworker) completes the initial relative assessment prior to placement of the child or youth and seeks to provisionally license the relative or fictive kin (See 8.26.4.16 NMAC). Placement with fictive kin is given preference over non-relative resource families when all identified relatives have been ruled out or are not able to care for the child.

When there is not a viable relative or fictive kin placement available, for new placements, the PSD Caseworker must obtain approval from the COM before placing the child in a licensed non-relative resource family home.

The COM will meet with the child and family team every 30 days after placement in a non-relative home to identify roles and responsibilities of field staff in searching, for relatives and fictive kin for new placements. This will occur until a relative or fictive placement is secured or the child is reunified with parents. The COM will provide a monthly report to the Regional Manager regarding 1) children new to custody, placed in non-relative placements 2) efforts to place with relatives.