

State of New Mexico
CHILDREN, YOUTH and FAMILIES DEPARTMENT

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RE-ISSUE OF PROGRAM INSTRUCTION GUIDELINE 12-2020-#8

TO: All PSD Staff
FROM: Annamarie Luna, Acting Protective Services Division Director
DATE: January 14th, 2021
RE: Icebreaker Meetings & Non-Traditional Placements and Temporary Stays—New Procedures

Good Evening Protective Services Staff,

This is a “Re-Issuance” of the Program Instruction Guideline (PIG) that was released last month. This re-issuance includes guidance on Non-Traditional Placements and Temporary Stays. Please see attached for the updated procedure. This PIG replaces 12-2020-#8 that was issued on December 14th, 2020.

All documents will be uploaded to the intranet under the PIG folder (<http://cyfweb/ps/index.html>) within three business days.

If you have any questions regarding the Icebreaker process or the Non-Traditional Placements, please contact your local Placement Supervisors or Serra Dittel-Payne, PSD Policy & Procedure Coordinator (Serra.Dittel-Payne@state.nm.us).

UPDATED PROCEDURES (integrated procedure attached):

9 NON TRADITIONAL PLACEMENTS AND TEMPORARY STAYS: No child under 18 will be placed in any hotel, motel, office of a contractor, or state agency office unless in extraordinary circumstances necessary to protect the safety and security of the child. Extraordinary circumstances must be documented in the child’s record and, prior to placement, must be approved by the CYFD Cabinet Secretary or the Protective Services Director. [12-01-20]

9.1 Extraordinary Circumstances: Staff will document the extraordinary circumstances which pose a threat to the safety and security of the child, and document all efforts made to secure placement in a foster home, licensed facility or shelter. Every contact related to placement shall be documented. Staff must contact statewide placement staff for placement availability in all counties, each crisis shelter agency, all host home agencies and every shelter in the state. For any child or youth placed in a hotel, motel, office of a

contractor, or state agency office, that child's assigned Permanency Planning Worker shall participate in daily staffings and document efforts and progress made toward securing placement for children or youth. Placement efforts are the responsibility of the county office staff. [12-01-20]

9.2 Notification: CYFD shall provide notice of the extraordinary circumstance and location of temporary stay to the child's Guardian ad Litem and Youth Attorney immediately where possible, and not more than 24 hours after the placement of the child. The assigned PPW will notify via email and include the assigned Children's Court Attorney (CCA). Notification to the dependency court to which the child's case is assigned must occur within 3 business days by the assigned CCA. [12-01-20]

9.3 Documentation in File and in FACTS: Justification for extraordinary circumstances and type and location must be entered into the placement window in FACTS and sent to the Division Director or CYFD Secretary for approval. Approval must be documented in the FACTS Administrative Meeting window. [12-01-20]

10 OUT OF STATE RESIDENTIAL TREATMENT CENTER (RTC) PLACEMENTS AND OTHER CONGREGATE CARE SETTINGS: No child under 18 will be placed with an out of state congregate care provider unless in extraordinary circumstances necessary to protect the safety and security of the child. Extraordinary circumstances must be documented in the child's record and, prior to placement, must be approved by the CYFD Cabinet Secretary or the Protective Services Director.

When a child or youth requires a higher level of care to address their behavioral and mental health needs, and services are not available or cannot be quickly established in New Mexico to address their needs, an out of state RTC or other congregate care placement may be considered in extraordinary circumstances, only after efforts have been made to identify community based services and supports that address the child's needs in a non-congregate setting. Other congregate care settings include group homes or facilities designated to address the emotional, behavior, and special needs of a child or youth.

A triage meeting must occur prior to the approval of any out of state placement in an RTC or other out of state congregate setting. Approval will not be granted by the CYFD Cabinet Secretary or the Protective Services Director for an out of state placement unless a Triage Team Meeting has occurred. The team must come to consensus regarding approval to place a child out of state. The requirement for triage meeting does not apply to out-of-state placements with relative or fictive kin foster placements, or pre-adoptive and pre-guardianship placements. [12-01-20]

10.1 Goals for Triage Meeting: The goals of the triage meeting are to:

1. improve placement stability;
2. ensure children and youth are placed in an appropriate level of care to meet their behavioral health needs and support their permanency goal, including any assessments, evaluations, and recommendations from a provider documenting the need for a higher level of care;
3. explore feasible alternatives to out of state residential placement, capable of meeting the child or youth's needs;
4. ensure children and youth are placed in New Mexico absent extraordinary circumstances; and
5. ensure children and youth have an appropriate discharge plan from the out-of-state RTC and congregate care placements. [12-01-20]

10.2 Triage Team Members: Required members of the team include:

1. the child's PSD worker;
2. the PSD supervisor; and
3. the Community Behavioral Health Clinician (CBHC).

The CBHC is a member of the Triage Team and provides input, but is not the final decision maker. The Child's PSD worker will also invite to Triage Team Meetings:

1. the PSD Child Placement Agency (CPA) Specialist;
2. the PSD Interstate Compact for the Placement of Children (ICPC) Specialist;
3. the child or youth's Guardian Ad Litem or Youth Attorney;
4. the PSD Fostering Connections Specialist, if applicable, and
5. the youth and family members. [12-01-20]

10.3 Triage Protocol:

1. The PSD worker and CBHC will collaborate to schedule a Triage Team Meeting no later than 48 hours after receiving a recommendation for a higher level of care and the extraordinary circumstances supporting the need for out of state placement. The team will identify the appropriate therapeutic placement options to meet the individual needs of the child or youth based on the current assessment, including in extraordinary circumstances documented consistently with this policy, out-of-state options. An out-of-state placement may only be considered in extraordinary circumstances necessary to protect the safety and security of the child and after full consideration of all other feasible options.
2. The PSD worker shall provide the most recent assessment(s) of the child/youth to team members for review. A behavioral health evaluation completed by a new or current provider should be the driving factor when determining the need for higher levels of care and the need for an RTC placement. Completion of the CANS does not meet the criteria of a current valid behavioral health evaluation
3. If the Triage Team cannot agree on an appropriate placement either in state or out of state, the case will be escalated to the PSD County Office Manager, and the CBHC Supervisor for consultation. If needed, the Regional Manager and BHS Deputy Director are also included.
4. Upon reaching consensus, PSD in consultation with the CBHC, shall prepare packets for appropriate level of care (TFC, RTC) and/or prepare a support plan for identified foster parents or relative caregivers to support placement stability and least restrictive placement options.
5. If it is determined by the Triage Team that the best treatment option to meet the child's specific needs is an out of state treatment placement, the PSD worker will prepare an Memorandum For Decision for review and approval by the COM, Regional Manager, Field Deputy Director, and PS Director. The MFD must include all efforts to identify appropriate treatment in New Mexico and document the extraordinary circumstances that threaten the child's safety and security. **All out of state RTC placements must be approved at the PS Director Level or by the Cabinet Secretary**
6. The PSD Worker shall complete all required ICPC referral documents for any out of state placement and ensure ICPC approval prior to any placement.
 - a. Placement of a child in PSD custody in a residential treatment center requires a copy of the current custody order or a voluntary placement agreement, 100 A, 100 B (when applicable), documentation of IV-E

status, letter of acceptance from the residential facility, current case history for the child, current case plan and a written description of the financial and medical plan. Some states may also require a placement disruption agreement.

- b. Placement of a delinquent child in a residential treatment center requires a copy of the court order indicating the child has been adjudicated delinquent, stating equivalent facilities are not available in the sending agency's jurisdiction and that institutional care in the receiving state is in the best interest of the child and will not produce undue hardship. The following is also required: 100 A, 100 B (when applicable), documentation of IV-E status, letter of acceptance from the residential facility, current case history for the child, current treatment plan and a written description of the financial and medical plan. Some states may also require a placement disruption agreement.
7. In all cases in which the Triage Team recommends out of state RTC placement, the Triage Team (PPW, PPW Supervisor, and CBHC) will meet monthly in order to monitor the child's clinical needs, treatment plan and progress and plan for the child's/youth's discharge to a placement in NM. The meeting may occur in person, via conference calls or virtually. Thirty (30) day out of state placement staffings will be documented in FACTS.
8. The PPW and CBHC will attend all Treatment Team Meetings for the child/youth placed out of state in a facility. CBHCs will provide oversight regarding the clinical need of the youth/child in an out of state RTC facility. [09-29-15; 03-15-16; 12-01-20]

10.4 Documentation in File and in FACTS: Justification for extraordinary circumstances and type and location must be entered into the placement window in FACTS and sent to the Division Director or CYFD Secretary for approval and approval is required and documented in an out of state Memorandum for Decision document to be approved by the, COM, RM, Field Deputy director and Division Director or Cabinet Secretary which should be uploaded in the administrative icon in FACTS. [12-01-20]

10.5 Team Meetings: Monthly team meetings will occur to improve communication, planning and support for children to better support children, youth, parents, foster parents and providers. [12-01-20]

10.6 Monthly Visits: If the decision is to place a child or youth in an out of state congregate placement, the worker must arrange for monthly worker-child visits and ensure the child's or youth's needs are being met. CYFD will ensure that contact is maintained between the child and their family. [12-01-20]