



NEW MEXICO  
LEGISLATIVE  
FINANCE  
COMMITTEE

# Child Welfare Process Overview

Presentation to the Child Welfare/Early Childhood Subcommittee  
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New Mexico Legislative Finance Committee  
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# Roadmap

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- Overarching Framework & Involved Agencies
- Reporting & Intake
- Investigation
- Removal, Disposition & Permanency



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# Overarching Framework & Involved Agencies



# Child Maltreatment Prevention Framework

## Primary

Serves the General Population

**State Agency: ECECD, PED, DOH, HCA**

## Secondary

Serves Families with More Risk Factors

**State Agency: ECECD, CYFD, PED, HCA**

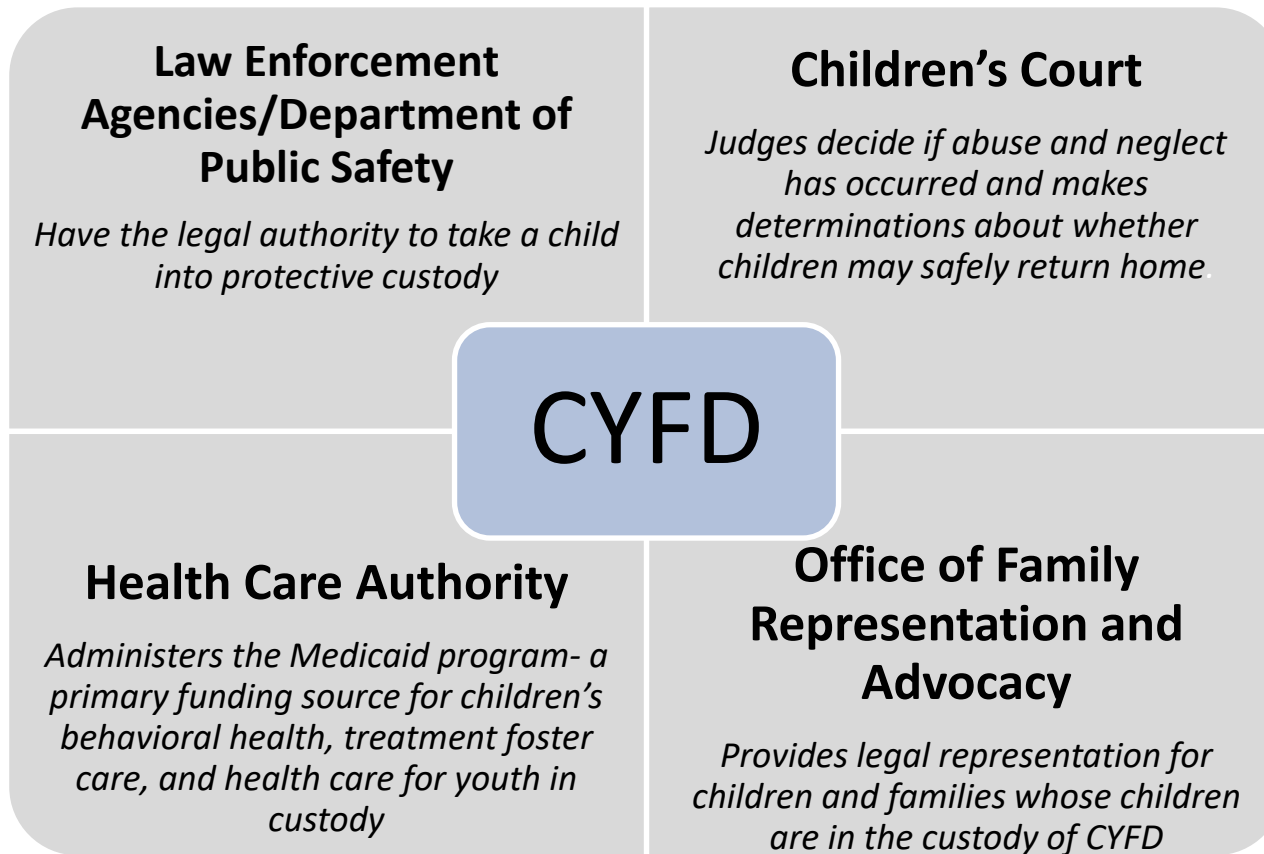
## Tertiary

Serves Families Where Maltreatment Already Occurred

**State Agency: CYFD**



# Child Welfare System: Maltreatment Has Occurred



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# Reporting & Intake



# Duty to Report

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- In New Mexico, every person who knows or has a reasonable suspicion of that a child is a neglected or abused child is required to report.
- Although every person has a duty to report, specific professionals are identified within statute as mandatory reporters.
- Suspicion of neglect or abuse may be reported to:
  - CYFD;
  - A local law enforcement agency; or
  - A tribal law enforcement or social services agency.
- While reporting is mandatory, reporters may elect to remain anonymous.



# Neglect & Abuse

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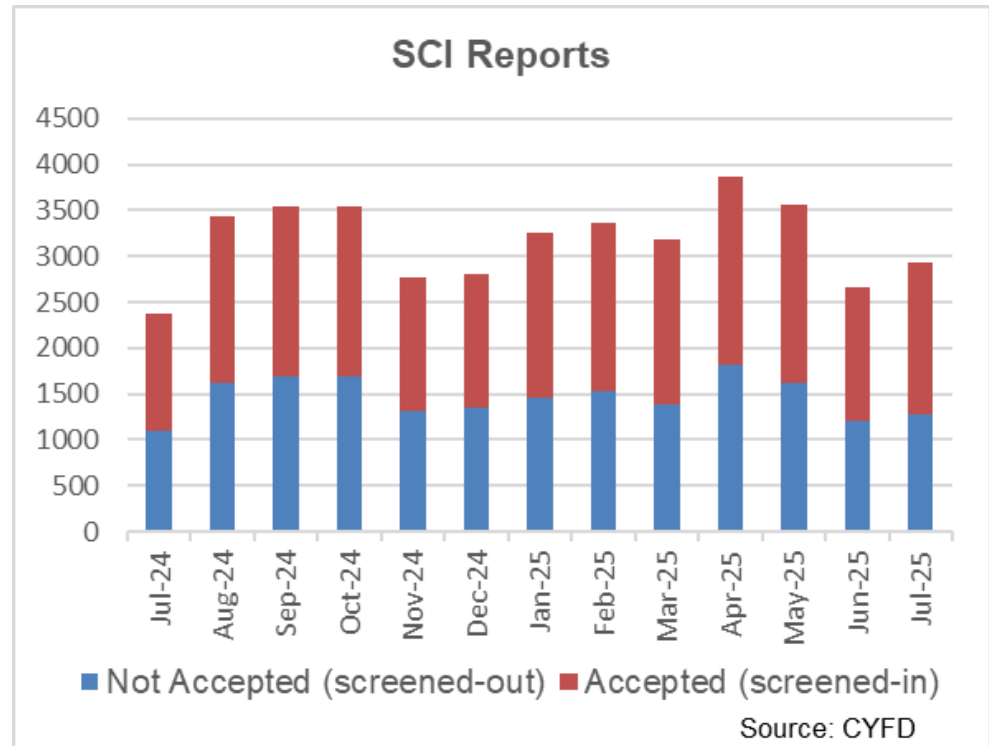
- Neglected child means:
  - who has been abandoned by the child's parent, guardian or custodian;
  - who is without proper parental care and control or subsistence, education, medical or other care or control necessary for the child's well-being because of the faults or habits of the child's parent, guardian or custodian or the failure or refusal of the parent, guardian or custodian, when able to do so, to provide them;
  - who has been physically or sexually abused, when the child's parent, guardian or custodian knew or should have known of the abuse and failed to take reasonable steps to protect the child from further harm; or
  - whose parent, guardian or custodian is unable to discharge that person's responsibilities to and for the child because of incarceration, hospitalization or physical or mental disorder or incapacity;
- Abused child means:
  - who has suffered or who is at risk of suffering serious harm because of the action or inaction of the child's parent, guardian or custodian;
  - who has suffered physical abuse, emotional abuse or psychological abuse inflicted or caused by the child's parent, guardian or custodian;
  - who has suffered sexual abuse or sexual exploitation inflicted by the child's parent, guardian or custodian;
  - whose parent, guardian or custodian has knowingly, intentionally or negligently placed the child in a situation that may endanger the child's life or health; or
  - whose parent, guardian or custodian has knowingly or intentionally tortured, cruelly confined or cruelly punished the child;





# Reporting Process

- Reports of suspected abuse or neglect are primarily made via CYFD's Statewide Central Intake (SCI) child abuse hotline.
- Reports made to local law enforcement must be transmitted to CYFD immediately.



# Screening

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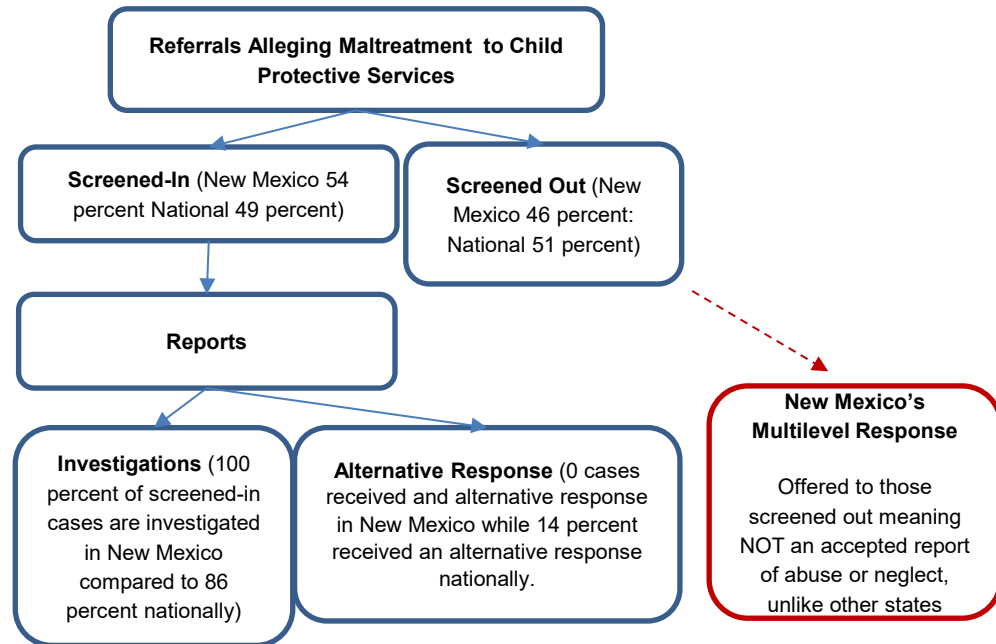
- When receiving a report of suspected abuse or neglect, an intake worker will determine whether the situation may constitute neglect or abuse.
- If the report is accepted, or “screened-in”, it will be prioritized for investigation as follows:
  - Emergency report: investigation must be initiated within 3 hours
  - Priority 1 report: investigation must be initiated within 24 hours
  - Priority 2 report: investigation must be initiated within 5 calendar days



# Alternative Response

- Alternative response is an alternative to investigation for low to moderate risk reports that sets aside substantiation and instead seeks safety through family engagement and collaboration.
- Research suggests an ROI between \$12 and \$16 for every \$1 invested.
- In 2019, New Mexico enacted legislation (Section 32-4-4.1 NMSA) to create an alternative response model, referred to as multilevel response.
- New Mexico has not implemented as articulated in statute or in alignment with research-based practice to date.
- Using GRO funding and with assistance from Casey Family Programs, CYFD plans to pilot a multilevel response program in FY26.

## Use of Alternative Response as Intended Can Reduce Protective Services Worker Caseloads and Improve Outcomes



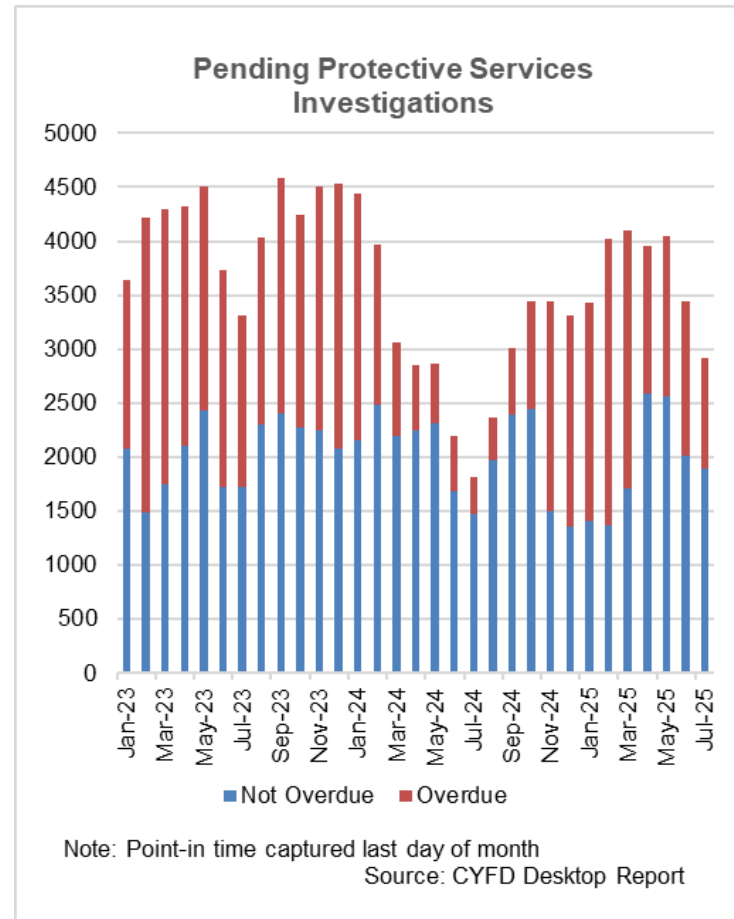
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# Investigation



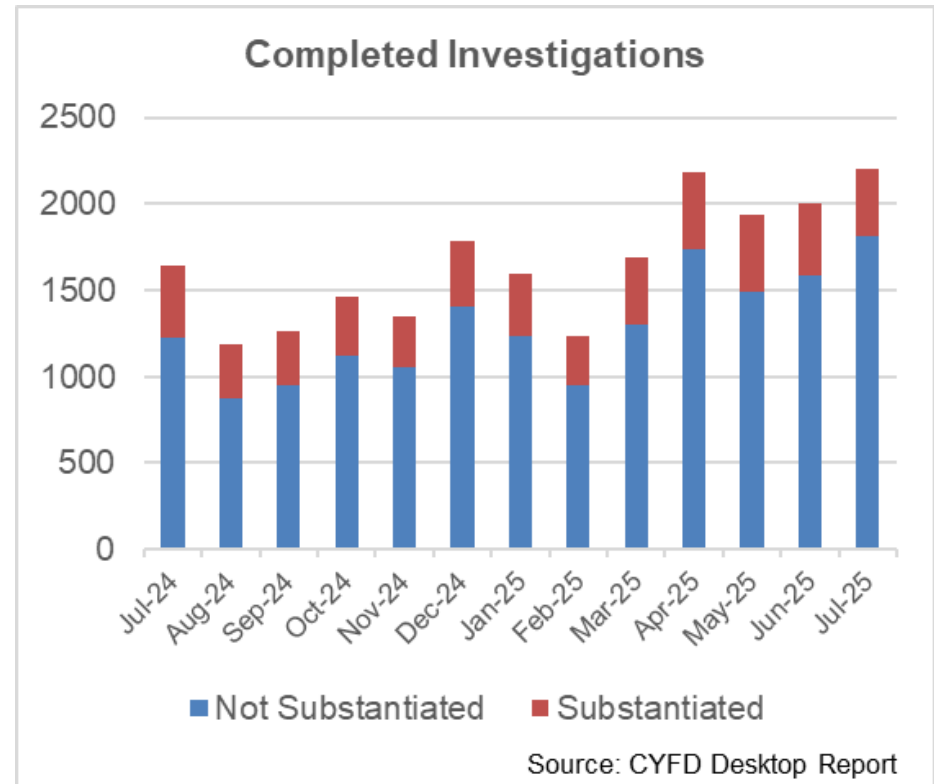
# Investigation Timing

- Per statute, the investigation of a report of neglect or abuse that is screened-in must be completed within 45 days.
- An extension of 30 days may be granted for good cause.



# Outcome

- After investigation, the caseworker will determine whether the report of neglect or abuse is substantiated or not substantiated.
- If not substantiated, CPS involvement ceases. However, CYFD may refer families to services through the current multilevel response program.
- If substantiated, the department will determine whether the child should be removed from the home or whether in-home services are appropriate.



# In-Home Services

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- New Mexico uses the Family Connections service model for in-home services.
- The service provider assists families in creating goals to address core outcomes of:
  - Social support
  - Family functioning
  - Child well-being
  - Managing parenting stress
  - Parenting attitudes and behaviors
- The model is not eligible for federal Title IV-E prevention and early intervention funding.



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# Removal, Disposition & Permanency





# Custody

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- A child may be taken into custody by a law enforcement officer when the officer has reasonable grounds to believe that the child is abused or neglected *and* there is an immediate threat to the child's safety.
- CYFD must file a petition alleging neglect or abuse within 3 days from the date a child is taken into custody.
  - If the department fails to file a petition, a child must be released to the child's parent, guardian, or custodian
- When a child is placed in the custody of CYFD or the department has petitioned for temporary custody, a custody hearing in district court must be held within ten days.
- A "short-stay" involves a child remaining in CYFD custody for 8 days or less.



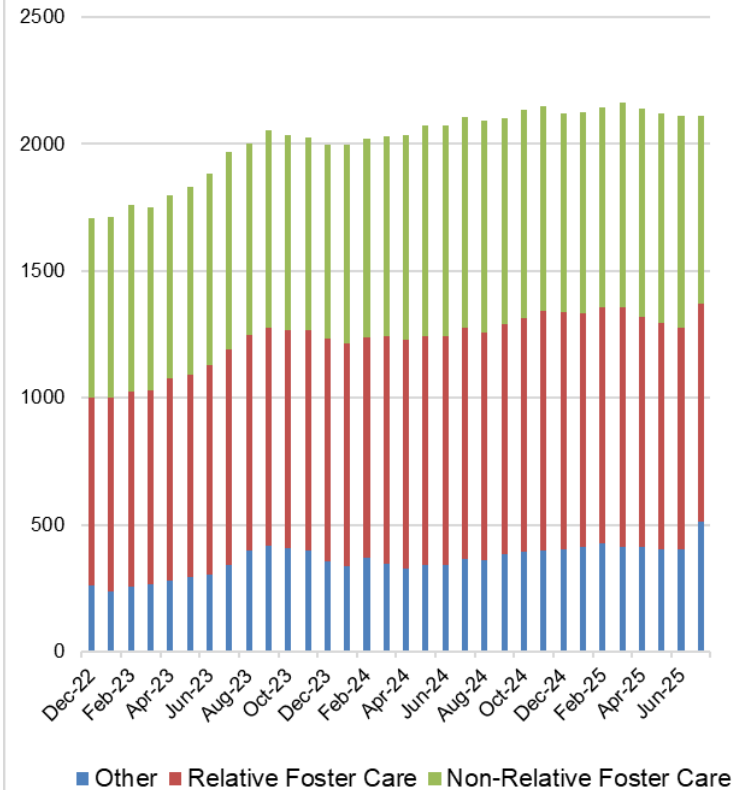
# Children in Care

### Foster Care Entries, Exits, and Short Stays



Source: CYFD

### Children in Care by Placement Type



Source: CYFD



# Adjudication

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- An adjudicatory hearing in a neglect or abuse proceeding must begin within sixty days of service on the respondent.
  - If the hearing does not commence within this period, and no extension is granted, the petition is dismissed with prejudice
- The court may continue the hearing for a period of 30 days or less to receive reports and other evidence.
  - During any continuances, the court must make an appropriate order for legal custody of the child



# Disposition

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- If a court finds that a child is neglected or abused, it may:
  - Permit the child to remain with the child's parents, guardian, or custodian, subject to conditions and limitation prescribed by the court
  - Place the child under protective supervision of the department
  - Transfer legal custody of the child to a noncustodial parent or CYFD
- Prior to disposition, the CYFD must provide the court with a predisposition study and report. Among other information, the study must include:
  - The reason for intervention
  - An intervention plan designed to place the child in the least restrictive setting
  - Potential harm to the child from removal
  - Efforts by CYFD to identify kin to provide care for the child
  - A case plan to meet the child's physical, medical, cultural, psychological, and educational needs
  - A description of the child's foster care placement



# Periodic Review

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- An initial judicial review must be held within 60 days of disposition.
  - Parties demonstrate efforts made to implement the treatment plan
  - The court may modify or continue its orders (e.g., return the child to the home, order protective supervision, continue CYFD custody)
- Subsequent reviews are held every 6 months, beginning within 6 months of the conclusion of a permanency hearing or within six months of a decision on a motion for termination of parental rights or permanent guardianship.



# Permanency

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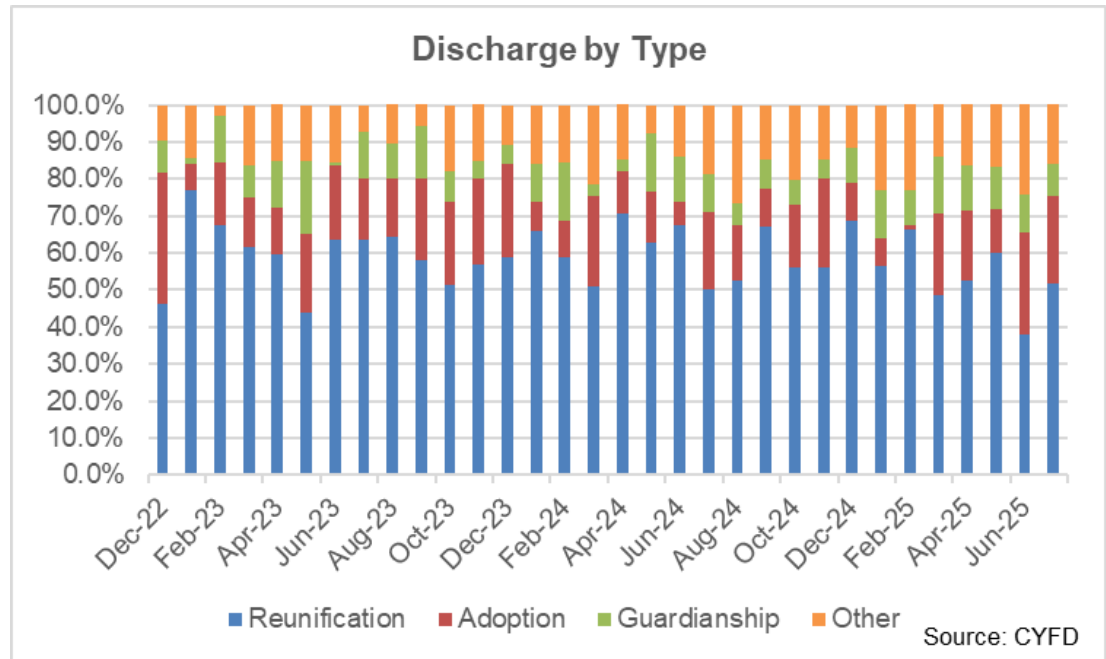
- A permanency hearing must begin within 6 months of the initial disposition or within 12 months of a child entering foster care, whichever is earlier
- The court shall order one of the following permanency plans:
  - Reunification
  - Placement for adoption
  - Placement with a permanent guardian
  - Placement in legal custody of the department with placement in the home of a relative
  - Placement in the legal custody of the department under a planned permanent living arrangement
- If the plan is reunification, a permanency review hearing is to be held within 3 months.
- When a child is in CYFD custody, the court must hold permanency hearings every 12 months.
  - Federal law requires states to file a motion for termination of parental rights if a child has been in foster care for 15 out of the previous 22 months absent a compelling reason not to



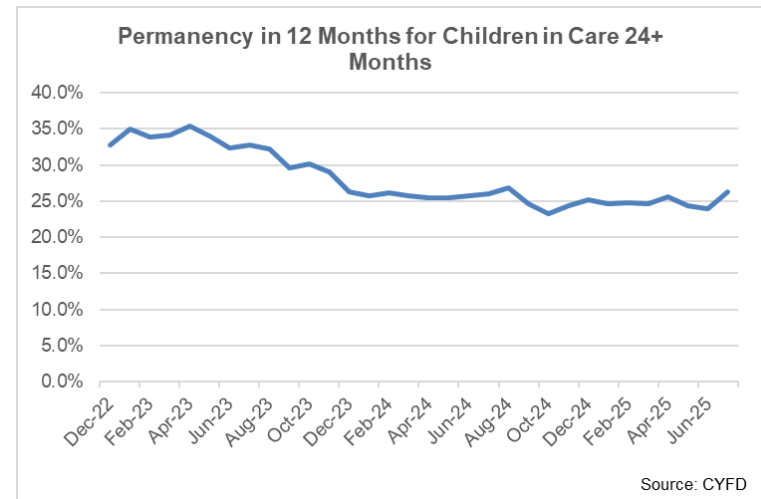
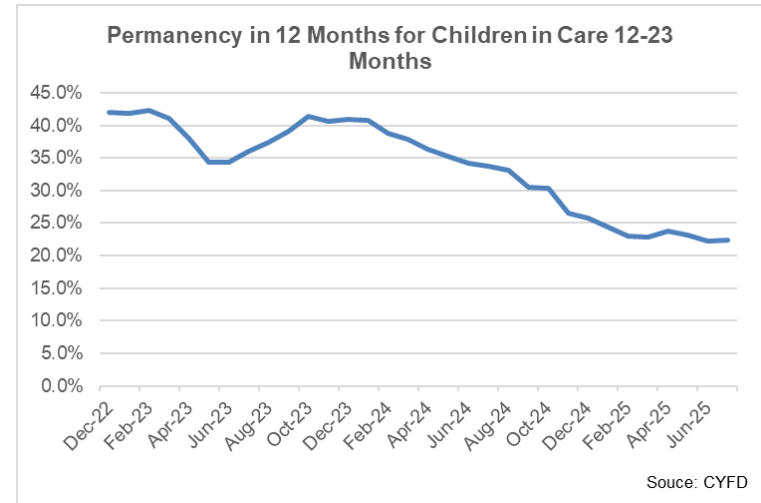
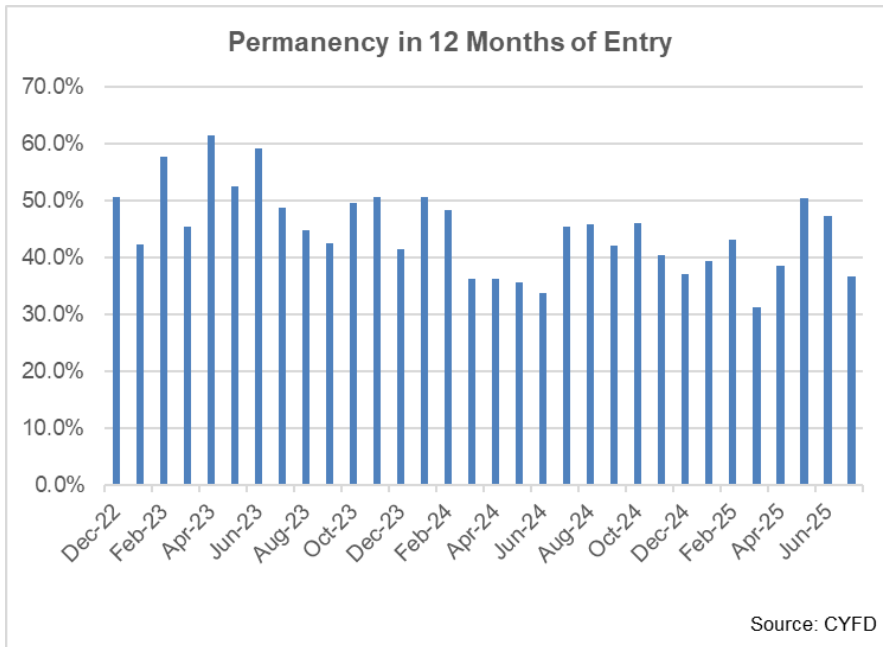
# Discharge from Care

Children exit foster care in several ways, including:

- Reunification
- Adoption
- Guardianship
- Emancipation/Aging-out

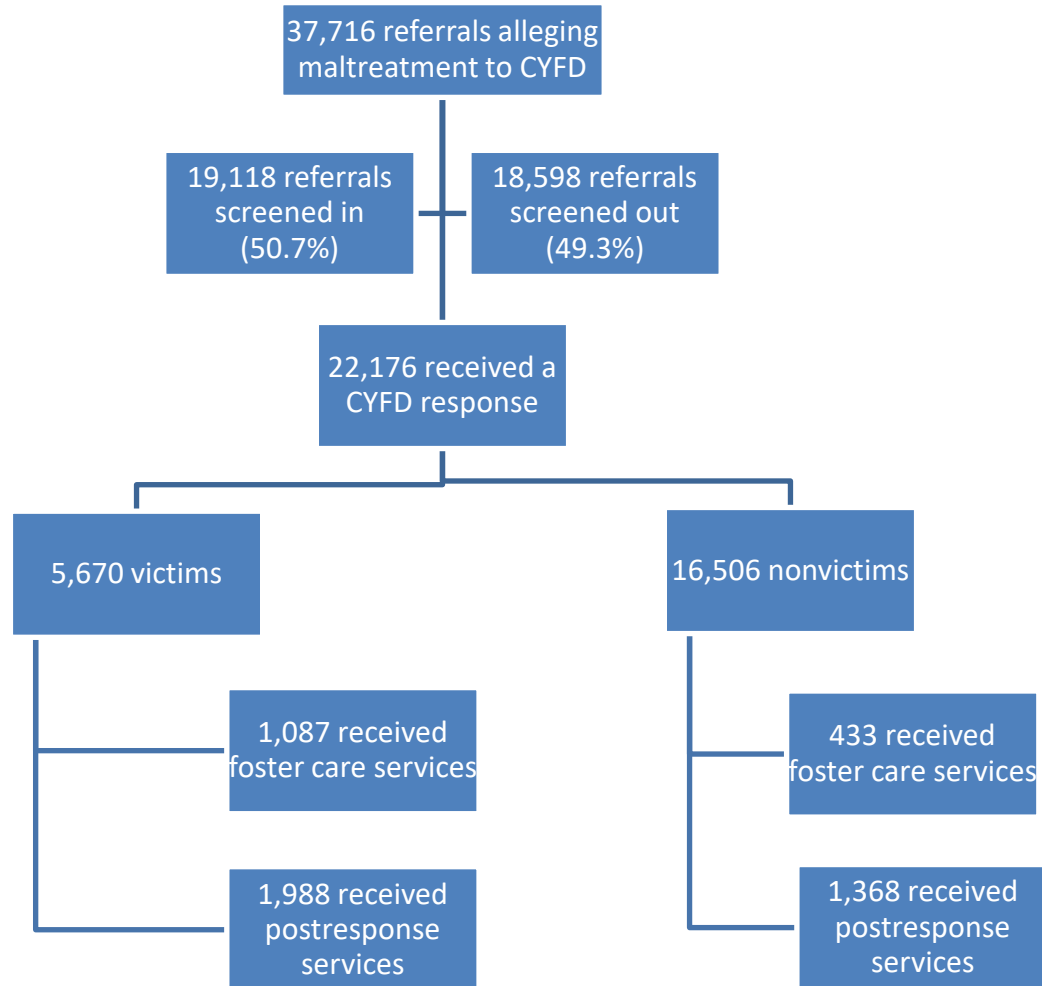


# Permanency Over Time





# Welfare Statistics FFY23



## FFY23 Exits (969 total):

- 539 reunifications
- 210 adoptions
- 109 guardianships
- 61 emancipations
- 23 live with relative
- 16 transfer to another agency



Source: NCANDS & AFCARS

# Thank you

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More LFC Budget and Policy Documents can be found at:

<https://www.nmlegis.gov/Entity/LFC/Default>

