

Kevin S. v. CYFD & HSD Settlement Agreement & Implementation

The *Kevin S.* settlement agreement sets a number of specific and ambitious targets that CYFD and HSD agree to achieve in the coming years. Three experts on child welfare reform (the “Co-Neutrals”) will help reach the targets and will evaluate performance using data and input from the community. The Co-Neutrals—Kevin Ryan, Pam Hyde, and Judy Meltzer—were selected by the parties for their expertise in the issues raised by the agreement as well as the process of turning around complex systems. An implementation team made up of lawyers from Disability Rights New Mexico, Pegasus Legal Services, the Native American Disability Law Center, Public Counsel, and the Stanford Youth and Education Law Project will monitor the implementation of the settlement. Along with the Co-Neutrals, the implementation team will receive and analyze data from both state agencies and will seek input from community stakeholders as the implementation proceeds. The targets are detailed in four appendices. They include:

A Trauma-Responsive System of Care

- Screenings, including a functional trauma assessment, to I.D. children who need intensive home-based services
- A cross-departmental training plan that will help staff understand the impacts of trauma and how to support children who have been affected by trauma
- Access to necessary trauma-responsive services, supports, and treatment for every child
- Individualized planning meetings for each child
- A Quality Assurance, Improvement, and Evaluation plan to meet children’s needs

Least Restrictive and Appropriate Placements

- A plan to increase retention of culturally reflective, community-based placements
- A commitment not to place any children in hotels, motels, offices, or out-of-state providers absent extraordinary circumstances and an approval/notification process
- Joint monthly clinical reviews of out-of-state placements and congregate care placements
- A workforce development plan that ensures a qualified and skilled staff
- Published guidance to prohibit retaliation against any person raising concerns about children in state custody

Indian Child Welfare Act

- A State ICWA law that mirrors and expands upon the federal version
- Processes and procedures to promote traditional interventions as interventions and services,
- Federal funding for traditional and culturally responsive treatments, interventions, and supports
- A plan to increase recruitment and retention of Native resource families
- A policy to provide or ensure provision of direct assistance for traditional ceremonies

Behavioral Health Services

- A Behavioral Health Care Workforce Development Review to provide prompt statewide community-based mental and behavioral health services
- Medication protocols to prevent overmedication and a clinical review process
- Incentives to provide evidence-based, well-supported, and promising trauma-responsive services
- A joint process for offering services and supports include screening, assessing, referring, treating and providing transition services to children in state custody, including those who are not removed from their homes
- Notice to caregivers, legal representatives, and legal custodians whenever a service recommended by an Individualized Planning Meeting Team is reduced, modified, delayed, or denied

Please visit <https://Kevinsettlement.com> for Plaintiff Profiles; the Complaint, FAQ’s and other information.

This summary drafted by: Plaintiff’s Implementation Team members, Sara S. Crecca & Bette Fleischman (Pegasus Legal Services for Children; 505-244-1101); Nancy Koenigsberg & Gary Housepian (Disability Rights New Mexico; 505-256-3100), Therese Yanan (Native American Disability Law Center; 505-566-5880); Jesselyn Friley & Kathryn Eidman (Public Counsel, 213-385-2977); Tara Ford (Stanford Youth and Education Law Project; 650-725-8581)