



NEW MEXICO  
LEGISLATIVE  
FINANCE  
COMMITTEE

# Protective Services Structure

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

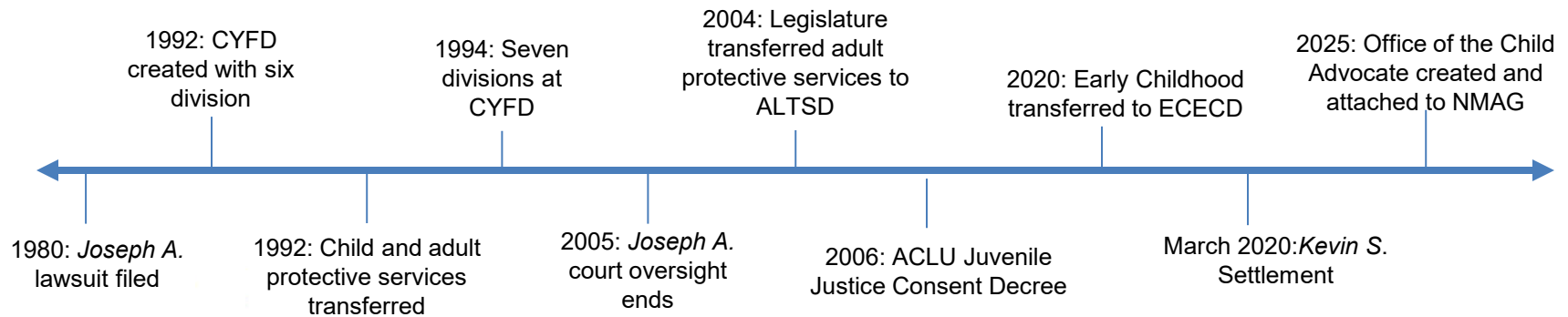
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- History of CYFD
- Proposed Reforms
- Governance in Other States



# New Mexico's Child Welfare History

Today, four budget program codes exist at CYFD:  
**Protective Services, Behavioral Health, Juvenile Justice Services, and Program Support.**  
More divisions exist in statute.





# Statutory Authority Today

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CYFD is a cabinet department and consists of, but is not limited to, six divisions as follows:

- (1) protective services division;
- (2) juvenile justice division;
- (3) prevention and intervention division;
- (4) financial services division;
- (5) employee support division; and
- (6) information technology division.

The secretary is empowered to organize the department and divisions and may transfer or merge functions between divisions in the interest of efficiency and economy.





# Statutory Purpose Today

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The purpose of the Children, Youth and Families Department Act is to establish a department of state government that shall:

- A. administer all laws and exercise all functions formerly administered and exercised by the youth authority, as well as administering certain functions related to children, youth and families that were formerly administered by other departments or agencies of the state;
- B. assist in the development of state policies and plans for services to children, youth and families, including policies and plans that endeavor to strengthen client self-sufficiency and that emphasize prevention without jeopardizing the necessary provision of essential treatment and early intervention services;
- C. advocate for services for children, youth and families as an enduring priority in New Mexico; and
- D. provide leadership to other agencies that serve children, youth and families to ensure a coordinated and integrated system of care and services for children, youth and families.



# Origins of CYFD

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- In 1991, the governor convened a task force that led to the creation of CYFD. The system prior to the creation of CYFD was described as “crisis oriented,” failing to support families in meeting basic needs, and only responsive to families after they were in trouble.
- CYFD was established in July 1992 with six divisions: Office of the Secretary, Administrative Services, Juvenile Justice Services, Community Services, Moderate Intervention Services, and Preventive Services.
- Prevention and early intervention were prominent in the 1991 task force report, which is evident in the fact that Preventive Services was one of the original CYFD divisions.



# Evolution Over Time

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- In 1992, after the agency's creation, child and adult protective services were transferred to CYFD from the Human Services Department.
- By 1994 the department had seven divisions and some of the original divisions changed:
  - Office of the Secretary
  - Administrative Services
  - Institutional Care
  - Community Services
  - Social Services
  - Risk Reduction
  - Preventive Services



# Evolution Over Time

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- In 2004, legislation transferred adult protective services to the Aging and Long-Term Services Department.
- In 2005, CYFD consolidated the seven divisions into four programs, dropping preventive services as a focus area.
- In 2008, CYFD added a new Early Childhood Development Program.
- In 2011, CYFD eliminated a youth and family services division and established an Office of Community and Behavioral Health Programs.
- In 2014, CYFD separated the behavioral health function from Program Support, creating the Behavioral Health Program.





# Evolution Over Time

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- In 2020, early childhood programs (child care assistance, home visiting) moved to the Early Childhood Care and Education Department.
- In 2023, the governor issued an executive order creating the Policy Advisory Council and an Office of Innovation.
- Currently, the CYFD structure officially includes four programs:
  - Juvenile Justice Facilities
  - Protective Services
  - Behavioral Health
  - Program Support



# Related Recent Developments

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- In 2022, legislation was enacted creating the Office of Family Representation and Advocacy (OFRA).
  - OFRA serves children and parents, guardians, and custodians whose children are, or at risk of, being placed in the custody of CYFD. The office is designed to shorten the time children spend in foster care and preserve family connections, and, in doing so, generate cost savings for the state
- In 2025, legislation was enacted to create the Office of the Child Advocate.
  - The office, administratively attached to the Office of the Attorney General, is intended to provide oversight and accountability for CYFD. The office will review CYFD services, policies, and procedures and receive complaints about the agency.





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# Previously Proposed Governance Reforms



# Senate Memorial 5 Task Force

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## SM 5 Task Force Oversight and Accountability Recommendations:

- Examining placement of the Substitute Care Advisory Council (SCAC) within the Regulation and Licensing Department, require SCAC to review a certain number and type of cases, update council membership to ensure expertise and independence, and requires CYFD to provide formal responses and action plans to SCAC recommendations.
- Create a permanent grievance review function for people involved with CPS.
- Create an oversight function across the child welfare system (courts, behavioral health, CYFD).
- Streamline and consolidate oversight functions when developing new oversight or accountability mechanism related to child welfare.



# LFC-Endorsed HB 205

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- CYFD Nominating Committee
  - Created nominating committee comprised of nine members to submit a list of at least five qualified nominees for secretary of CYFD to the governor beginning in January 2027
  - Retained gubernatorial appointment of CYFD secretary but required selection from the list submitted by the nominating committee
- SCAC Reforms
  - Moved SCAC to the Administrative Office of the Courts
  - Required review of cases in which child is under the age of five or has remained in substitute care for more than 6 months and additional reporting
  - Required CYFD to provide a response to SCAC findings and recommendations
  - Added requirements and qualifications for director



# HJR 5

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- Proposed constitutional amendment to create the Children, Youth, and Families Commission.
- The commission would be comprised of five members appointed by the governor, president pro tempore of the senate, speaker of the house, and senate and house minority floor leaders.
- The commission would hire an executive director to assume the management and operations of CYFD.





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# Governance in Other States



# Citizen Review Boards

- Most states house the required Citizen Review Board functions in a **health and human services agency**, the **judicial branch**, or in a **stand-alone entity**.
- New Mexico is the **only state to house in a regulatory and licensing agency**, and previous attempts to move SCAC have failed.
- Several states **codify case review criteria** and **child welfare system response** and **data sharing** in statute. New Mexico does not. Some states also require more timely or frequent reporting.

## Delaware

Fulfills the citizen review board function through an accountability commission. The commission must report findings and recommendations quarterly.

## Idaho

Citizen review functions must review all cases brought under the child protective act open for six months and report quarterly.

## Nebraska

Citizen review boards must review cases of all children in foster care for a period of more than 6 months.







# Ombudsman and Office of the Child Advocate Functions

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According to NCSL, **Children's Ombudsman and Child Advocacy Offices** are an increasingly common form of oversight in other states, and **33 states have established children's ombudsman or child advocate offices.**

**Duties of these offices vary by state** and typically include:

- Investigating complaints from citizens and families
- Recommending system-wide improvements to benefit children and families
- Monitoring placements, programs, and departments responsible for providing services to children.

The United States Ombudsman Association establishes the following best practices:

- 1) Ombudsman office should be **independent** (free from outside control or influence)
- 2) **Impartial** (receive and review each complaint in an objective manner)
- 3) **Confidential** (have the privilege and discretion to keep confidential or release information related to the complaint)
- 4) Maintain a **credible review process**



# Ombudsman and Office of Child Advocates

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## State Examples: Children's Ombudsman and Child Advocacy Offices



**Illinois'** Office of the Inspector General is located within the Department of Children and Families. It independently conducts investigations into any employee, foster parent, service provider or contractor of the Department.



**Montana's** Office of Child and Family Ombudsman is part of the Department of Justice and works in consultation with the child welfare department and county attorneys to strengthen children and family services.



**Ohio's** Youth and Family Ombudsman Office is under the Department of Job and Family Services. The office consists of a Youth Ombudsman, a Family Ombudsman and at least two regional ombudsmen. The office investigates and resolves concerns made by or on behalf of children and families involved with public children's services agencies.



**Minnesota's** Office of Ombudsperson for Families is an independent state agency. The ombudsperson monitors agency compliance with laws regarding child protection and placement as to the impact on children of color. The office also provides cultural diversity training to state and local courts and receives and investigates complaints.





# Child Welfare Commissions and Councils

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According to NCSL, since 2012 at least **8 states have created state commissions** related to child welfare.

Commissions are typically **long-term bodies** that work to address broad issues. Some commissions have served **temporary oversight functions** and sunset.

Commissions generally require **membership by appointment**.

In some states, commissions primarily serve an **oversight or advisory function**, while in a few states the commission directly oversees the leadership of the child welfare agency (ex. Oklahoma temporarily).



# Child Welfare Commissions and Councils

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## State Examples: Child Welfare Commissions and Councils



**Texas's** [Policy Council for Children and Families](#) studies and makes recommendations to improve long-term services and supports, including community-based supports, for children with special health care needs, as well as children with disabilities and their families receiving protective services from the state.



**Nebraska** created a committee within the [State Children's Commission](#) in 2019 as a high-level leadership body to monitor and evaluate the child welfare and juvenile justice systems.



In 2021, **Nevada** required the [Juvenile Justice Oversight Commission](#) to establish a 5-year strategic plan to establish policies and procedures for the Division of Child and Family Services of the Department of Health and Human Services. The plan must outline the use of evidence-based services to children subject to the jurisdiction of the juvenile court.



**Oregon** established the [Governor's Child Foster Care Advisory Commission](#) in 2016 to advise the Governor and Director of Human Services regarding foster care system in the state.



# Thank you

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

