



DISABILITY RIGHTS  
NEW MEXICO (DRNM)



**PEGASUS**  
Legal Services for Children



**Public  
Counsel**

### Kevin S v. Blalock Summary

#### Parties

##### DEFENDANTS

Children, Youth &  
Families Department  
Health Care Authority  
(previously HSD)

##### PLAINTIFFS

13 Children in CYFD  
Custody  
Disability Rights NM  
Pegasus Legal Services  
Native American  
Disability Law Center

#### Lawsuit Goals

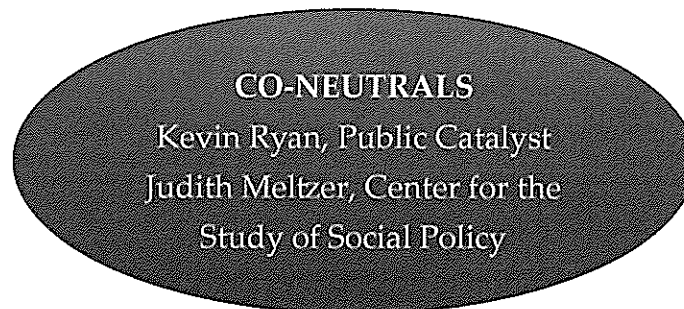
- A Trauma Responsive System of Care
  - Early identification of children's needs; full staffing; training and coaching for staff; and trauma responsive services
- Least Restrictive and Appropriate Placements
  - Family based placements; ending placement in hotels, motels, offices or out-of-state; and ensuring the needs of the child drive placements
- Recognition of the unique legal status of Native American children in custody
  - Promote NM Indian Family Protection Act; and connect Native children to their families, Tribes and culture
- Community-Based, Trauma Responsive Services
  - Comprehensive well-child checks when children come into care; and ensuring community based services such as wrap around, intensive case management and Treatment Foster Care are available state-wide

## **Settlement Agreement**

The Parties negotiated for over a year and the Final Settlement Agreement (Settlement) was signed in March 2020. The Settlement sets forth the agreed upon actions to be taken by CYFD and HCA to improve the current system of care so that it is trauma-responsive and compliant with federal laws. The Parties agreed that Co-Neutrals would monitor the State's implementation of the Settlement.

## **The Co-Neutrals**

The Co-Neutrals are nationally recognized child welfare experts who have been involved in child welfare reform in several states across the country. The Co-Neutrals are independent from both Parties and the Parties agreed to their selection. The Settlement requires that the Co-Neutrals act in good-faith and without bias in favor of or against any Party. Under the Settlement, the Co-Neutrals have the authority to validate the State's performance and progress. The Co-Neutrals do **not** have the authority to mandate or require the State to take or stop any action.



## **Dispute Resolution Process**

### **Step One: Alternative Dispute Resolution**

1. Party starts the process through written notice.
2. The Co-Neutrals will attempt to resolve the issues through mediation.
3. Parties may agree to a corrective action plan (CAP) or else proceed to Step Two.

### **Step Two: Arbitration**

1. If Defendants fail to implement the CAP, or if the parties could not agree on a CAP, then Plaintiffs can start binding arbitration.
2. Arbitration is the exclusive means for resolving any disputes.
3. The Arbitrator has the authority to award any relief necessary to enforce the agreement.
4. If the Defendants fails to comply with the Arbitrator's ruling, then Plaintiffs can enforce the Arbitrator's award as allowed by state law.