

ACTION PLAN

Submitted by agency?	Yes
Timeline assigned?	Yes
Responsibility assigned?	Yes

Kevin S., et al. v. Blalock and Scrase Lawsuit Settlement

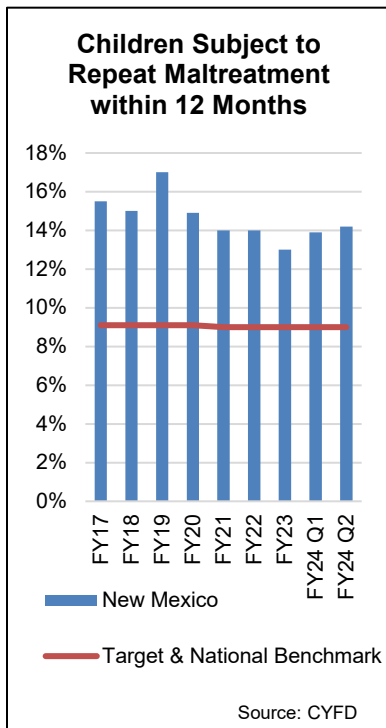
The lawsuit against CYFD alleged:

- Systemic failures resulting in harm to children in foster care,
- Lack of stable placements,
- Behavioral health needs unmet,
- No trauma sensitive system, and
- Little behavioral health capacity.

New Mexico consistently ranks among the top six states for repeat maltreatment occurring within 12 months of the initial allegation. Over the long-term, child maltreatment causes physical, psychological, and behavioral harm leading to increased costs to the child welfare, behavioral health, and physical healthcare systems. Evidence-based options can reduce and prevent maltreatment and better leverage the child welfare workforce, including improving the use of screening and assessment tools, early intervention with the appropriate level of intervention for the level of risk, and following through with appropriate supports and services. In recent years, the state has enacted legislation and significantly increased appropriations for these purposes. However, during the first half of FY24, the number of youth in foster care increased over the prior year, reversing prior trends, and turnover rates among caseworkers within child protective services remained high. CYFD has taken steps to expand differential response, which provides alternative responses to protective services investigations, and reports plans to implement the department’s workforce development plan to address staff retention in Protective Services. However, the department continues to face challenges to recruiting and retaining a professional social worker workforce. Expanding differential response is a potentially promising step, but how the department implements the program matters, as prior LFC reports have highlighted. Other indicators of repeat maltreatment and protective services were concerning in the second quarter, and several indicators in juvenile justice services are reversing previous positive trends. CYFD reports increases in the number of reported behavioral health providers, though the department has not met targets associated with ensuring youth in Protective Services receive community-based clinician consultations.

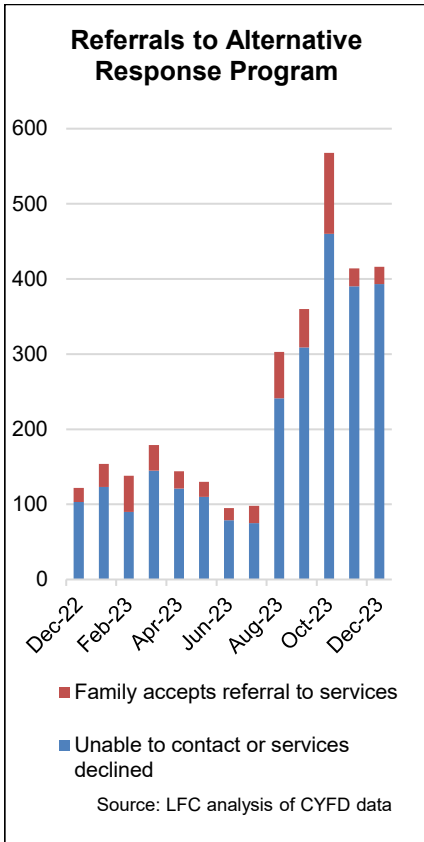
Protective Services

Prevention. Prevention and early intervention are key to reducing repeat child maltreatment. Several evidence-based options for preventing repeat maltreatment could be expanded and leveraged to garner more federal revenue and improve outcomes. Between FY18 and FY23, CYFD preventive services expenditures grew significantly, though these expenditures remain less than 5 percent of all protective services expenditures. During the same period, repeat maltreatment hovered around 14 percent, well above the national benchmark of 9 percent. The repeat maltreatment measure is an indicator of how successfully CYFD is facilitating families’ engagement in secondary prevention and intervention services. This measure is important because sometimes serious injury cases are precipitated by prior low risk involvement that later escalates. New Mexico could reach national benchmarks for repeat maltreatment by reducing repeat maltreatment by roughly 360 cases annually.



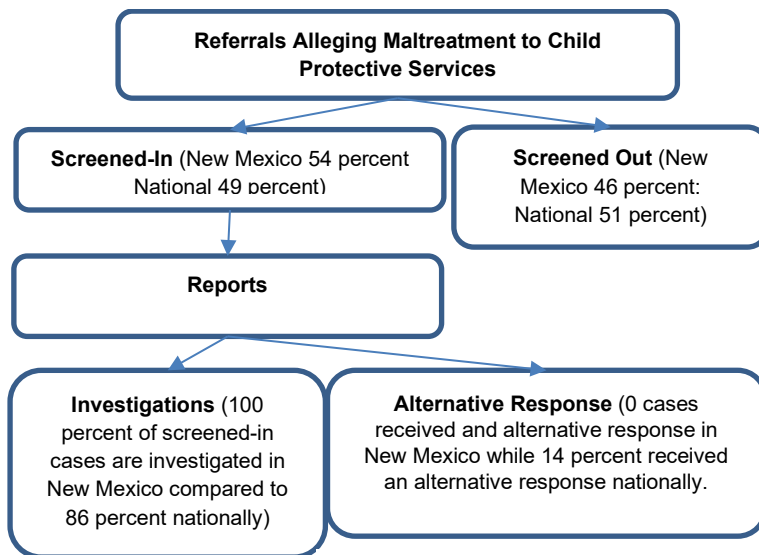
Previous LFC reports have noted New Mexico is one of only four states that have submitted a federal Families First Prevention Plan (under Title IV-E) but have not been approved by the federal government, and the state is missing out on federal revenue to fund programs to prevent and reduce child maltreatment. States with approved plans may implement evidence-based prevention programs targeted to children, youth, and families identified as at-risk for child maltreatment or foster care and draw down federal funds to cover roughly 75 percent of prevention program costs. As of March 2024, CYFD reported the agency had resubmitted the state’s prevention plan.

Within Protective Services, CYFD also reported the agency launched a Safety Practice Quality Assurance Team in 2023 to review investigation cases to ensure safety practice, reduce risk, and build infrastructure to reduce repeat maltreatment. The agency is also conducting critical incident reviews of all child fatality cases.



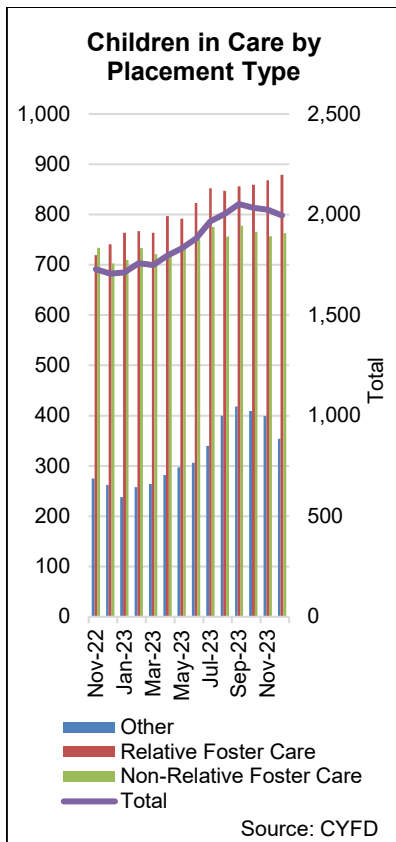
Differential Response. In an alternative or differential response model, reports of maltreatment are split into two tracks: investigation and assessment. When a report of suspected child abuse or neglect is received, the child welfare agency determines whether the case should be assigned to the traditional child protective services investigation track, which may involve removal, or whether the case may be assigned to an alternative response. In an alternative response, protective services workers screen in a case, connect the family to resources, and continue to monitor the family directly. New Mexico is not implementing the evidence-based form of alternative response but is referring low-risk screened-out families for intervention or family support services. In CYFD’s submission to the federal 2022 ACF child maltreatment report, the agency noted all screened-in families receive an investigation. During the first quarter of FY24, CYFD released a request for application for providers to deliver services to families referred to a differential response in nine counties, including Bernalillo and Doña Ana. The department struggled to find providers in eight counties: Colfax, Curry, De Baca, Grant, Guadalupe, Harding, Quay, and Union, where provider networks and capacity are limited. Previous LFC evaluations highlighted the importance of implementing differential response with fidelity to increase the likelihood of experiencing intended outcomes and flagged concerns with the department’s approach to implementation.

Alternative Response Can Reduce Protective Services Worker Caseloads



LFC Files and ACF Child Maltreatment 2022

Foster Care. The number of children in foster care in New Mexico steadily declined from FY17 to FY23, when the trend reversed. The number of youth in foster care peaked in September 2023 at 2,052 youth but had declined to 1,996 youth in December 2023. Previous LFC reports highlighted that CYFD is likely over-removing children and has a



high number of short-term stays in foster care. A 2020 LFC report found New Mexico’s rate of short-term placement in foster care was 40.9 percent, compared to a national average rate of 8.7 percent. Short-term placements are instances in which children stay in foster care for less than 30 days. Between December 2022 and December 2023, 1,012 youth entered foster care and 678 youth exited foster care, and the percent of children who achieved permanency within 12 months has declined since FY22. In addition, 297 youth were placed in short stays, a foster care placement of less than eight days between December 2022 and December 2023, a figure that, if counted with foster care entries, would total 23 percent. In the second quarter, the waiting time for calls at the statewide central intake center more than doubled but remains less than 2.5 minutes.

CYFD notes the performance targets related to time to permanency are more ambitious than national averages and notes the agency is working to improve coordination with stakeholders within the court system to improve time-to-permanency related metrics. The department also reports restructuring protective services to include a dedicated team in each county office focused on recruiting and retaining foster families, and this team meets monthly to address recruitment and retention of foster families (resources homes).

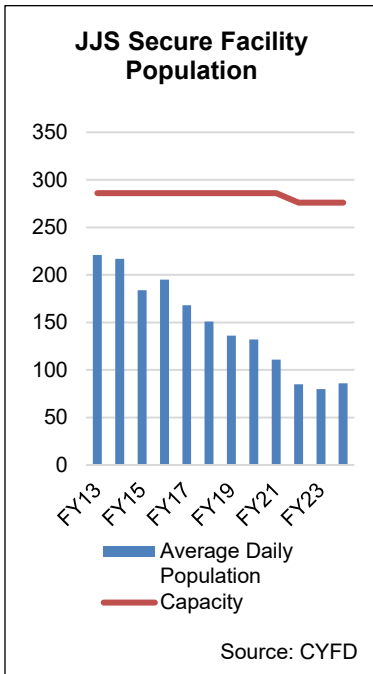
	Budget: \$226,884.3	FTE: 1,171	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	FY24 Q2	FY24 Q3	Rating
Maltreatment									
Percent of children in foster care who have at least one monthly visit with their case worker*			98%	92%	None	81%	85%		NA
Children who were victims of a substantiated maltreatment report who were victims of another substantiated maltreatment allegation within twelve months of their initial report			14%	13%	9%	14%	14%		R
Rate of maltreatment victimizations per one hundred thousand days in foster care within a rolling twelve month period			14.7	13.0	8.0	12.2	11.8		Y
Families that participated in in-home services or family support services and did not have a subsequent substantiated report within the next twelve months			75%	80%	80%	74%	73%		R
Fatalities or near-fatalities in a rolling twelve-month period that had protective services involvement in the twelve months preceding the incident			Reported differently	Reported differently	5%	47%	39%		R
Average statewide central intake call center wait time (in seconds)			30	29	50	28	141		R
Foster Care									
Turnover rate for protective services workers			37%	37%	25%	32%	32%		Y
Of the children who enter care during a 12-month period and stay for greater than 8 days, placement moves rate per 1,000 days of care			5.7	7.6	4.0	8.2	7.1		Y
Children in foster care more than eight days who achieve permanency within twelve months of entry into foster care			36%	33%	42%	34%	34%		Y

Children removed during a rolling twelve-month period who were initially placed with a relative or fictive kin	New	New	50%	41%	39%	Y
Children in foster care for twenty-four months or more at the start of a twelve-month period who achieve permanency within twelve months	38%	31%	42%	29%	26%	R
Foster care placements currently in kinship care settings	49%	52%	55%	52%	53%	Y
Children in foster care for twelve to twenty-three months at the start of a twelve-month period who achieve permanency within those twelve months	42%	34%	50%	39%	40%	Y
Eligible youth who enroll in fostering connections upon emancipation from foster care	New	New	93%	83%	89%	Y
Youth served by juvenile justice who are placed in a less-restrictive, community-based setting	New	New	93%	94%	95%	G

Program Rating

R **R** **Y**

*Measure is classified as explanatory and does not have a target.



Juvenile Justice Services

Over the last decade, the number of youth incarcerated in secure juvenile justice facilities has steadily decreased from the state’s peak (257 incarcerated youth in FY12) as CYFD has implemented evidence-based practices. However, during the first half of FY24, the number of youths in secure Juvenile Justice Services (JJS) facilities has increased, from an average census of 80 in FY23 to an average census of 86 through November FY24. Average daily census remains below capacity in the state’s two secure juvenile justice facilities, the Youth Diagnostic and Development Center in Albuquerque and the J. Paul Taylor Center in Las Cruces. CYFD attributes these increases and the elevated rate of violence in JJS facilities to an increase in youth violence following the pandemic. The turnover rate for youth care specialists remains higher than FY23 but improved in the second quarter of FY24. CYFD attributes improvements to pay adjustments implemented in the spring of 2023. The department has also recently implemented exit and stay interviews to improve retention.

Budget: \$81,145.7 FTE: 754.5	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	FY24 Q2	FY24 Q3	Rating
Turnover rate for youth care specialists	39%	16%	21%	42%	37%		Y
Percent of clients who successfully complete formal probation	87%	93%	93%	89%	92%		Y
Percent of clients who successfully complete informal probation	Not reported	Not reported	80%	92%	90%		G
Number of substantiated complaints by clients of abuse or neglect in juvenile justice facilities	2	4	3	0	0		G
Percent of youth discharged from active field supervision who did not recidivate in the following two-year period	85%	87%	88%	86%	85%		Y

Rate of physical assaults per one thousand days youth spent in facilities	0	NA	3.75	7.9	6.5	Y
Percent of Indian Family Protection Act youth formally supervised in the community whose tribe was notified of juvenile justice involvement	85%	75%	90%	Not reported	Not reported	R
Percent of youth discharged from a secure facility who did not recidivate in the following two-year time period	65%	55%	45%	54%	64%	G
Program Rating	R	R				Y

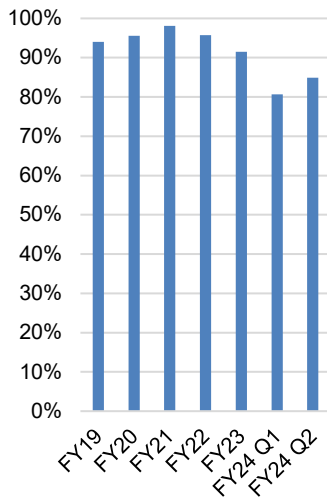
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Behavioral Health Services

In FY24, the department received \$963.4 thousand to establish three more community behavioral health clinician teams, and CYFD and the Human Services Department, now the Health Care Authority, received a nonrecurring \$20 million in FY23 to increase the number of providers in the state delivering children’s behavioral health services. The measure focused on community-based behavioral health personnel tracks the increase in providers who deliver multisystemic therapy, family peer support services, high-fidelity wraparound, and infant mental health services is cumulative, and CYFD is on track to increase the number of providers by 50 percent. In FY23, the agency reported 126 providers. While the Behavioral Health Services program is near the target for ensuring targeted juvenile justice clients receive consultation from a community behavioral health clinician, the department is far from meeting the target for protective services clients, with only 19 percent receiving consultation from a clinician in the second quarter. CYFD reports Behavioral Health Services is working to improve communication and increase training with Protective Services staff.

	Budget: \$54,529.3	FTE: 121	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	FY24 Q2	FY24 Q3	Rating
Percent change in number of community-based behavioral health personnel, that support children and youth to remain in their community			41%	126%	50%	14%	31%		G
Infant mental health program participants showing improvement developmentally through clinical assessment and observation			100%	NA	100%	83%	82%		Y
Domestic violence program participants who agree or strongly agree that because of their participation in the program as a parent, they have a better understanding of the impact that domestic abuse/ violence can have on children			Reported differently	94%	95%	95%	96%		Y
Percent of youth aged twelve or older in protective services custody who are placed in a less restrictive, community-based setting			Reported differently	91%	85%	74%	76%		R
Percent of domestic violence program participants who agree or strongly agree that staff and advocates regularly discuss their safety needs, including specific things they can do to keep themselves safe			93%	90%	95%	92%	92%		Y

Children in Foster Care Who Have at least One Monthly Visit with a Case Worker



Source: LFC files

Clients enrolled in multisystemic therapy who demonstrate improvement in one or more behavioral health outcomes	90%	89%	93%	94%	93%	G
Percent of protective services-involved youth in the target population who receive consultation from a community behavioral health clinician	Reported differently	66%	75%	16%	19%	R
Percent of juvenile-justice involved youth in the estimated target population who have received consultation from a community behavioral health clinician	Reported differently	Reported differently	80%	66%	73%	Y
Program Rating	Y	Y				Y

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