



NEW MEXICO  
LEGISLATIVE  
FINANCE  
COMMITTEE

Program  
Evaluation  
Unit

Program Evaluation: Short-Term Foster  
Care Placements

May 18, 2020

Report #20-01

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May 13, 2020

Brian Blalock, Secretary  
Children, Youth and Families Department  
1120 Paseo De Peralta,  
Santa Fe, New Mexico 87501

Dear Secretary Blalock,

On behalf of the Legislative Finance Committee, I am pleased to transmit the *Short-Term Placements in Foster Care* evaluation report of the Children, Youth and Families Department.

Over at least the last six years, approximately 40 percent of children placed into foster care in New Mexico stay for less than 30 days, the highest short-term placement rate in the nation. These persistent high rates of short-term placements in foster care initiated further inquiry by the committee to determine the root cause(s). The review team evaluated relevant state statute; agency-wide policies, procedures, and rules; relevant performance measures, administrative data, and related documents; Children, Youth, and Families Department Protective Services, AFCARS, and other agency data; interviewed Protective Services staff including regional office managers, county office managers, and case worker investigators; interviewed state, county, and city law enforcement agencies; and conducted limited research of statute and procedures of other states.

The report will be posted on May 14, 2020. We very much appreciate the cooperation and assistance we received from you and your staff. Discussions were held with your staff to address any concerns before the exit conference, which was conducted on May 6, 2020.

The committee expects a corrective action plan from the department within 30-days from the date of the hearing. Staff will continuously monitor your progress.

I believe that this report addresses issues the committee asked us to review and hope the New Mexico Children, Youth and Families Department will benefit from our efforts. Thank you for your cooperation and assistance.

Sincerely,

A handwritten signature in blue ink that reads "David Abbey".

David Abbey, Director

Cc: Senator John Arthur Smith, Chair, Legislative Finance Committee  
Representative Patricia Lundstrom, Vice-Chair, Legislative Finance Committee  
Olivia Padilla-Jackson, Secretary, Department of Finance and Administration  
John Bingaman, Chief of Staff, Office of the Governor

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**Evaluation Objectives**

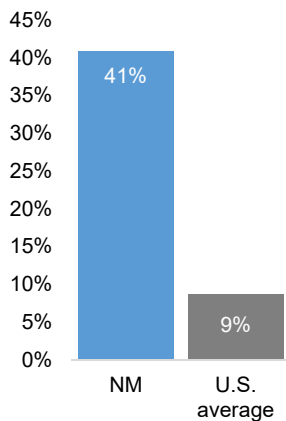
- Determine the social impacts to the child and economic impacts to families and the state of short-term foster care placements;
- Determine causes of short-term foster placements in New Mexico; and
- Explore evidence-based programs and best practices from other states that can reduce the rates of unnecessary short-term foster care placements.

**Unnecessary Short-Term Placements in Foster Care Can Cause Trauma for Children**

In New Mexico, over 40 percent of children placed in foster care stay for less than 30 days before being reunited with family, one of the highest rates of “short-stayers” in the nation. Research shows children removed from the home often have worse outcomes than those not removed, costing taxpayers and families tens of millions of dollars per year. These negative impacts are likely related to the trauma associated with parental separation and the child’s feelings of fear, uncertainty and abandonment. Some removals are necessary to ensure child safety however, as are likely unnecessary. Over 90 percent of the state’s short-stayers are in care for less than eight days. These short-stayers are less likely to be placed with relatives, a recognized best practice. While the Children, Youth and Families Department (CYFD) administers child welfare services in New Mexico, the Children’s Code stipulates law enforcement officers have the sole authority for removing a child from the home. New Mexico is one of only four states that grants law enforcement the sole authority to remove a child from the home based on suspected abuse or neglect and policy likely adds to the state’s high rate of short-term placements. Collaboration between law enforcement and CYFD, could be strengthened through best practices on cross-training, data sharing, and multi-disciplinary teams.

Overly large caseloads at CYFD likely also contributes to the state’s high rate of short-stayers. The department should implement strategies to increase retention and decrease turnover of investigators. Increasing the use of evidence-based in-home services and other family preservation models should also lessen the need for CYFD to remove children. This evaluation report includes recommendations to regularly collect and report information regarding short-term placements in foster care, ensure evidence-based preventative and in-home services, and change statute to require a demonstration of services prior to removal of children from the home. Additional recommendations include changing statute to allow CYFD’s Protective Services to have removal authority, establishing formal case review by multidisciplinary teams, and ensuring best practices in staff recruitment and retention, multidisciplinary teams, and data-sharing.

**Chart 1. Percent in Short-term Foster Care Less Than 30 Days, New Mexico versus United States, 2018**



Source: UNM MPP analysis of AFCARS 2018 data, Foster Child files authors’ calculations.  
 Note: Based on children who exited foster care in 2018. NM numbers may be higher due to the process for children coming into care.

**Key Findings**

- New Mexico has one of the highest rates of short-term placements in foster care in the nation, potentially leading to detrimental fiscal and social outcomes.
  - New Mexico has a short-term foster care placement rate of 40.9 percent while the national average is 8.7 percent.
  - Short-term placements in foster care cost the state up to \$13.7 million a year and costs families \$16.5 million a year.



## May 2020 Program Evaluation

# Short-term Placements in Foster Care

- The state's short-term placements in foster care issue reflects systemic factors that need to be addressed.
  - High caseloads in some CYFD offices likely contribute to the short-stayer problem.
  - Retention strategies could mitigate vacancy rates among case workers.
- New Mexico has the opportunity to increase use of in-home services, which have been used by other states to reduce short-term placements in foster care.
  - CYFD's Protective Services Division should increase use of in-home services such as counseling and parental support education to cut down on children coming into foster care.
  - New Mexico discontinued an evidence based in-home service program.
- New Mexico's removal process is likely contributing to high short-term placement rates.
  - There are opportunities for cross-training between law enforcement and Protective Services.
  - Data sharing between Protective Services and law enforcement would lead to improved decision making.
  - Multidisciplinary teams can increase communication and collaboration between child Protective Services and law enforcement, as well as provide a venue for case review.

## Key Recommendations

### The Legislature should consider

- Changing statute to mandate a demonstration that no service or program could be delivered to the family that would obviate the need to remove the child from the home; and
- Changing state statute to authorize CYFD to have sole removal authority in abuse and neglect situations. CYFD will have to put into place proper training, policies and procedures to ensure safety of children.

### The Children, Youth and Families Department should

- Work with the Department of Finance and Administration and the Legislative Finance Committee to create performance measures and targets focused on the rate of short-term placements in foster care;
- Monitor the population of children in short-term foster care to determine predictors of short-term placement and potential differences between longer entries to aid in the decision-making process around custody;
- Pilot caseworker retention activities that have worked in other states, assess the impact of these practices, report which is most effective, and create an expansion plan to implement the retention strategy;
- Ensure evidence-based practices for in-home services;
- Study amending state statute to grant removal authority to CYFD after obtaining a warrant; and
- Design training for all law enforcement agencies on CYFD collaboration and work with law enforcement agencies to create a training for all new Protective Services staff on how to best work with law enforcement during a case. This training should focus on differentiating safety and risk as well as specifics on trauma and how family separation has negative impacts for children.



## New Mexico Places More Children in Short-Term Foster Care Than Any Other State

**Short-term placements in foster care can be costly to the state and negatively impact children and families.**

Over at least the last six years, approximately 40 percent of children placed into foster care in New Mexico stay for less than 30 days, the highest short-term placement rate in the nation. Most of these children only stay in foster care for 8 days or less. Serious abuse and neglect make it necessary to remove unsafe children from their homes; however, in recent years, researchers have identified some of these “short-stayers” as unnecessary removals from the home that could have been avoided with better strategies or additional resources.<sup>i ii</sup> The impact of the high rate of these short-term placements in foster care can be significant, because they can be traumatic for the child, add to the workload of the department, and take essential resources and attention away from the children and families who are unsafe or at risk. Due to both the human and fiscal costs associated with the removal of children, the goal of CYFD is to ensure that children only come into custody when they cannot be maintained safely in their own homes.

### Example of Short-Term Placement in Foster Care

**Necessary Short Stay:** Peter is a 10-year-old living with his mother in Albuquerque when his mother is arrested for drug possession. Law enforcement calls Protective Services to put Peter into foster care while his mother is in jail because no family is immediately available. Protective Services finds Peter a foster home in another part of the city, with two other children, neither of whom he knows. After being in that home for three days, his mother is able to post bail and he is released back into his mother's custody. Peter didn't know when he would return home or what was happening to his mother. When he gets home, he is worried he may be taken away again.

**Unnecessary Short Stay:** John is a 9-year-old living with his father in Clovis when his father is arrested for drug possession. Law enforcement does not check to see if there are relatives in the area prior to calling Protective Services to put John in foster care. Because John was taken into care late at night, the investigator was unable to contact relatives. After 24 hours in a foster home with people John has never met, his grandmother contacts Protective Services. Protective Services is able to work with the family to release John into his grandmother's custody after being in foster care for a week.

**For a detailed example of a case study from the case workers' perspective see (Appendix B).**

**CYFD administration has long recognized the state's issue with short term foster care placements.** In 2014, CYFD engaged with Casey Family Programs and Pacific Financial Management, Inc. (PFM) to examine the decision-making process and programmatic, operational, and fiscal costs regarding short-term placements in foster care. PFM's analysis indicated short-term placements in foster care primarily occur between the removal of a child and the end of the regulatory two-working-day period to petition the court for the placement of the child into foster care, also known as a “48-hour hold.” This two-day period can often extend to five calendar days and sometimes up to eight calendar days with the inclusion of weekends, holidays, and court closures. This high rate of “48-hour holds” was attributed to New Mexico state statute in which law enforcement agencies have the sole, independent authority to remove children from the home and place them in

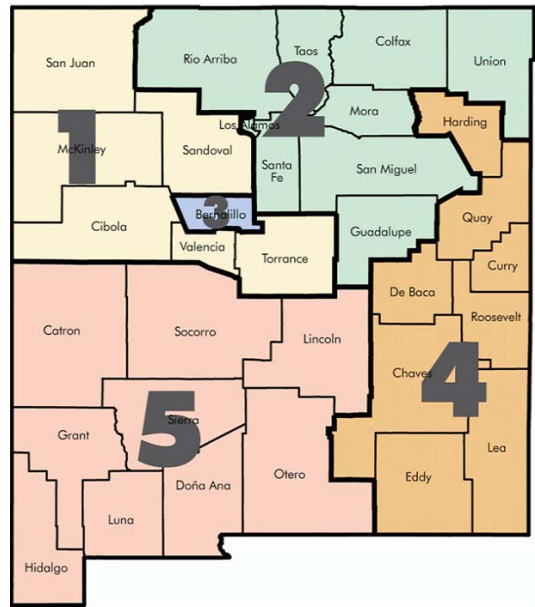


state custody without an ex parte order. New Mexico is one of only four states that grants law enforcement agencies with the sole authority to remove a child from the home. The PFM analysis also cited systemic factors that contribute to the high rates of short-term placements in foster care, including high turnover rates among CYFD caseworkers, high caseloads, and a growing number of children coming into care.

**Protective Services Division provides child protective and other child welfare services throughout New Mexico.**

CYFD’s, Protective Services Division (PSD) has a FY20 budget of \$175.9 million out of a total CYFD budget of \$308.9 million. Administration of PSD is centralized with direct services offered statewide through county offices located within five designated regions.<sup>iii iv</sup> When a parent, neighbor, teacher, or member of the community suspects that a child is the victim of abuse or neglect, they can call CYFD’s statewide central intake. PSD is required (Section 32A-4 et seq. NMSA 1978) to conduct an assessment of every statewide central intake call. Last year CYFD received 37 thousand such calls, which led to over 20 thousand investigations. PSD investigators gauge two factors: safety and risk. If the home is deemed unsafe, PSD investigators will

recommend law enforcement officers remove the child from the home. However, a law enforcement officer can make an emergency removal without a CYFD recommendation under certain statutory exemptions, such as if the child is in imminent risk of abuse or the department is not available to conduct a safety assessment in a timely manner. If the child’s safety is not in immediate danger, but there is some risk of danger to the child, CYFD case workers are required to work with the child’s family to ensure the child’s safety. (See



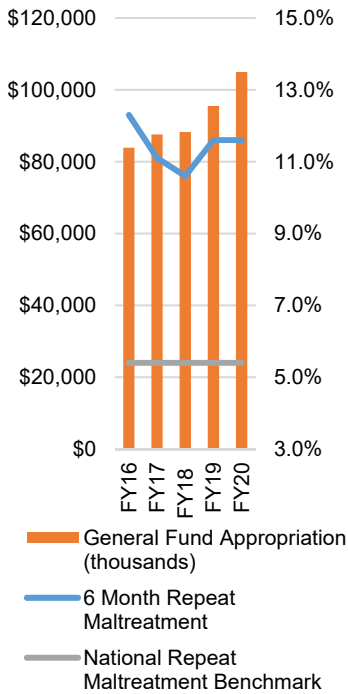
Appendices C&D for the PSD report card and a timeline of major child welfare events.)

**State law directs PSD workers to prevent or eliminate the need for taking children into state custody.** If a child is removed from the home by law enforcement, they are delivered to PSD. Section 32A-4-7 NMSA 1978, Protective Services investigators are required to review the need for placing the child in protective custody. If PSD does not petition the courts to retain custody of the child within 48 hours, the child is released back to a guardian. If PSD petitions the court, the court can then issue an ex parte custody order to allow PSD to retain custody for a longer period of time. Removal is necessary under certain situations, but should only be used as a course of last resort. Section 32A-4-7-D NMSA 1978 dictates, “reasonable efforts shall be made to prevent or eliminate the need for removing the child from the child’s home, with the paramount concern being the child’s health and safety.”

**Programs within Protective Services**

- Child Abuse & Neglect Reporting/Investigations
- In-Home Services
- Foster Care
- Adoptions
- Youth Services
- Permanency Planning
- Children’s Trust Fund

**Chart 2. Protective Services General Fund Appropriations and Six Month Repeat Maltreatment Rates, FY16-FY20**



Source: CYFD and LFC files

All state child protective service agencies prioritize family preservation, keeping children in their homes with their primary caregivers.<sup>v</sup> Approaches used in family preservation include in-home services that might focus on parenting education and family therapy, substance abuse treatment, home visits, and other supports designed to increase safety in the home and increase the family’s capacity to provide stable care. As stated in Section 32A-4-6, only when there is evidence of prior abuse or neglect or an imminent threat to child safety do child protective service agencies deem it necessary to bring a child into protective custody.

***New Mexico ranks above the national average for child victimization, repeat maltreatment and child deaths.*** New Mexico is eighth in the nation for rate of child victimization. In 2018, New Mexico had a child maltreatment death rate of 2.49 per 100 thousand, above the national average of 2.39 per 100 thousand.<sup>vi</sup> In addition to a high death rate for children, in 2017, the state also had the third highest repeat maltreatment rate in the country.<sup>vii</sup> These negative outcomes for the child protection system indicates that even though many children are removed from their homes for a short period, frequently due to an emergency situation, the state is worse on average than the rest of the nation on three important child safety metrics.

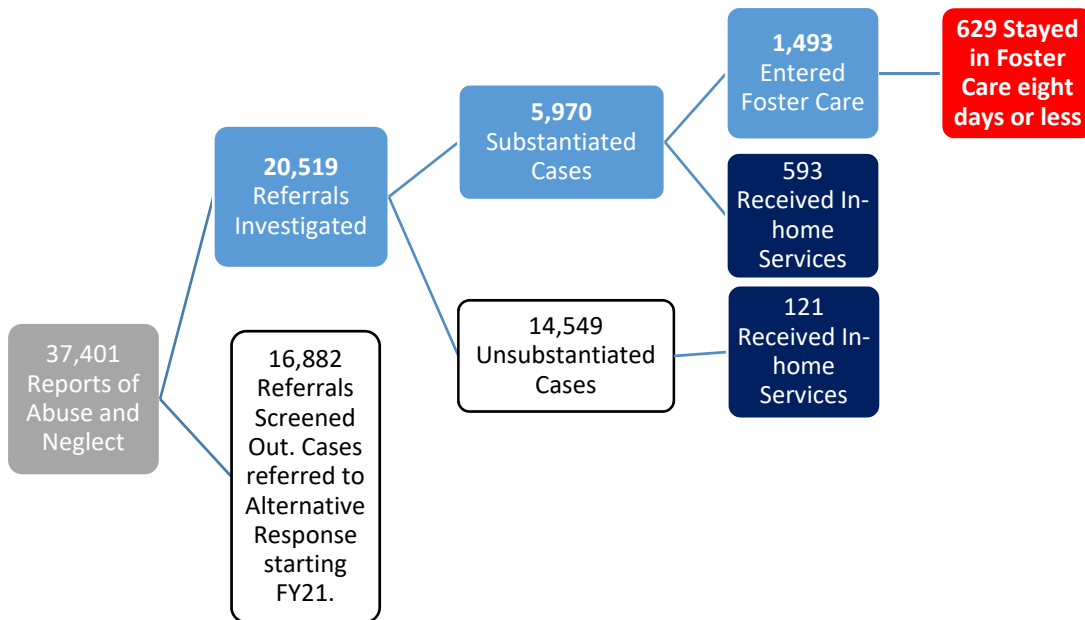
**New Mexico Rankings on National Indicators of Child Well-Being**

Child Indicator	National Ranking
Child victimization	8 <sup>th</sup>
Child maltreatment death rate	18 <sup>th</sup>
Repeat maltreatment	3 <sup>rd</sup>

Source: ACF Maltreatment report 2018 & NCANDS 2017 report

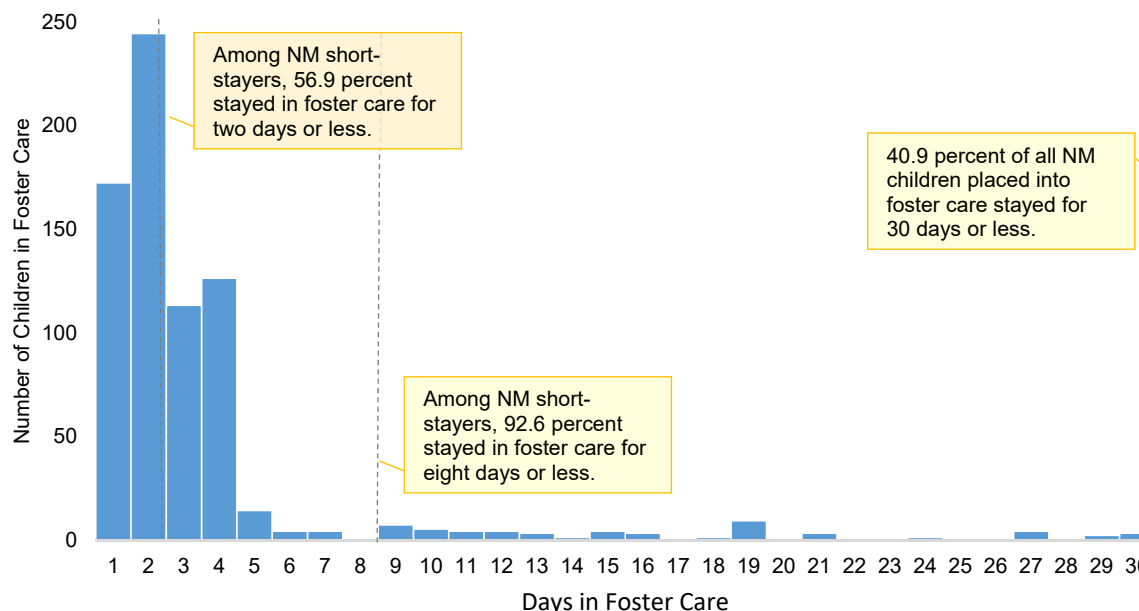
Protective Services received 37 thousand reports of abuse and neglect in FY19. Of those calls, 20.5 thousand were investigated. During an investigation, a CYFD worker assesses a variety of factors about a family’s situation to determine if children in the home are safe and if child maltreatment has occurred. Of the investigated cases, just under 6,000 were substantiated as a case of child maltreatment. Of these children, most were referred to other services, such as community-based or in-home services, with roughly 1,500 entering foster care. However, of those who entered foster care, roughly 40 percent, 629 children, stayed in foster care for eight days or less.

**Figure 1. Number of children interacting with Protective Services, FY19**



Note: For definitions of terms used above see Appendix E. Source: CYFD 360 Reports, FY19

**Chart 3. Frequency of Days Spent in Foster Care Placement Among NM Short-Stayers, 2018**



Note: Out of 1786 children placed in foster care reported to AFCARS, 731 (40.9 percent) stayed in foster care for 30 days or less, and 677 (37.9 percent) stayed in foster care for 8 days or less. Out of all the “short-stayers”, 92.6 percent stayed in foster care 8 days or less and 56.9 percent stayed in foster care for 2 days or less. Five children who stayed in foster care for less than one day were removed from analysis to be consistent with national AFCARS reporting standards. See Appendix F for more details regarding AFCARS data reporting.

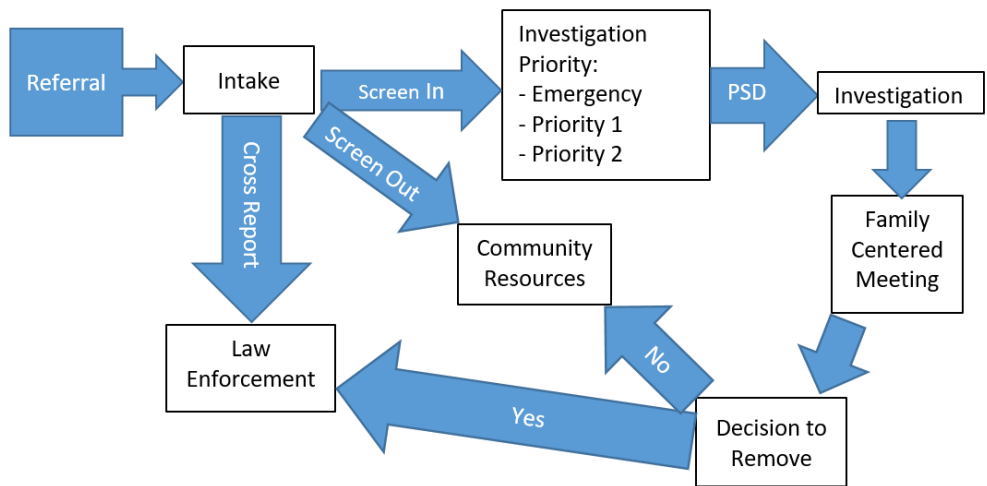
Source: 2018 AFCARS.

**Most states do not allow law enforcement agencies to have unilateral removal authority, and the 2015 report by Casey Family Programs argued law enforcement removal may lead to higher rates of short stays.**

**Emergency placements by law enforcement can circumvent safety and risk assessments and family services.** New Mexico law allows law enforcement to remove children based on suspicion of abuse or neglect if the law enforcement officer believes the child is at risk of imminent harm (Section 32A-4-6 NMSA 1978). In these cases, a law enforcement officer calls CYFD’s statewide central intake and requests a 48-hour hold. PSD investigators are consulted regarding the removal. The child is then generally transferred to PSD custody and then placed into foster care. After the child is placed into foster care, the PSD investigator can conduct a safety and risk assessment, at which time the child can be reunited with the family. In some cases, the removal of the child might have been completely necessary for safety. In others, children can be taken into custody prior to PSD investigators conducting a safety and risk assessment and determining if other services could be provided to the family – leading to an unnecessary removal.

Some states do not have all youth formally enter the foster care system, potentially creating issues with state by state comparisons of short term foster care placements. In Washington state, youth who stay in shelters rarely enter the child welfare system. However, in New Mexico, our process has many of these youth enter foster care. By entering foster care, these youth are counted in the child welfare data reporting system, which is not the case for some states. Additionally, data reporting methodologies for AFCARS varies by state. New Mexico is one of only a few states that include children staying in foster care for less than 24 hours. Therefore, direct comparisons between New Mexico and other state’s short term placements in foster care may be difficult to interpret and examining internal state trends may be preferable. (See Appendix F).

**Figure 2. Child Welfare Process**



Source: CYFD

**Example of Providing Less Intensive Services to Prevent Foster Care Placement**

**Current situation:** Ramona is an 8-year-old living in Las Cruces. She and her siblings live with their mom and dad. When her parents got into a bad argument, a neighbor called the police. The police arrested her father for domestic violence. Because the fight happened on a weekend night, law enforcement removed the children prior to CYFD arriving. CYFD looked for a placement for the family and puts the children into foster care. CYFD completed the safety and risk assessment for the family while the children were in custody. After a few days in foster care, the family was reunited and are provided in-home services for an undetermined amount of time.

**Ideal Situation:** In the ideal version of Ramona’s story, she and her siblings would not have been removed from the home. Ideally, police would consult with CYFD to determine how to best keep the children safe while serving the family. Police would focus on any criminal activity (the domestic violence) and Protective Services would assess the safety and risk for the children in the home. Through discussion, police and CYFD could determine the children could stay with their mother and working with the mom to determine how to keep the children safe. The family would be offered evidenced-based in-home services to prevent the children from entering custody.

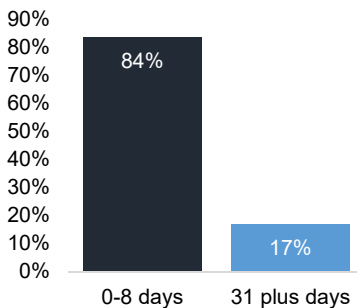


## Short-Term Placements in Foster Care Lead to Potential Detrimental Fiscal and Social Outcomes

**Children in short-term placements in foster care differ from the general foster care population in placement type and reason for removal.**

**Children in short-term placements are significantly more likely to be placed with a non-relative.** Children ordered into state custody have a higher likelihood of placement with a relative, and placement with a relative often leads to better outcomes.<sup>viii</sup> Placing children with individuals they know, mitigates the trauma of being removed from their home. CYFD stipulates in policy and procedures that preference should be given to relatives and PSD should exercise due diligence to find relatives within 30 days. However, four out of every five children in short-term foster care placements lasting eight days or less are placed in a non-relative foster home, compared to less than one in five children or those in care more than 30 days. The state may need to continue to focus on placing children with a relative from the start, especially in emergency placement situations. CYFD should continue to expand its focus of relative placements to emergency placements by using tools shown to work in other states to quickly assess relatives for safety when a child needs an emergency placement. Data regarding non-relative placement rates should be tracked by CYFD to help determine how to improve the placement experience for children in care for a short period of time and whether a placement was needed.

**Chart 4. Rate of Non-Relative Foster Care Placement by Length of Stay in Foster Care, 2018**



Source: LFC analysis adapted from UNM

**CYFD does not monitor the characteristics of short-term foster care placement cases compared with longer-term placements.** If the state can identify factors that predict short-term placements in foster care, then CYFD could better identify those children whose families could benefit from services instead of foster care and those children who could be at risk of repeat maltreatment and benefit from a longer stay in care. In a study of Philadelphia’s Department of Human Services Family and Child Tracking System (FACTS) database, children under 1 year of age, those in kinship-type placements, males, and those who received in-home services prior to placement had significantly longer stays in foster care.<sup>ix</sup> LFC analyses of New Mexico AFCARS data indicated little difference in age, disability, and race among short-term placements and longer entries in foster care and reasons for removal. However short term-placements have a higher rate of removal for parental incarceration, parental death and sexual abuse. Some short-term placement removal reasons, including sexual abuse, likely signify deeper issues with safety and are therefore unavoidable, but other removal reasons such as neglect or parental incarceration might be avoidable if a suitable relative can be found or in-home services can be provided (see Appendix G for detailed comparisons). Routinely asking detailed questions about New Mexico’s short-term placement population could help CYFD in removal decisions regarding this population.

***In New Mexico, the majority of short-term placements in foster care were reported by law enforcement.*** According to CYFD data, 56 percent of short-term placements in foster care in federal FY19 were reported by law enforcement, compared with 44 percent for non-short-term placements, (this includes all children in care for nine or more days). Therefore, the majority of short-term placements have law enforcement involvement, likely in an emergency situation. CYFD currently does not have a place in its data system to track how often law enforcement might be removing the child from the home prior to CYFD arriving on the scene to investigate. CYFD should begin collecting this information to determine what policy levers need to be in place to further reduce short-term placements in foster care.

**Table 1. Subset of Short-term Placements in Foster Care by Reporting Source, FFY19**

Reporting Source	Percent of Total for Children in Care Eight Days or Less*	Percent of Total for Non-Short-term Placements in Foster Care Nine Days or More
Law Enforcement, Legal, or Criminal Justice Personnel	56%	44%
Anonymous	15%	19%
Education Personnel	10%	7%
All Other	21%	30%

\*Note: CYFD defines short-term placements in foster care as children who stay in foster care 8 days or less. Total may not add to 100 percent due to rounding.

Source: CYFD analysis

**Children removed from the home generally have worse outcomes than those who have been maltreated but not removed.**

***Removal from the home is often a traumatic experience for children and is associated with negative outcomes.***<sup>x</sup> Interviews with children removed from the home due to suspected abuse and neglect indicate removal is a traumatic experiences for the child. Children report they were not warned they were being removed, were provided with little information or support about their foster care placement, and experienced feelings of fear and confusion.<sup>xi</sup>

***“There is so much research on this [removal from the home] that if people paid attention at all to the science, they would never do this.”***

Dr. Charles Nelson, professor of pediatrics at Harvard

**Children removed from the home compared with similar children abused but not removed from the home**

- ***are more likely to be involved with the criminal justice system;***
- ***have twice the risk of behavioral health problems;***
- ***are more likely to have reactive attachment disorder;***
- ***have over 1.5 times higher risk of mortality between the ages of 20 and 56.***

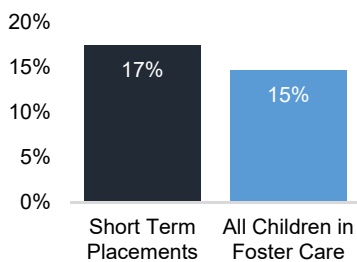
Source: Alia 2019 Brief

### Summary of Research on Harm to the Child from Removal from the Home

- Children who are removed are “overwhelmed with feelings of abandonment, rejection, worthlessness, guilt, and helplessness.”
- Separation floods stress hormones throughout the child’s brain and body, leading to:
  - Difficulty sleeping, developmental regression, heart disease, hypertension, obesity, diabetes, and decreased longevity;
  - Permanent architectural changes in the brain, including lower IQs; and
  - Depression, more suicide attempts, and more problems with alcohol abuse and gambling.
- Children generally suffer worse outcomes when removed than if they had been allowed to remain in marginal homes. In studies of similarly situated children (those with social services involvement facing possible removal), children who were, in fact, removed (compared with those remaining at home):
  - Have two to three times higher delinquency rates;
  - Have higher teen birth rates;
  - Have lower earnings as adults;
  - Are twice as likely to have learning disabilities and developmental delays;
  - Are six times more likely to have behavioral problems;
  - As adults, are more likely to have substance-related disorders, psychotic or bipolar disorders, and depression and anxiety disorders; and
  - As adults, have arrest rates two to three times higher, and are more likely to have criminal convictions for violent offenses.

Source: [American Bar Association \(May 2019\). Trauma caused by separation of children from parents: A tool to help lawyers.](#)

**Chart 5. Recurrence of Maltreatment Within 12 months, Short Term Placements in Foster Care vs. All Foster Care, 2017**



Note: Short term placement is defined as 8 days or less  
 Source: CYFD 360 reports and CYFD analysis

**Short-term placements do not make children less likely to suffer abuse again.** Short-stayers in New Mexico have higher rates of repeat maltreatment. Seventeen percent of children who stay in foster care for eight days or less have another substantiated case of abuse or neglect within one year, a slightly higher rate of repeat substantiated maltreatment than children in longer stays (14.6 percent of all foster care placements<sup>xii</sup> compared to 17.4 percent of short-term placements in foster care<sup>xiii</sup> in 2017). These rates of repeat maltreatment among short-term placements can indicate many children might not have needed to come into custody while others could have stayed in custody longer or received services like in-home services. CYFD should systematically review short-term placement cases to determine whether children stayed in foster care for the appropriate amount of time, and if not, what services could have been provided.

**Short-term placements in foster care for eight days or less cost the state about \$14 million a year.**

One short-term placement in foster care from child abuse and neglect costs Using the Results First Model, New Mexico up to \$20.3 thousand through losses to both the state and the child. In 2018, 677 children stayed in foster care eight days or less (See Appendices H and I for methodology and cost breakdown). If New Mexico was able to reduce the rate of short-term placements in foster care to the 2018 national average, the state would save up to \$11.8 million annually.

**The cost to families whose children stayed in foster care for up to 48 hours and then returned to their caregivers is \$16.5 million a year.** Over half of all children placed in short-term foster care are returned to their caregivers without filing an ex parte order to retain custody within 48 hours of removal. New Mexican families could lose significant amounts of money as a result of lost wages and social emotional distress due to these temporary removals and short-term placements in foster care. According to a University of New Mexico analysis, if a child is in CYFD custody for 48 hours, parents will likely lose their wages for those two working days, ranging from \$168 to \$542 per family depending on the family’s income level. However, the social emotional distress, which the child’s short-term placement in foster care likely causes, is much costlier, ranging from \$17.3 thousand for a household with one parent and one child to \$26 thousand for a two-parent household. This calculation is based on a multiple of earnings, commonly used in lawsuits and jury awards (for full details, see Appendix J). These estimates may also be

**Families in New Mexico collectively lose approximately \$16.5 million a year from 48 hour placements in foster care. These costs come from the lost parent earnings as well as emotional distress.**

Source: UNM MPP analysis

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conservative because only one child was considered per household. Cumulatively, these expenses cost families between \$16.3 million and \$16.5 million a year in New Mexico.

## Recommendations

The Children, Youth and Families Department should

- Track rate of relative placements by length of stay in foster care paying particular attention to children in care for less than 30 days;
- Work with law enforcement and investigative case-workers to emphasize placements with relatives;
- Work with the Department of Finance and Administration and the Legislative Finance Committee to create performance measures focused on the rate of short-term placements in foster care;
- Begin collecting data regarding law enforcement removals of children prior to CYFD arriving on scene as well as the reason why CYFD was not present when law enforcement placed the child into state custody;
- Regularly track and report safety outcomes of short-term foster care placements;
- Monitor the population of short-term placements in foster care to determine if there are predictors of short-term placement to aid in the decision making process of taking children into custody; and
- Systematically review short-term placement cases to determine whether children stayed in foster care for the appropriate amount of time, and if not, what services could have been provided.



# High caseloads likely contribute to short-term placements in foster care

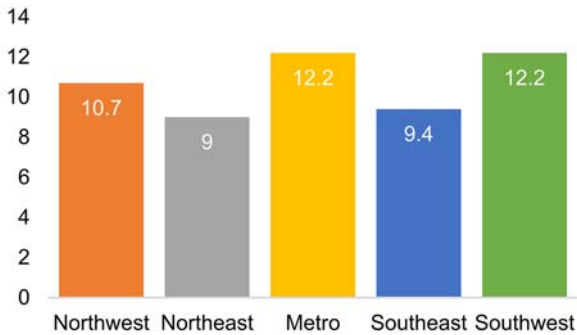
***“In every state we visited, caseworkers said that staffing shortages and high caseloads have had detrimental effects on their abilities to make well supported and timely decisions regarding children’s safety.”***

HHS Could Play a Greater Role in Helping child welfare agencies recruit and retain staff GAO 2003

**Regions with the highest caseloads have the highest rates of short-term placements in foster care.**

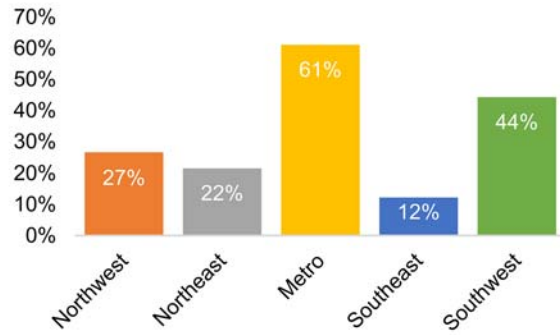
This relationship between caseloads and short-term placement rates is not surprising as the federal Government Accountability Office stated protective services caseworkers in every state visited said turnover and staffing shortages made it harder to make timely and supported decisions regarding child’s safety.<sup>xiv</sup>

**Chart 6. Average Investigative Caseload, November 2019**



Source: CYFD Desktop report and analyses

**Chart 7. Short-Term Placements in Foster Care, FY20 2nd Quarter**



Note: Short term placements refer to children in foster care for 8 days or less.

Source: CYFD Desktop report and analyses

Casey also highlighted high caseloads likely contribute to a higher rate of short-term foster care placements. A 2015 report by Casey Family Programs and PFM mentions high turnover contributed to high caseloads in a number of locations throughout the state. During the time of the report, one in every six positions was vacant. Additionally, caseloads were above the Child Welfare League of America’s recommended caseloads of 10 to 12 cases per investigative worker. CYFD currently monitors caseloads monthly and benchmarks their caseloads to the league’s recommended standards. While the situation has improved since the 2015 report, and the statewide average caseload is within the League’s standard, caseloads in the Metro and Southwest regions of the state still need to decrease, likely through retention and recruitment of staff.

**Protective Services has difficulties recruiting and retaining investigative staff.** The statewide average budgeted caseload is 11.5 compared with the average filled caseload (the caseload per actual worker) of 15.9. The caseloads vary by region and range from 20.7 in the Metro region to 12.6 in the Southeast region. These caseloads are on average four cases per worker higher than the budgeted caseloads and four cases per worker higher than the national standard. Because the caseloads are significantly different, the state should focus on recruiting and retaining staff to ensure caseloads are closer the Child Welfare League of America standard. CYFD currently reviews caseload ratios regularly within its quarterly reports and compares county caseloads with the

League standard. If the county is budgeted to carry a caseload at or below 12 but has higher caseloads, CYFD should create a plan to ensure recruitment and retention of staff.

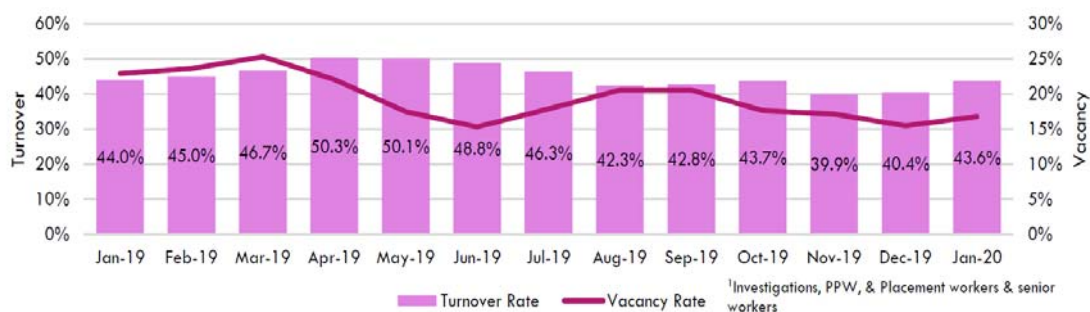
**Retention strategies could help mitigate vacancy rates among caseworkers.**

**New Mexico is currently focusing on improving retention through the Title IV-E scholarship, improving tracking of turnover and focusing on worker self-care.** In its 2015 report, Casey Family Programs recommended CYFD should continue to pursue its 2014 Annual Report and Strategic Plan initiative of implementing improved retention strategies, with the goal of developing new strategies to retain and recruit employees and streamline the hiring process. As shown below, the vacancy and turnover rate for all caseworkers at CYFD has decreased since last spring; however, the vacancy rate has decreased more than the turnover rate. Therefore, CYFD should continue to invest in strategies to reduce both turnover and vacancy rates but should prioritize turnover.

**Title IV-E of the Social Security Act is the largest federal funding stream for child welfare activities. States use these funds for foster care, adoption assistance, guardianship assistance and youth transition services. Title IV-E previously also offered waiver demonstrations to give states the opportunity to use federal IV-E funds for piloting innovative approaches to child welfare service delivery and financing.**

A Primer on Title IV-E Funding for Child Welfare. Child Trends, 2016

**Figure 3. CYFD Monthly Turnover and Vacancy Rates, 2019**



Source: CYFD January 2020 Desktop Report

**States have examined what works to keep child welfare workers within their respective agencies.** Throughout 2017, Texas focused on how to improve retention for its workers, redesigning a number of its system components, which led to increased retention of employees. Texas focused on eight key strategies that included prioritizing the workforce, creating a new caseworker training model, formalizing mentorship, increasing financial resources (including raises and new staff positions), changing the supervisory selection process, recognizing staff, and focusing on caseworker safety.<sup>xv</sup> These strategies led to a reduction in the overall staff turnover rate to 18.4 percent from 25.4 percent. These strategies also worked for investigator turnover, which while remaining high, decreased from 33 percent to 24.9 percent. Florida implemented ChildWIN, a pilot program focused on creating a career ladder, reducing caseloads, and providing caseworkers with a model for building collaborative relationships with parents. Florida researchers found caseworkers believed reduced caseloads positively impacted safety and that as caseloads decreased, worker satisfaction increased (see Appendix K).<sup>xvi</sup>

Other states created alternative work arrangements that led to a decrease in staff turnover. In New Hampshire, caseworkers are allowed to telecommute depending on their level of experience. According to the Administration for Children and Families (ACF),<sup>xvii</sup> these workers had a number of positive outcomes, including a better balance of field time and paperwork, fewer distractions, more communication with the supervisor, greater job satisfaction, increased efficiency, and lower turnover. The unit also had fewer overdue

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protective assessments. In Alaska, the state’s protective services experimented with alternative work schedules, including a four-day week, a four-day week alternating with a five-day week, and one-week-on/one-week-off. For the one-week-on/one-week-off schedule, staff work two weeks’ worth of hours in a single week. According to ACF, the one-week-on/one-week-off schedule resulted in greater staffing stability. New Mexico should explore a variety of retention activities that have worked in other states, including increased training and mentorship, telecommuting, or alternative work schedules.

## Recommendations

The Children, Youth and Families Department should

- Continue to regularly report caseloads, and when caseload standards are not met, include an action plan on how to meet the caseload standard through a variety of retention activities; and
- Pilot retention activities that have worked in other states, including increased training and mentorship, telecommuting or alternative work schedules to accommodate caseworkers;
- Require Protective Services’ Research and Assessment Bureau to assess the impact of pilot retention activities and report on effectiveness; and
- On determining effective practices, create an expansion plan to implement the retention strategy statewide and present this to the Legislature.

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## In-Home Services, Should Mitigate Short-Term Placements in Foster Care

**While foster care is typically the end result of about one in 10 substantiated cases, it is just one option available to the Protective Services Division (PSD).**

Protective Services Division (PSD) provides for the well-being of children through investigations, in-home counseling, youth support services, and permanency planning including foster care and adoptions. Providing in-home or community services is one strategy to potentially reduce the number of unnecessary short-term placements in foster care.

**CYFD will begin implementing differential response (DR), an evidence based program shown to reduce foster care placements in FY21 which will likely increase use of services such as in-home services.** Differential response is an evidence based response to cases of alleged child maltreatment where there is low risk and where investigations may not be appropriate. Under this program, rather than investigating or not responding to a low risk referral, the family is put in touch with a support worker to conduct an assessment and provide services. A pilot differential response program was run in Bernalillo County from 2005-2007 to assess multilevel response and found that families who accepted assessment services saw a lowered rate of maltreatment, had fewer children removed and placed in foster care, and had almost half as many repeat maltreatment reports as families who refused services. Other states have also seen positive effects of differential response. House Bill 376, approved in the 2019 legislative session, requires CYFD to implement a multilevel response system by 2021 (See Appendix L for New Mexico's implementation plan). This multilevel response system will allow the Protective Services Division (PSD) to provide services to a child's family without removing the child from the home. When a report of neglect or abuse is received, the department will be required to conduct an evaluation to determine whether there is an immediate concern for the child's safety.

**In-home services offer a cheaper and more desirable path to child protection than foster care.**

**PSD offers in-home services as an alternative to foster care placement, but the state should expand this service to families prior to entry into foster care.** Currently, about 1 percent of PSD's unsubstantiated cases and about 7 percent of substantiated cases receive in-home services, but these services are infrequently provided prior to a child entering custody. CYFD does not have a uniform way to track family enrollment in in-home services using their child welfare data system because some counties rely on outside providers for these services. In Bernalillo County, 257 children had a short-term placement in foster care in 2019. According to PSD staff, none of those children received in-home services prior to entering custody; generally, children in in-home services do not enter foster care for a short-term placement. However, 47 children had an in-home case open after they were dismissed from a short-term placement in foster care, or around 18.3 percent of the short-term placement population in the county. Therefore, for 47 children who had a short-term placement in Bernalillo County, it may have been appropriate for them to have directly entered in-home services rather than to have been taken into custody.

**A pilot differential response program previously run in Bernalillo County found that families who accepted assessment services saw lower rates of maltreatment, fewer children removed and placed in foster care, and almost half as many repeat maltreatment reports as families who refused services.**

**In-home services are provided to children and families who have been reported to child protective services because of possible child abuse or neglect and who are assessed as being able to benefit from services delivered in the home.**

**In-home services may include:**

- Ensuring children's safety
- Strengthening parental capacity
- Improving caretaking and coping skills
- Supporting healthy and nurturing relationships
- Fostering physical, mental, and educational well-being
- Enhancing the potential for permanency

Source: Child Welfare Information Gateway

- Services provided by Community-Based Contracted Providers:
- Family support
  - Family prevention support
  - Prevention awareness
    - Intensive family intervention support
  - Family reunification

**In FY19, the total expenditure for in-home services was \$2.7 million, with \$626 thousand going to contracted providers.** CYFD served 367 families through state run services and another 156 families through contracted providers, with costs per family varying widely depending on the service delivery method, ranging from \$4,000 per family for contracted services to \$7,000 for CYFD-operated services. However, these services are still cheaper than foster care, which averages \$21 thousand per child per year. CYFD contracts out many of the preventative and in-home services provided to families to community-based contracted providers.<sup>xviii</sup>

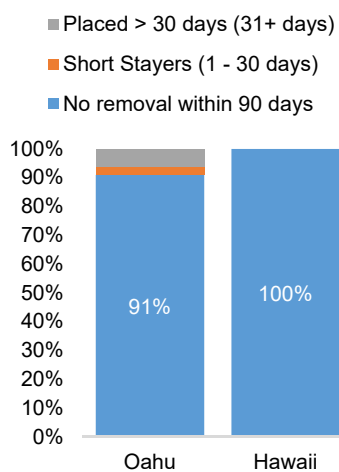
**Chart 8. New Mexico Return on Investment for In-Home Service Models**



Source: Pew MacArthur Results First

**While Protective Services previously used an evidence-based model for in-home services, practitioners currently are not required to use an evidence-based model.** In the late 1990s and early 2000s PSD used Homebuilders, a strong evidence-based program to serve families that interacted with Protective Services as a way to help keep children in the home. Research shows the 60 to 90 day program leads to reduced rates of both out-of-home placement and child abuse and neglect. However, in 2005 Protective Services discontinued using Homebuilders as its family preservation service and is currently using a nonevidence-based program. According to the Washington Institute for Public Policy, Homebuilders has a cost of \$3,600 per family, less than the \$4,000 to \$7,000 per-family cost of the current in-home service program. Protective Services, with the Capacity Center for States, is holding workgroups to identify an evidence based model for In Home Services, but has yet to determine which model to implement moving forward. Protective Services states selection will occur by the end of the fiscal year. Importantly, according to Pew Results First evidence-based research program, while Homebuilders has a positive return on investment of \$2.25 for every dollar spent through savings on future social services costs, other family preservation models cost the state 71 cents for every dollar spent, using New Mexico data.

**Chart 9. Rate of Subsequent Out-of-Home Placement After Receiving Intensive Home-Based Services in Oahu and Hawaii**



Source: Berry, M., Chandler, S.M., Senaha, D.M., Littlejohn, K., Lucas, A., Rhodes, E., Wulczyn, F., & Micua, L. (2020). Final Evaluation Report: State of Hawai'i Title IV-E Waiver Demonstration. Honolulu, Hawai'i: University of Hawai'i Center on the Family.

**Other states reduced short-term placements in foster care with increased in-home services.**

**Hawaii and Arkansas implemented evidence-based intensive home-based services to reduce the rate of short-term placements in foster care.** As part of their Title IV-E waiver federal funding initiative, Hawaii and Arkansas implemented intensive home-based services to prevent placement of children assessed to be safe but at imminent risk. Families who would otherwise be separated from their children were instead referred to in-home services by caseworkers based on an assessment and home-safety plan. Of the 198 children served by intensive home-based services during Hawaii's demonstration period, only 14 children in four families had a subsequent out-of-home placement. Evaluators of the waiver demonstration cite that selecting Homebuilders, an evidence-based model of intensive home-based services, was one of the reasons for the program's record of success.<sup>xix</sup> Arkansas used an in-home parenting programs to help reduce the rate of short-term placements in foster care. A July 2018 ACF report<sup>xx</sup> indicated positive results the state's Nurturing Families Arkansas parenting program. In preliminary analyses 80 percent of workers reported the program was very effective at keeping children safely in their homes. Additionally, families reported they believed they were able to keep their children out of foster care because of the parenting program. These families were also significantly less likely to have a subsequent substantiated Protective Service case within 12 months of completing the program.

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***Some states, prohibit removals unless no service or program can be delivered to the family that would obviate the need to remove the child from the home.*** Both Colorado and Michigan require an officer making the decision to remove a child suspected of abuse or neglect to ascertain whether any services can be put in the home to prevent the removal. Other states, like Illinois, Indiana, and New Jersey, require a showing that immediate removal is necessary because the delay in proceeding to court and obtaining a custody order would create the risk of significant harm to the child. In states like New Mexico, which permit law enforcement officers to remove a child based solely on suspicion of abuse or neglect, the system can rely on the subjective determination of the law enforcement officer, without examination of other services that may be available to the family. If a law enforcement officer in New Mexico was required to demonstrate that no services could be provided for the child and the family when deciding whether to remove a child suspected of abuse and neglect, then this could potentially reduce the number of unnecessary removals from the home. The Legislature should consider amending statute to mandate a demonstration that no service or program could be delivered to the family that would obviate the need to remove the child from the home.

If Ramona, the Las Cruces child removed when her father was arrested for domestic abuse, would have lived in Colorado, a caseworker investigator would be required to complete a safety and risk assessment. Based on the assessment, the investigator would have indicated that intensive home-based services would be an appropriate service for the family. Because intensive home-based services are available in Ramona's county, the investigator would have referred Ramona's family to an intensive home-based services supervisor.

## Recommendations

The Legislature should consider:

- Amending Section 32A-4-6 NMSA 1978 to mandate a demonstration that no service or program could be delivered to the family that would obviate the need to remove the child from the home prior to a child's removal from the home.

The Children, Youth and Families Department should:

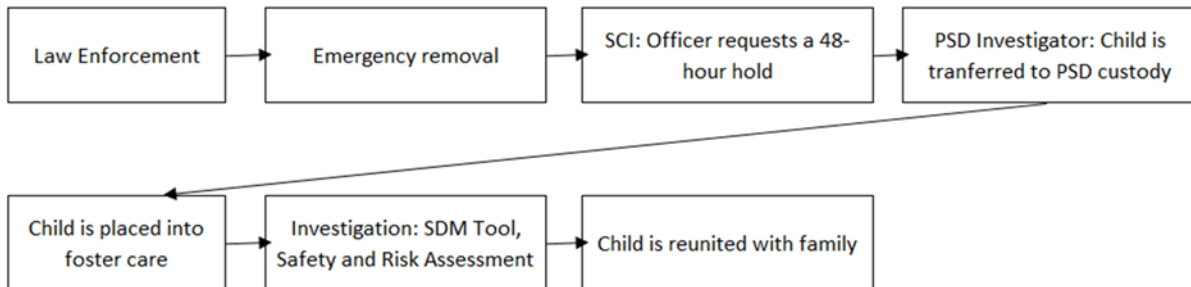
- Track all in-home services cases in the child welfare data system so caseworkers can access comprehensive data on a family in one location;
- Ensure evidence-based practices for in-home services; and
- Gauge the need for provision of sufficient prevention and early intervention services by county office.

# New Mexico’s Removal Process is Likely Contributing to Unnecessarily High Removals of Children

**Statutory changes and better collaboration between law enforcement and CYFD should decrease short-term removals of children from their families.**

*New Mexico’s current state statute governing removals of children, Section 32A-4-6 NMSA 1948, gives law enforcement removal authority.* The law states: “a child may be held or taken into custody by a law enforcement officer when the officer has evidence giving rise to reasonable grounds to believe that the child is abused or neglected and that there is an immediate threat to the child’s safety; provided that the law enforcement officer contacts the department to enable the [department] to conduct an on-site safety assessment to determine whether it is appropriate to take the child into immediate custody.” (See Appendix M for the full statute) Despite this rule, law enforcement is not always required to contact CYFD because of a number of exceptions, including the determination by law enforcement that the child is at “imminent risk of abuse,” or that CYFD “is not available to conduct a safety assessment in a timely manner.” These exemptions hinder Protective Service workers’ ability to conduct an investigation or thoroughly search for a relative placement prior to the child entering custody. CYFD might need to track and monitor when children are removed from the home due to these emergency exemptions. Currently, information on emergency removals is only captured in officer and caseworker case notes.

**Figure 4. Example Process of Emergency Removals**



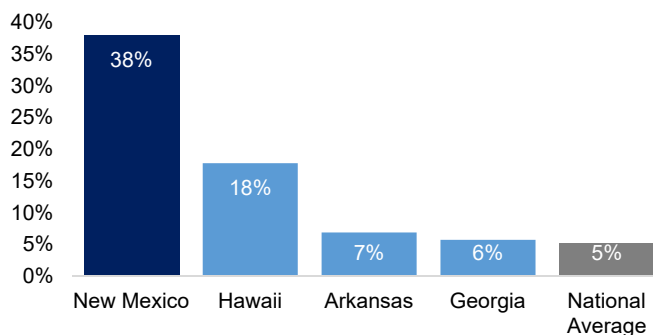
Note: One example of how children can end up in a short-term placement in foster care is through emergency removal. Children are not always reunited with family. Other outcomes are possible such as relative placement.

Source: CYFD

The processes states use to remove a child from the home fall into one of three basic models of collaboration between law enforcement and protective services: minimal law enforcement involvement with protective services investigations, coordinated investigations, and sole law enforcement responsibility. States such as Wyoming, Washington, Ohio, and Michigan have minimal law enforcement involvement. In these states, few policies or statutes are in place regarding collaborative investigations and the local law enforcement agencies typically conduct investigations separate from those conducted by protective services. States such as Pennsylvania, Delaware, Texas, and Utah, require some level of coordination between agencies through formal methods such as memoranda of understanding, child advocacy centers, or statute. In states with sole law enforcement responsibility, such as Hawaii, police conduct investigations and have removal authority, while Protective Services focuses on case management.<sup>xxi</sup>

**Law enforcement tends to remove children from the home at a higher rate than child welfare workers, however, collaboration leads to more effective decision making.** States that grant removal authority to law enforcement generally have short-term foster care placement rates above the national average. In addition to New Mexico, the states where law enforcement can take children into protective custody are Georgia, Hawaii, and Arkansas. New Mexico has significantly higher rates than the other three states that grant removal authority to law enforcement.<sup>1</sup> Research corroborates that law enforcement tends to remove children at higher rates than child welfare workers.<sup>xxii xxiii</sup> Research also highlights the benefits of law enforcement and child protective service collaboration. When protective services and law enforcement work together, there are fewer redundant interviews, better management of safety concerns, and increased accountability by investigators.<sup>xxiv</sup>

**Chart 10. Rates of Children Exiting Foster Care in Eight Days or Less in States with Law Enforcement Right of Child Removal, 2018**



Note: For a list of all states, see Appendix N. States differ in their reporting of AFCARS data and may differ in the process for children entering care, this may inflate NM rates.. \* In Arkansas, a specialized state police unit conducts the child welfare investigations.

**Collaboration in other states appears to lead to a reduction in the number of short-term placements in foster care.** This includes law enforcement and CYFD each focusing on their respective roles, requiring supervisory approval prior to placing a child into custody, having strong multidisciplinary teams that include feedback for those involved in custody decisions, and in some states, courts granting a protective order prior to a child being placed in custody either by law enforcement or Protective Services.

**States that grant removal authority to law enforcement generally have short-term foster care placement rates above the national average.**

**Table 2. Models of Practice in Removing the Child from the Home**

Models of Best Practice from Other States	Practice in New Mexico	Recommendation
Joint agreement required between law enforcement and child Protective Services	Law enforcement officers make removal decisions with consultation from CYFD investigators	Changing state statute to require joint agreement in removal decisions between law enforcement and CYFD.
Supervisory approval	Although not stipulated in statute, most law enforcement officers will consult with their supervising officer, and investigators will consult with their supervisors.	When joint agreement cannot be reached, law enforcement and CYFD supervisors will determine if the state should take custody of the child.
Multidisciplinary investigative teams	Not in statute. Law enforcement agencies and CYFD investigators can conduct separate investigations. Collaboration on investigations can depend on relationships between local law enforcement agencies and CYFD.	Joint agreements for removal should reduce the need for duplicative investigations and interviews.
Court approval for removal	After a child is taken into custody, CYFD must petition the court within 48 hours to maintain custody.	Study amending state statute should grant removal authority to CYFD after obtaining a warrant.

<sup>1</sup> States differ in their removal process. New Mexico removal process may bring more children into care compared to other states.



**During emergency removals:**

**Massachusetts** law stipulates the role for law enforcement and protective services.

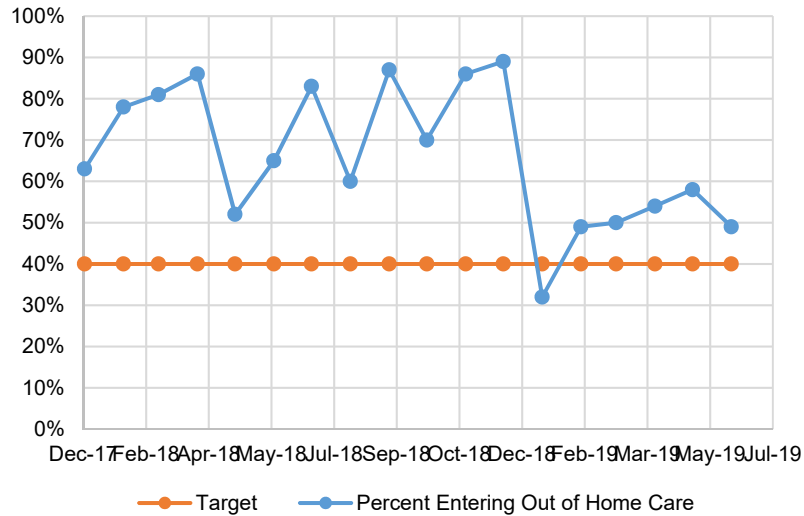
**Texas and Florida** require protective service investigators receive approval from the director when removing children in an emergency.

**Specifying the role of Protective Service and law enforcement staff may allow for better child custody decisions.** In Massachusetts, a state with below average 48 hour placements in foster care, the department can take the child into immediate temporary custody when there is an immediate danger to the child. The department is required to complete a written report stating the reasons for the removal and is required to file for a protective order the next business day. Law enforcement and the department coordinate to minimize the number of interviews conducted with the victim and each has specified roles in statute, with protective services focused on determining the safety and needs of the child.<sup>xxv</sup>

In Texas, statute stipulates that child Protective Services investigators receive supervisory approval when removing children from the home, and if the child needs to be removed in an emergency situation, the investigator needs to receive approval from the director. When comparing Texas with other states, it has extremely low rates of short-term placements in foster care. In some Florida jurisdictions, the jurisdiction requires approval from two levels above the investigator or the program administrator (the county office manager in New Mexico). In discussions with this Florida jurisdiction, staff reported the practice seems to have led to a reduction in both entries into foster care and short-term placements in foster care.

**If Ramona, the Las Cruces child, lived in Texas, a protective services investigator would have needed to obtain approval from a supervisor and director prior to taking custody. From the onset, the law enforcement officer would have worked with the investigator to obtain approval. Through consultation with the protective services supervisor, a safety plan could have been created to keep Ramona with her mother while law enforcement detained her father on charges of domestic violence. If the domestic violence continued, local law enforcement and CYFD could then intervene appropriately.**

**Chart 11. Children Entering Out of Home Care in Orange County with Target Line, 2018-2019**



Note: There was a noticeable decline in children entering care at the beginning of 2019 due to a new policy implemented by the Operations Manager that required every case be staff with the Program Administrator prior to a child entering custody.

Source: LFC adapted from Orange County Florida DFS

**In North Carolina and Arizona, law enforcement is required to have a warrant prior to removing a child from their home.**

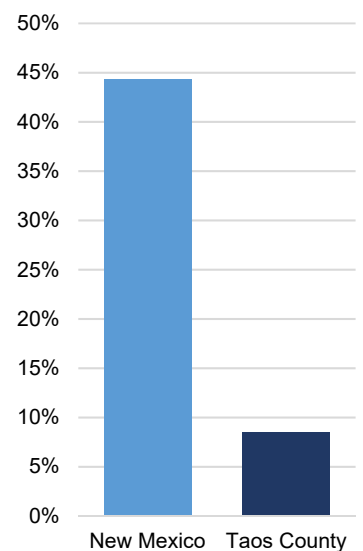
**Some states require court approval for removals of children from the home, except in exigent circumstances.** In North Carolina, law enforcement is required to have a warrant before officers obtain temporary custody of a child, regardless of circumstance, and Protective Service workers must file a court order unless Protective Services deems the child needs to be immediately removed from the home. The rate of children exiting care in less than eight days in North Carolina is at more than 4 percentage points below the national average, while Arizona’s rates remain above the national average. However, Arizona only recently began requiring judicial approval for removals. Protective Services should convene a workgroup made up of Protective Services workers, legal personnel, children’s court judges, foster

youth, and other relevant stakeholders to determine if New Mexico would benefit from a statutory change to allow for sole judicial removal authority except in specific exigent circumstances. The work group should also examine the expected costs and caseload implications of this statutory change.

**If the Legislature and department adopted the above practices, then Ramona, would have been less likely to become a short-term foster care child. As is current practice, the law enforcement officer would report the case to statewide central intake and consult with the Protective Service investigator on staff regarding the decision to remove the child. However, prior to making a decision to take the child into custody, the Protective Service investigator would be required to complete a safety and risk assessment on scene, come to an agreement with the law enforcement officer, and demonstrate that there were no services that could not be provided that would eliminate the need to take Ramona into custody. Because domestic violence resources and support were available, Ramona’s mother could have been referred to services and retained custody of her child.**

***New Mexico has multidisciplinary teams within all of the child advocacy centers but there are inconsistent practices across the teams.*** New Mexico currently has 11 child advocacy centers (CACs), funded by CYFD, with at least one center in each CYFD region (see Appendix O for a map of locations). In addition to running multidisciplinary teams, the CACs also conduct forensic interviews and provide a safe place for children while interviews are conducted and a case is being investigated. Short stay rates in Taos county are low, and interviews with both law enforcement and CYFD indicated few disagreements, likely the result of a strong working relationship facilitated by the multidisciplinary team. The CAC runs an effective multidisciplinary team that conducts thorough case reviews of every case brought to the CAC during its monthly meetings. The multidisciplinary team reviews every case and determines for each party what did and did not work. If any follow up is needed, the specific action is also included (see Appendix P). In addition, this CAC conducts annual reviews of the multidisciplinary team. Taos County has had no short stays in three of the last four quarters, and Taos County has had only one quarter with short stays above the state average in the last two years. In Delaware, the multidisciplinary team coordinator is required to report to team members the outcomes of all cases with which the team is involved.<sup>xxvi</sup> Providing formal feedback to law enforcement and other members of the team could help team members learn in what cases children remain in custody and in which cases children return home. Therefore, CYFD should ensure case review and tracking is a priority for all multidisciplinary teams by requiring these components within their protocols submitted to CYFD.

**Chart 12. Average Short-Term Placement Rate FY18-FY20 Year to Date**

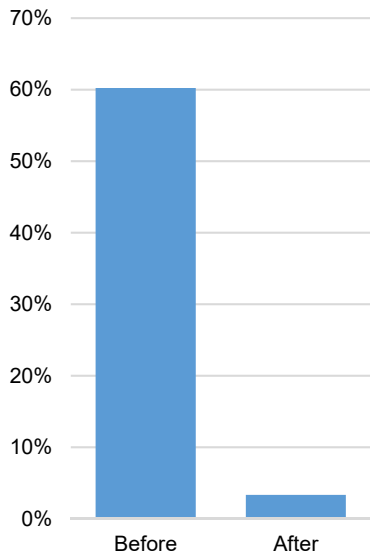


Source: LFC adaptation of CYFD 360 report chart. Short stay rates are for 8 days or less.

**There are opportunities to prioritize cross-training and sharing of information between law enforcement and Protective Services personnel.**

Cross training provides individuals in both law enforcement and Protective Services with shared knowledge, as well as an opportunity to meet each other and build relationships. This shared information helps both parties make more informed decisions regarding how to proceed best with child welfare cares. The state currently conducts some cross training; however, but more needs to be done to formalize and standardize these trainings. For instance, New Mexico currently has informal cross-training of law enforcement by CYFD. Protective Services previously participated in training law enforcement at the State Police Training Academy. In discussions with both Protective Services staff and law enforcement, staff highlighted the benefit of having Protective

**Chart 13. Average Short-Term Placement Rates Before and After Chaves County Cross-Training, FY15**



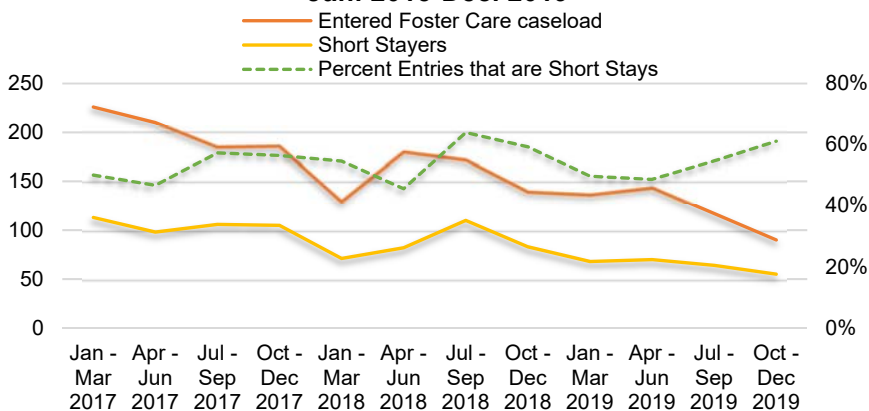
Source: CYFD STEP analyses

Service staff train law enforcement officers regarding the process of investigations and when Protective Services removes children from the home. Some training has occurred regionally in New Mexico and could be a model to scale statewide. Chaves County in 2015 implemented a pilot project training law enforcement regarding the definition and impact of short-term placements in foster care. They saw promising results from this analysis with short-term placements in foster care dropping in April of 2015 after the training. In addition to providing law enforcement with information about short-term placements in foster care, the training created an opportunity to collaborate with law enforcement. However, because of frequent turnover of law enforcement staff, trainings should occur on a regular basis.

**Data-sharing agreements between Protective Services and law enforcement agencies can provide agencies with needed information in determining the safety of a child.** Both Protective Services and law enforcement maintain critical data about families that each needs to make good decisions about child safety. These data include information about prior maltreatment reports, arrests, and convictions. Sharing this information promotes a complete understanding of the family dynamic and history, can help keep child welfare caseworkers safe, and can be critical in determining the safety of the child. As of 2016, 16 states require child Protective Services and law enforcement agencies to coordinate investigations and share information to minimize the trauma caused to children by repeated interviews; seven states require information sharing among multidisciplinary teams.<sup>xxvii</sup> (See Appendix Q for other state examples.) New Mexico only statutorily requires law enforcement and Protective Services to share reporting information (Section 32A-4-3(B) NMSA 1978).<sup>xxviii</sup>

**CYFD and Albuquerque Police Department (APD) recently entered into a memorandum of understanding (MOU) resulting in a decline of foster care placements.** Beginning in June 2019, Protective Service’s statewide central intake began calling APD dispatch whenever there was a high priority case, such as an emergency that needs to be investigated quickly. By doing so, APD dispatch could then initiate a call for service with an APD officer as the initial respondent. Prior to this MOU (Appendix R), all reports were shared with APD electronically rather than on the phone, and officers were not immediately dispatched to these higher priority cases unless CYFD requested an officer to assist them. The MOU was renewed in September and currently runs until August 31, 2021.

**Chart 14. Foster Care Entries (Total) and Short-Stayers Less than Eight Days: Bernalillo County, Jan. 2015-Dec. 2019**



Source: CYFD analysis

The MOU seems to have led to a decline in the number of short-term placements, potentially as a result of a larger decline in the number of children entering care. The number of short-term placements in foster care has dropped since the MOU was implemented from 70 in FY19, fourth quarter, to 55 in FY20, second quarter, a 22 percent decrease. The overall number of children entering foster care during this time also dropped, from 144 to 90, a 38 percent decrease. In addition to the MOU, as these numbers are still rather small,

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CYFD should continue to monitor data to determine if the MOU results in a sustained, positive outcome for both short- and longer-term foster care placements.

## Recommendations

The Legislature should consider

- Changing state statute to authorize CYFD to have sole removal authority in abuse and neglect situations. CYFD will have to put into place proper training, policies and procedures to ensure safety of children.

The Children, Youth and Families Department should

- Convene a workgroup made up of Protective Services workers, legal personnel, children's court judges, foster youth, and other relevant stakeholders to determine if New Mexico would benefit from changing statute to authorize only the judiciary to remove except in specific exigent circumstances and examine the expected costs and caseload implications of this statutory change;
- Establish formalized multidisciplinary teams in every county jurisdiction that conduct formal case reviews of removal decisions, including short-term placements in foster care;
- Develop formalized and specific multidisciplinary team protocols that includes formalized feedback of case outcome for all members of the multidisciplinary team;
- Design a training focused on differentiating safety and risk, how family separation has negative impacts for children, and how to best collaborate with CYFD for all law enforcement agencies, with CYFD reaching out to all basic training academies to conduct this training. CYFD should also work with law enforcement agencies to create a training for all new CYFD Protective Services staff focused on how to best work with law enforcement during a case;
- Ensure county offices are working with local law enforcement so law enforcement is aware of new policies and procedures relating to investigations and safety decisions and that county offices specifically offer trainings to all law enforcement on the new safety and risk assessment tool, and annually conduct trainings to highlight any changes in policy or practice relating to investigations and child removals from the home, as well as training on the impact of short-term placements in foster care;
- Create statewide data-sharing agreements to share information with local law enforcement consistently; and
- Continue to collect and examine these data to determine if the MOUs is have the desired outcome for both foster care entry and short-term placements in foster care.



## State of New Mexico CHILDREN, YOUTH and FAMILIES DEPARTMENT

MICHELLE LUJAN GRISHAM  
GOVERNOR

HOWIE MORALES  
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DEPUTY CABINET SECRETARY

May 15, 2020

Mr. David Abbey  
Director, Legislative Finance Committee  
325 Don Gaspar, Suite 101  
Santa Fe, NM 87501

RE: LFC's 2020 Report on Short-Term Placements in Foster Care Placements

Dr. Abbey:

The Children Youth and Families Department (CYFD) has reviewed this report and would like to thank the evaluation committee for its collaboration and transparency with CYFD throughout the process. The issue of short-stayers -- youth who are removed from their parents and placed into foster care for less than 30 days -- is an issue that the state of New Mexico has grappled with for almost a decade. Removing a child from a parent -- even for a short period of time -- can have [long term, harmful effects](#) and should only be done with the utmost care and consideration.

### New Mexico as an Outlier in More Than Outcomes

New Mexico is an outlier in many ways regarding short-stays in foster care. It is difficult to compare New Mexico data with the rest of the country, so it is difficult to ascertain the extent or the source of the problem. Under New Mexico statute, police have the sole authority to remove a child on an emergency basis. This causes several complications. First, police rarely receive the level of specialized training that a child protective services worker receives to evaluate a home and determine whether removal is appropriate or what supportive services should be deployed to help the family and children remain safe. This should be taken in no way to suggest that police are unqualified to perform their tasks; instead, child protective services workers are specialized in this type of work and employ specialty tools, including the newly implemented Structured Decision Making rubric (SDM) to make such decisions. Yet, strangely in New Mexico, child protective services has no legal authority to remove a child on an emergency basis.

Second, New Mexico is one of the few states -- and may be the only state -- to record each incident of law enforcement involvement that results in a child being transported to the child welfare office as an incident of foster care. In other states -- because law enforcement does not have the statutory ability of removal -- such incidences are only recorded in the

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Comprehensive Child Welfare Information System (CCWIS) if the Protective Services Department decides to file a petition with the court. This makes comparing New Mexico's short stays in foster care with most other states an apples-to-oranges comparison instead of apples-to-apples. Simply stated, New Mexico tracks every time law enforcement brings a child to the child welfare office because it counts as an official entry in foster care. This is simply not true in most other states. As this report notes -- [and other research agrees](#) -- states in which law enforcement has the statutory authority to remove children from their parents have higher incidences of short-stayers.

The complications in comparative short-stayer data aside, CYFD can improve practices and outcomes related to foster care entries to ensure that youth are being removed appropriately and being provided necessary supports.

### **The Importance of Kin**

As the report notes -- and [other research agrees](#) -- kinship care can help minimize the trauma of foster care entries. When a youth cannot remain safely at home with parents, federal and state law as well as best practices mandate taking steps to ensure that youth have the opportunity to be placed with kin with appropriate supports. Prioritizing relative placement has been a point of emphasis since 2019. The agency has [revised its procedures to support and accommodate placement of children with relatives](#) as well as created a Kinship Care Director and placed more emphasis on behavioral and financial supports for relative placements. As a result, CYFD has increased relative placements from 23% to 35% in the last year. Further, initial placements with relatives have increased from less than 5% in January of 2019 to 26%. This means more youth are immediately placed with family, which greatly reduces the trauma of child welfare involvement for those children. By engaging with families earlier, CYFD can also help prevent unnecessary entries into the foster care system.

### **The Importance of Supportive Services**

As LFC states on page 6, In Home Services are an opportunity for CYFD to collaboratively plan with families in a way that is not crisis-oriented and will prevent the removal of children on an emergency basis. CYFD is in the process of revamping its In Home Services model, moving to an evidenced based practice.

Perhaps more importantly, rebuilding New Mexico's behavioral healthcare system is central to supporting our families and avoiding unnecessary child welfare involvement. Without high quality, community-based behavioral healthcare services, we are setting up our families to fail. The State has made great strides in embarking on that rebuild with an upcoming budget that invests in repairing the behavioral healthcare network for children and families -- an effort that is made all the more important by the unprecedented tragedy of this year's pandemic.

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## Early Intervention Works

Finally, early intervention programs work -- even as the rebuild of the behavioral healthcare system in New Mexico continues. One example is the early intervention program created by HB230 that is a partnership between CYFD and DOH. The program links medical professionals, DOH, and CYFD to high-risk, substance use disorder families during pregnancy and at delivery resulting in the creation of medical plans of care. Early identification and supports help link the family to more supports. Less punitive approaches, multi-systemic coordination of services, and realistic support from the family's network leads to decreased emergency short-stayer removals and more thoughtful, sustained case planning.

To date, this program has resulted in 450 plans of care. The vast majority, 375 children, were able to safely remain at home with additional supports. The majority of the rest in the initial cohort ended up in relative care and avoided unnecessary foster care stays. Only two parents in the initial cohort refused to participate in the program.

There are many good stories coming out of the early adoption of HB 230. One is a mother who was referred to in-patient treatment for Substance Use Disorder (SUD). The pediatrician reported that the young mother enrolled and attended the in-patient treatment until the moment of giving birth. She then returned to the program, completed the in-patient treatment, and is now drug-free and working full-time. The mother reported that she had never been so motivated as she was by her new baby and that she had never received so much needed help.

Other examples of early intervention initiatives by CYFD include a differential response pilot in three counties that will work with community providers to deliver supportive services to at-risk families, the expansion of our successful Infant Mental Health program, and the implementation of Child and Adolescent Needs and Strengths (CANS) assessment with an Adverse Childhood Experiences (ACES) subpart for all children who come into contact with CYFD to help drive case planning and supports.

We appreciate the Legislative Finance Committee's focus on this issue. Together, we can make an impact to ensure that children in New Mexico are kept safe and provided appropriate, nurturing supports in the most family-like setting possible.

With appreciation,



Brian Blalock  
Cabinet Secretary  
Children, Youth and Families Dept.

## Appendix A. Evaluation Scope and Methodology

### Evaluation Objectives.

- Determine the social impacts to the child and economic impacts to families and the state of short-term foster care placements.
- Determine causes of short-term foster placements in New Mexico.
- Explore evidence-based programs and best practices from other states that care reduce the rates of unnecessary short-term foster care placements

### Scope and Methodology.

- Reviewed:
  - Applicable laws and regulations
  - LFC file documents
  - Agency policies and procedures and data for the children placed into foster care
- Analyzed data from CYFD, AFCARS, and other agencies to determine the rates of short-term placements in foster care
- Conducted site visits and interviewed appropriate staff
  - The evaluation team met with Protective Services staff, regional office managers, county office managers, and case worker investigators
  - The evaluation team also met with state, county, and city law enforcement agencies
- Reviewed relevant performance measures, administrative data, and related documents
- Researched evaluation reports from other states and national groups as well as academic literature.

### Evaluation Team.

Ryan Tolman, PhD., Lead Program Evaluator

Sarah Dinces, PhD., Program Evaluator

Mitchel Latimer, Program Evaluator

**Authority for Evaluation.** LFC is authorized under the provisions of Section 2-5-3 NMSA 1978 to examine laws governing the finances and operations of departments, agencies, and institutions of New Mexico and all of its political subdivisions; the effects of laws on the proper functioning of these governmental units; and the policies and costs. LFC is also authorized to make recommendations for change to the Legislature. In furtherance of its statutory responsibility, LFC may conduct inquiries into specific transactions affecting the operating policies and cost of governmental units and their compliance with state laws.

**Exit Conferences.** The contents of this report were discussed with the Secretary of the Department of Children, Youth and Families, and his staff on May 6, 2020.

**Report Distribution.** This report is intended for the information of the Office of the Governor, Department of Finance and Administration, Office of the State Auditor, and the Legislative Finance Committee. This restriction is not intended to limit distribution of this report, which is a matter of public record.



Jon Courtney

Deputy Director for Program Evaluation



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## APPENDIX B. Vignette of a Short-Term Placement in Foster Care from the Caseworker Perspective

On May 4<sup>th</sup>, 2017 at approximately 1230 hours, a law enforcement officer called SCI to report he was placing an emergency hold on four children and requires assistance. The caller stated they received a 911 call from a concerned citizen who witnessed her neighbor, who appeared to be under the influence, get into her car and drive away with her five children. The children are of various ages, with the youngest requiring car seats, but none of the children were restrained in either car seats or seat belts. Mother was reported to be driving a black Monte Carlo license plate NM HJK-2038.

Source was dispatched to the scene but saw the identified car pulled over in a nearby vacant store lot. When the driver saw police officers looking at her, she fled at a high rate of speed. Source made a traffic stop and the driver got out of the car in an aggressive manner. Source is shouting commands at her to get back inside the vehicle. For several minutes, the driver refuses to obey officer's commands but eventually sits back down inside her vehicle, leaving the driver's side door open. Source can see at least four small children looking back at him through the back window of the vehicle, unrestrained.

As Source is approaching the car, he hears and sees the driver screaming and yelling. Source can also see the driver punching the steering wheel and rocking the car back in forth. The driver then started punching herself in her face and was leaning towards the passenger seat as she was hitting herself. Source could see that there was a small female child sitting in the front seat passenger seat that was getting hit by the driver's flailing arms and body. Source is unsure if the child was being hit deliberately or on accident due to her sitting in close proximity to the driver. Source grabbed the driver to keep her from injuring herself and the child any further.

The driver then throws herself out of the driver's seat and onto the ground, refusing to comply with Source's commands to place her hands behind her back. The driver is again yelling and screaming saying "you're not taking my kids" and "just shoot me!" The driver began to hyperventilate and was complaining that she has to use the bathroom and she pulls her pants down but could not urinate. Source asked her to pull her pants up several times, and the driver continued to pull her pants up and down, saying she needed to pee. Source was concerned that the driver continued to breathe rapidly, and her eyes began rolling back frequently. She seemed to come in and out of consciousness a few times as well. Source called for an ambulance to have mother evaluated for medical problems. Finally, the ambulance arrives and the driver is transported to Presbyterian Hospital for evaluation. Upon arrival of the ambulance, who checked the driver's vitals, the medical technicians immediately began asking the driver what she was using/what she was under the influence of. The driver did not answer these questions. A quick screen test performed at the emergency room showed the mother to be under the influence of methamphetamine. She also had marijuana, alcohol, and cocaine in her system. It is suspected the driver was under the influence of multiple things.

Source counted five small children in the vehicle between the ages of 1-3 years. Only one child was in a car seat and the other four were all unrestrained. Source is unsure how many of the children actually belong to the driver as she refused to answer any questions prior to being transported to the hospital. At this time, Source is unable to identify any family members available to care for the children. He requests CYFD assistance in the emergency removal of the five children.

Upon initiation, the investigator was able to interview all four children. The oldest child reported that he and his two siblings live with their mother, but the other two children in the car are his auntie's children. He reports the auntie is not his real aunt, but is his mother's best friend who lives in Lubbock, TX. He says auntie has been working out of town for the past month, so the children have been cared for by his mother. He refused to answer questions about today's incident or his mother's behavior. He did give the name of his grandmother, who also lives in Albuquerque, as a potential placement for the children.

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Contact made with the grandmother, who agreed the caseworker could come to her home immediately to conduct an Initial Relative Assessment. The caseworker's supervisor ran a criminal background check and child welfare check on the grandmother, with no significant results found. Caseworker was able to arrange for all of the children to stay with grandmother while attempts were made to speak to both legal parents. Caseworker was able to contact the auntie in Lubbock, who left immediately to return to Albuquerque to pick up her children. The children were released to her the following day. The three other children remain placed with the grandmother. Following mother's stay at the hospital, she was sent to jail. She is currently in jail awaiting her first appearance. Upon interview, mother admitted to using methamphetamine and alcohol on the day of the incident. She stated she struggles with mental health issues, had recently suffered the breakup of a romantic relationship and losing her job in the same day. She says she started drinking and then decided to buy some meth to make herself feel better. She expressed deep remorse for the incident and claimed she has not done anything like this in the past.

Caseworker checked collateral contacts for the family, including the teacher of the oldest child; the neighbor who originally called 911; mother's previous employer; and a friend of the family. All collaterals reported mother does not have a history of addiction that they are aware of; have no concerns about her ability to parent the children; and were surprised to hear about this incident.

A Family Centered Meeting was held on Monday. Mother was able to attend telephonically with the assistance of her detention caseworker. She stated she did not know how to contact the fathers of the children as all of her contacts are in her cell phone, which was confiscated when she entered the jail. Mother agreed to a safety plan allowing the children to remain with her mother. She stated she trusts her mother implicitly and does not want the children to be anywhere else. Grandmother expressed concerns that mother is not a known drug addict or drinker, and stated she would like to support her daughter through this process. She agrees to care for the children with a Power of Attorney in place until mother is released from jail.

Source: CYFD

## APPENDIX C. Timeline of Major Child Protective Services Events

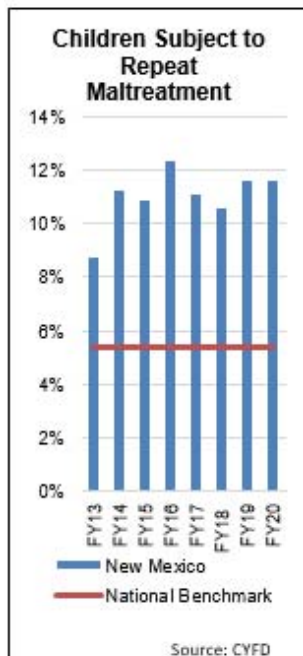
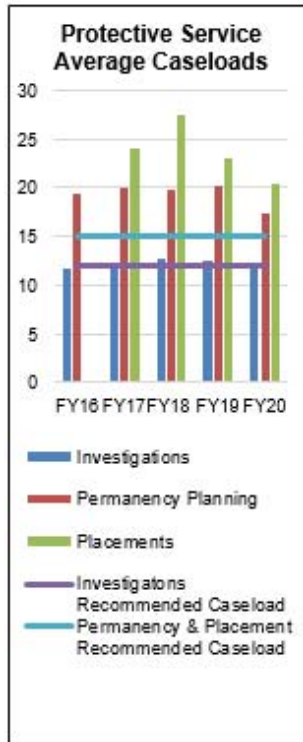
**Table XX. Timeline of Major Child Welfare Events in New Mexico**

The legislature amended the Children's Code, requiring law enforcement agencies to call CYFD to conduct a safety assessment, with the exception of emergency situations.	July 1, 2009
LFC conducted a program evaluation of PSD.	June 15, 2011
Casey Family Programs released a report analyzing short-term foster care placements in New Mexico.	April 2015
CYFD and the Albuquerque Police Department (APD) established a memorandum of understanding (MOU) that gave APD access to CYFD's FACTS data system.	January 16, 2017
The federal Family First Prevention Services Act was signed into law, allowing states to use social security funding for foster care prevention.	February 9, 2018
The governor signed House Bill 376 (Laws 2019, Chapter 137) to implement an Abuse and Neglect Multilevel Response System.	April 2, 2019
CYFD implemented a new safety and risk assessment tool.	May 2019
CYFD established an MOU with APD to share statewide central intake reports	June 13, 2019
CYFD settled a lawsuit alleging that the state's foster care program was underproviding resources and services. As part of the settlement, CYFD agreed to ensure that every child entering care is put through a comprehensive screening process as well as provided with healthcare and trauma response services.	March 26, 2020
<i>Future events:</i>	
Per HB 376, CYFD must submit a plan for multilevel response implementation.	July 1, 2021

# APPENDIX D. LFC Protective Services Report Card



## PERFORMANCE REPORT CARD Children, Youth, and Families Department Second Quarter, Fiscal Year 2020



### Protective Services

Protective Services fell short across all performance measures, and repeat maltreatment rates remain higher than national benchmarks. However, the program's performance showed incremental improvement across many performance measures compared to the first quarter of FY20, most notably a 10 percent drop in turnover for protective service workers. CYFD has made long-term investments in a number of new initiatives focused on improving performance across the department, including expanded training, new safety assessment protocols, and higher staffing levels. While still significantly below the target level, the repeat maltreatment rate this quarter fell by nearly 2 percent. More families are engaged in prevention services and monthly caseworker visits improved by more than 3 percent. The program has yet to see improvement in permanency placements and performance across targets related to achieving permanency declined over this quarter. For FY21, the program received an additional \$5 million to expand kinship placements, reunification services, expand its workforce and implement a new "differential response" system aimed at providing prevention services to families before harm occurs.

**Budget:** \$174,196.6 **FTE:** 978

Measure	FY18 Actual	FY19 Actual	FY20 Target	FY20 Q1	FY20 Q2	Rating
Children who are not the subject of substantiated maltreatment within six months of a prior determination of substantiated maltreatment	89.8%	89.6%	93%	87.6%	89.1%	R
Children who have another substantiated or indicated maltreatment report within 12 months of their initial report*	15%	17%	9.1%	16.8%	14.1%	R
Of Children in foster care for more than eight days, percent of children who achieve permanency within 12 months of entry into foster care.	30.6%	28.5%	42%	27.6%	26.6%	R
Percent of families with completed investigations who engage in prevention services for 30 days or more	n/a	4.5%	20%	6.9%	8.2%	R
Maltreatment victimizations per 100,000 days in foster care	21	13.4	8.5	12.6	11.9	R
Children in foster care who have at least one monthly visit with their caseworker	96.2%	94.2%	94.8%	89.9%	93.2%	Y
Children receiving domestic violence services with a personalized safety plan	89.5%	81.2%	90%	88.5%	88.1%	R
Turnover rate for protective service workers	25%	26.3%	20%	35.6%	25.4%	Y
<b>Program Rating</b>						R

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## APPENDIX E. Glossary of Child Welfare Terms

### Glossary of Terms

**Report:** Call to Protective Services Statewide Central Intake

**Screen In:** a report that has met PSD's criteria for acceptance for investigation for abuse and neglect.

**Screen-Out:** a report that has not met PSD's criteria for acceptance for investigation.

**Alternative Response:** Also called differential response, allows CPS to respond differently to reports of child abuse and neglect allegations, where family assessment occurs and the family is offered services.

**Substantiated Case:** Case where the allegation of abuse or neglect is determined to have happened.

**Unsubstantiated Case:** Case where the allegation is determined to have not occurred.

**Foster Care Entry:** When the custody of the child is transferred from the parent or guardian to the state.

**In Home Services:** are services provided without court intervention that are expected to enhance the family's ability to function independently of PSD, improve safety for children, create stability within the home, and develop healthy and supportive on-going community relationships.

**Community based services:** Programs such as SNAP, childcare assistance, Medicaid, or other programs the community provides to ensure families have what they need.

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## Appendix F. State Child Welfare Reporting Differences

**New Mexico may be counting youth other states do not.** In some states such as Washington, youth experiencing homelessness and other youth who stay in shelters do not need to formally touch the foster care system. In New Mexico, since law enforcement controls who enters care, this does not happen as frequently. A 2019 article regarding Washington state’s homeless teens highlights that many of these youth are not connected to child protective services and if they cannot reunite with family it is unclear who is responsible for caring for them.<sup>xxxix</sup> As this is a potential problem in other states as well, examining data focused on short term placements in foster care may be difficult since New Mexico could be including these youth while other states do not.

**National and state data comparisons of short-term placement in foster care rates are difficult as reporting definitions vary by state.** National comparisons indicate that New Mexico leads the nation in rates of short-term placements in foster care.<sup>xxx xxxi</sup> However, these rankings could be confounded by differences between state’s data tracking and reporting requirements. New Mexico currently exceeds federal reporting requirements for foster care data. According to federal rule, states are required to report all foster care cases in which a child is in care for at least 24 hours.<sup>xxxii</sup> For example, in correspondence with California’s Protective Services,<sup>xxxiii</sup> LFC staff learned that California does not report cases to AFCARS unless the child has been in care for over 24 hours, which would reduce the rates of short-term placements in foster care for California. However, New Mexico currently reports all cases where a child has been placed. If other states only report cases where a child has been in care for 24 hours, it may partially explain why other states have such low rates of children staying in care for less than 48 hours. In examining state AFCARS assessments reported to the Administration for Children and Families since 2012, of the 10 states with data available, only 3 states include foster care placements that lasted for less than 24 hours.<sup>xxxiv</sup> While New Mexico may be the minority in regards to reporting placements lasting less than 24 hours, it is not the only state with this practice. Regardless of comparison with other states, rates of short-term placements in foster care is an issue for New Mexico and for those families who are affected by these decisions.

## APPENDIX G. Reason for Removal of Children into Foster Care, by Length of Stay

**Table XX Reasons for Foster Care Entry in New Mexico by Length of stay**

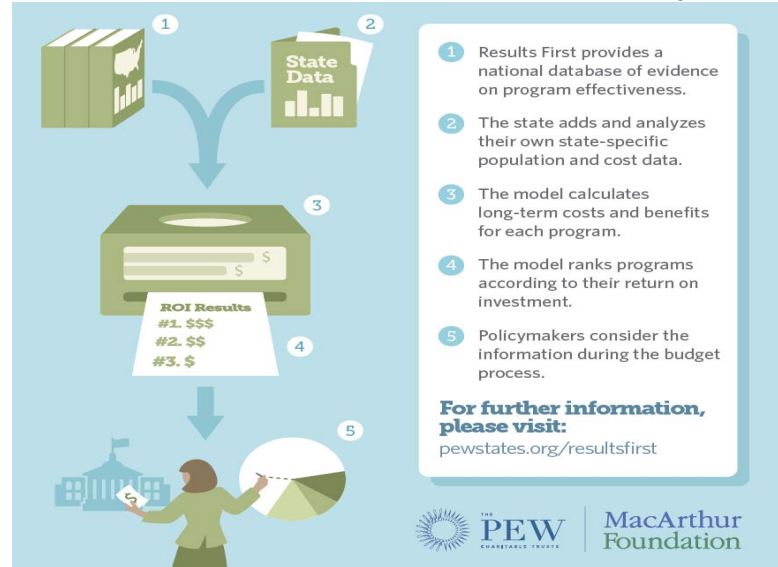
Removal Reason	0-8 days	9-30 days	31+ Days
Neglect	58.7%	63.0%	72.5%
Physical Abuse	24.8%	25.9	25.4%
Parent Drug Use	22.0%	13.0%	42.5%
Inadequate Housing	15.5%	16.7%	28.4%
Parent Incarceration	11.7%	20.4%	10.9%
Parent Alcohol Use	12.2%	1.9%	15.9%
Abandonment	8.8%	9.3%	7.8%
Sexual Abuse	7.6%	1.9%	4.2%
Child Behavior Problem	2.9%	3.7%	3.0%
Caregiver Inability to Cope	2.8%	1.9%	10%
Child Drug Abuse	2.8%	1.9%	7.1%
Parent Death	1.8%	0.0%	0.9%
Child Alcohol Use	1.2%	1.9%	1.4%
Child Disability	0.4%	0.0%	0.6%
Relinquishment	0.3%	0.0%	0.3%

Source: UNM analysis of 2018 AFCARS data

## Appendix H. Results First Brief Guide to Evidence-Based Policy Making

The Washington State Institute for Public Policy (WSIPP) has utilized a cost-benefit model to inform decisions of policy makers so they can invest in evidence-based programs delivering the best results for the lowest cost. WSIPP has attributed a number of positive outcomes to the use of the approach on which Results First is based, including a savings of \$1.3 billion per biennium and improved outcomes in the state of Washington.

### Results First: Five steps to evidence based policy making



Source: Adapted from the Pew Charitable Trusts

**Cost-Benefit Analysis of Evidence-Based Programs.** The result of the cost-benefit analysis conducted in this report indicates New Mexico could obtain favorable outcomes for child behavioral health consumers, if the state successfully implements evidence-based programs. The cost-benefit estimates were constructed conservatively to reflect the difficulty that can be encountered when implementing programs at scale. Likewise, well-run behavioral health service programs can achieve reported or better results while poorly run programs will not. Some of these programs are currently implemented in New Mexico and the results of this study present the outcomes these programs should be producing based on rigorous research. Several factors need to be considered when interpreting findings. Our analysis is based on an extensive and comprehensive review of research on program outcomes as well as an economic analysis of the benefits and costs of investments in evidence-based programs. The results indicate New Mexico can obtain favorable outcomes if it can substantially and successfully increase its use of several evidence-based programs. The predicted costs, benefits, and return on investment ratios for each program are calculated as accurately as possible but are, like all projections, subject to some level of uncertainty. Accordingly, it is more important to focus on the relative ranking of programs than small differences between them; some programs are predicted to produce large net benefits and represent ‘best buys’ for the state while others are predicted to generate small or even negative net benefits and represent neutral or poor investment opportunities.

**Evidence-Based Program Implementation in Other States through Results First.** States have made substantial progress in their implementation of Results First over the past few years and their use of the process to inform and strengthen policy and budget decisions. These efforts have resulted in millions of dollars in targeted funding, cost-savings, and cost-avoidance that will improve long-term outcomes for citizens. Collectively, this work can be instrumental in helping states live within their means while improving their ability to achieve critical goals, such as reducing recidivism, strengthening families, and preparing children for the future. The number of states participating in Results First has grown to 23. Most states completed initial implementation of the Results First model’s criminal justice component. Oregon used the analysis broadly to determine whether a long-standing (10-year) statutory mandate directing agencies to invest in evidence-based programs has been cost-effective. New Mexico has published Results First reports related to adult criminal justice, child welfare, early education, adult behavioral health, children’s behavioral health, public health, and education.



## Appendix I. Cost Savings from Avoiding an Out-of-Home Placement 30 Days stay in Foster Care

### Expected Case

Benefits to Participants	\$1,084	DW Cost?	No
Benefits to Taxpayers	\$31,113	Type of Run	BCA
Other Beneficiaries	\$0		
Other Indirect Benefits	\$0		
<b>Total Benefits</b>	<b>\$32,196</b>		
<b>Cost (Net)</b>	<b>\$1</b>		
<b>Benefits - Costs (NPV)</b>	<b>\$32,195</b>		
<b>Benefits / Costs (Ratio)</b>	<b>\$32,196.11</b>		

Dollar Year: 2018

### Benefits from Primary Participant

Source of Benefits	To Participant	To Taxpayers	To Others	Other Indirect Benefits	Total Benefits
Child abuse and neglect	\$1,084	\$18,148	\$0	\$0	\$19,231
Out-of-home placement	\$0	\$1,065.62	\$0	\$0	\$1,065.62
Daily Out-of-home placement		\$35.52			

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## Appendix J. University of New Mexico Masters in Public Policy Family Cost Analysis

**Costs to families:** It is likely that much greater costs are borne by families through lost work hours and emotional distress. We calculated lost earnings using the typical earnings of a parent who works an 8-hour work day. Because families involved with Child Protective Services are more likely to be poor,<sup>2</sup> we use a range of earnings in New Mexico, from the 25<sup>th</sup> percentile of \$25,000 annually, through the median of \$40,289 annually. These annual figures convert to hourly wages of \$12.02 and \$19.37, respectively, and daily earnings of \$96.16 and \$154.96. Since 25% of short-stayers were 1 day or less, and since stays of more than 2 days happen because of long weekends, we estimate lost earnings as a weighted average of 1 day for 25% of families, and 2 days for 75% of families. This leads to lost wages for a short-stay incident of between \$168.28 and \$271.18 for single parents and between \$336.56 and \$542.36 for 2-parent families.

We anchor the cost of emotional distress to earnings; a multiple of earnings is commonly used to compensate emotional distress in lawsuits and jury awards. We use median earnings, since we cannot justify distinctions in suffering based on income group and we use a multiple of 1 to provide a lower bound estimate. We also use the same value for adults and children, especially as a removal is arguably more traumatic for the child than the adult. A rule of thumb among therapists is that emotional crises typically resolve in 6-8 weeks for a minor crisis, and in 12 weeks for a major crisis.<sup>3</sup> We use 8 weeks as an intermediate time frame for resolving emotional distress. Thus, the cost per removal for emotional distress is  $(\$154.96 \times 56 \text{ days}) = \$8,677.76$  for the child and for each parent.<sup>4</sup>

Table 3 summarizes these calculations, and displays per family costs for 1-parent families and 2-parent families with 1 and 2 earners. Costs per family range from \$17,524 for a 1-parent family with earnings at the 25<sup>th</sup> percentile to \$26,576 for a 2-parent family with two earners. Using the number of 1- and 2-parent families involved with short stays in 2017, we estimate that the total burden for all short-stayer families fell between \$16.4 million and \$16.5 million in 2017.

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<sup>2</sup> Pac, J., Waldfogel, J., & Wimer, C. (2017). Poverty among Foster Children: Estimates Using the Supplemental Poverty Measure. *The Social service review*, 91(1), 8–40. doi:10.1086/691148.

<sup>3</sup> Personal communication with Sally Ricciardi, LCSW on December 16, 2019.

<sup>4</sup> Short stay incidents are tallied per child and some incidents will involve the same parents. We use a very conservative estimate for the cost of emotional distress as a counterweight to the double-counting of some parents.

**Table 3. Lost Earnings and Costs of Emotional Distress due to Short-Stay Removals**

	Basis for calculating lost wages and emotional distress		Cumulative Cost for All Families		
	25 <sup>th</sup> percentile earnings	Median earnings	Number of cases	25 <sup>th</sup> percentile earnings	Median earnings
Annual earnings	\$25,000	\$40,289			
Hourly wage	12.02	19.37			
Earnings per day	96.16	154.96			
Emotional Distress per person	8,677.76	8,677.76			
	Cost per family		Cumulative Cost for All Families		
	25 <sup>th</sup> percentile earnings	Median earnings	Number of cases	25 <sup>th</sup> percentile earnings	Median earnings
1 parent lost earnings (25% of cases with 1 day and 75% with 2 days of work lost)	168.28	271.18	365	61,422	98,981
1 child and 1 adult emotional distress	17,355.52	17,355.52		6,334,765	6,334,765
<b>Cost for 1-parent families</b>	<b>17,523.80</b>	<b>17,626.70</b>		<b>6,396,187</b>	<b>6,433,746</b>
2 parents lost earnings (25% of cases with 1 day and 75% with 2 days of work lost)	336.56	542.36		127,893	206,097
1 child and 2 adults emotional distress	26,033.28	26,033.28	380	9,892,646	9,892,646
<b>Cost for 2-parent families with 2 earners</b>	<b>26,369.84</b>	<b>26,575.64</b>		<b>10,020,539</b>	<b>10,098,743</b>
<b>Cost for 2-parent families with 1 earner</b>	<b>26,201.56</b>	<b>26,304.46</b>		<b>9,956,593</b>	<b>9,995,695</b>
	<b>Range of cumulative costs for all families</b>			<b>16,352,780</b>	<b>16,532,489</b>

Source: American Community Survey 2013-2017 for earnings in New Mexico; AFCARS 2017, Foster Child files for number of cases involving one- and two-parent families.

Note: The number of cases with one parent includes 30 parents whose marital status was undetermined.

## Appendix K. Effect of the ChildWIN Program on Job Satisfaction

**Figure XX. Correlations between Job Satisfaction after Intervention and Caseload**

	Current Caseload	In-Home Caseload	Out-of-Home Caseload	Families on Caseload	Children on Caseload
Job in General Scale	.054	-.295	-.037	-.021	-.172
Satisfaction with Work	.090	<b>-.362*</b>	.026	.087	-.075
Satisfaction with Pay	.000	-.172	-.118	-.098	<b>-.494*</b>
Satisfaction with Promotion Opportunities	<b>-.432*</b>	.191	<b>-.538*</b>	<b>-.486*</b>	<b>-.565**</b>
Satisfaction with Supervision	.152	.352	.130	-.048	-.274
Satisfaction with Coworkers	<b>-.384*</b>	.190	-.282	-.298	-.170

Note: <sup>ns</sup> denotes no significant relationship. \* denotes significance at the .10 level. \* denotes significance at the .05 level. \*\* denotes significance at the .01 level.

Source: Florida Institute for Child Welfare, 2017

## Appendix L. Differential Response Implementation Plan

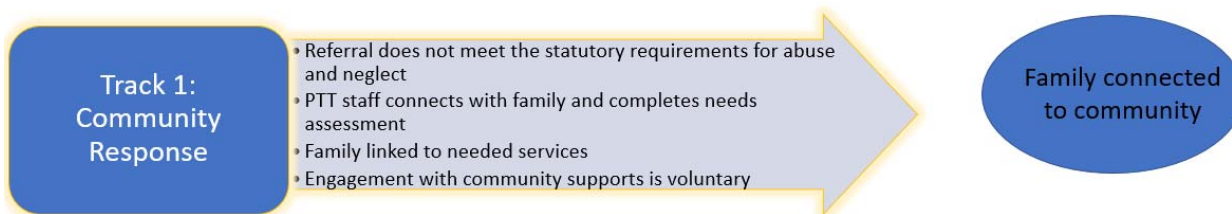
**CYFD will begin implementing differential response, an evidence based program shown to reduce foster care placements, in FY21.** Differential response is an evidence based response to cases of alleged child maltreatment where there is low risk and where investigations may not be appropriate. Under this program, rather than investigating or not responding to a low risk referral, the family is put in touch with a support worker to conduct an assessment and provide services. A pilot program was run in Bernalillo County from 2005-2007 to assess multilevel response and found that families who accepted assessment services saw a lowered rate of maltreatment, had fewer children removed and placed in foster care, and had almost half as many repeat maltreatment reports as families who refused services. House Bill 376, approved in the 2019 legislative session, requires CYFD to implement a multilevel response system by 2021. This multilevel response system will allow the Protective Services Division (PSD) to provide services to a child's family without removing the child from the home. When a report of neglect or abuse is received, the department will be required to conduct an evaluation to determine whether there is an immediate concern for the child's safety.

### CYFD Phase I Differential Response Implementation Plan

- **Phase I: Prevention Response Track Pilot**
  - Referral does not meet the statutory requirements for abuse and neglect
  - PTT staff connects with family and completes needs assessment
  - Family linked to needed services
  - Engagement with community supports is voluntary
- **Phase I: Timeline 18-24 months**
  - Pilot Community Response begins (Intake continues to assess referrals and assign to Investigations based upon statutory requirements)
  - Evaluate model effectiveness (outcomes impacted)
  - Identify missing community services (traditional and nontraditional)
  - Develop plan for contracting needed services
  - Begin to review and develop response methodology for Phase III (Investigation partnering with community)
  - Review data, repeat maltreatment, expansion of service array.

Source: CYFD

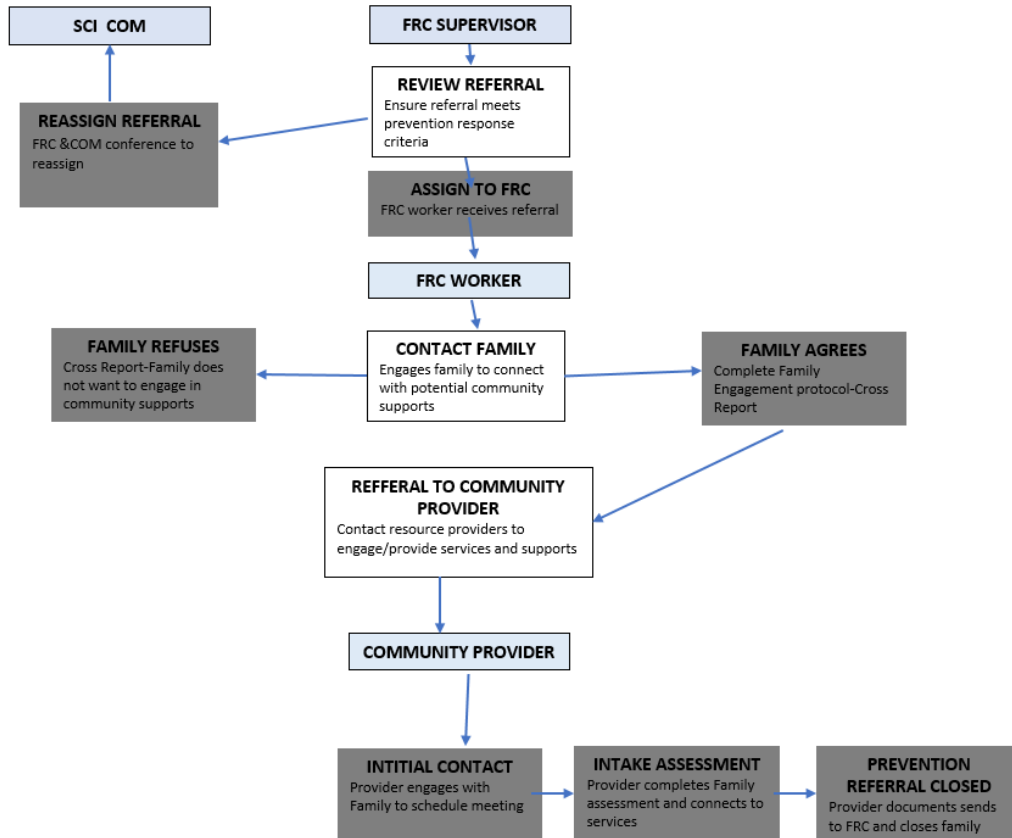
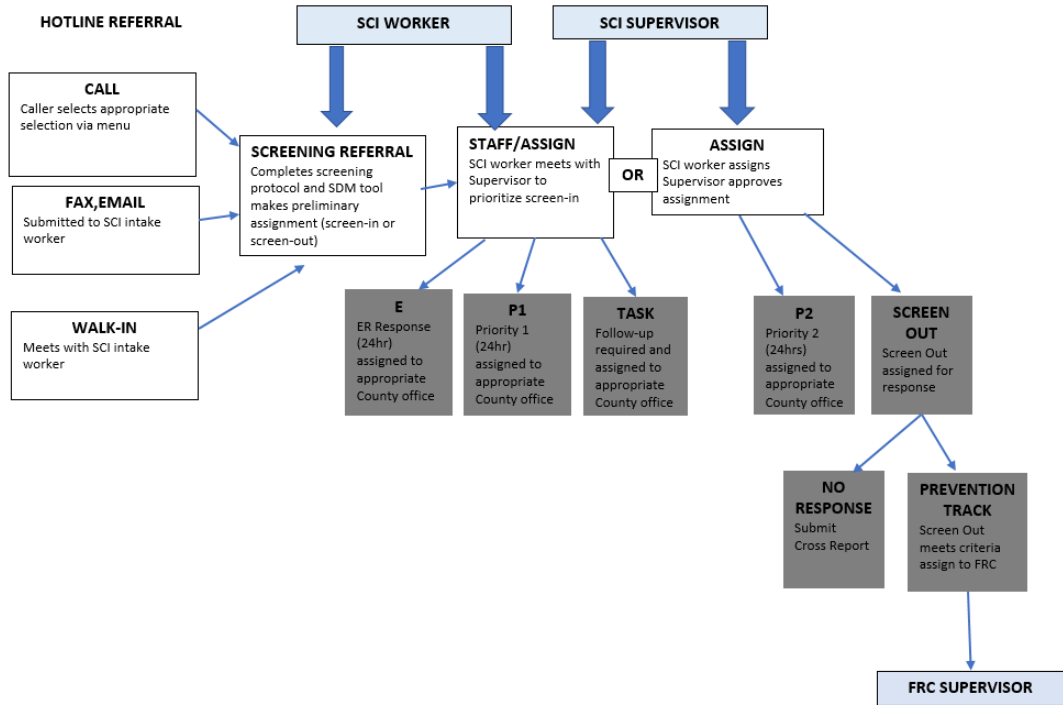
### Phase I: Prevention Response Track Pilot



### Phase I: Timeline 18-24 months

- Pilot Community Response begins (Intake continues to assess referrals and assign to Investigations based upon statutory requirements)
- Evaluate model effectiveness (outcomes impacted)
- Identify missing community services (traditional and nontraditional)
- Develop plan for contracting needed services
- Begin to review and develop response methodology for Phase III (Investigation partnering with community)
- Review data, repeat maltreatment, expansion of service array.

## SCI Family Resource Connections Process



### **Statute Regarding Taking a Child into Custody.**

A. A child may be held or taken into custody:

(1) by a law enforcement officer when the officer has evidence giving rise to reasonable grounds to believe that the child is abused or neglected and that there is an immediate threat to the child's safety; provided that the law enforcement officer contacts the department to enable the department to conduct an on-site safety assessment to determine whether it is appropriate to take the child into immediate custody, except that a child may be taken into custody by a law enforcement officer without a protective services assessment being conducted if:

(a) the child's parent, guardian or custodian has attempted, conspired to cause or caused great bodily harm to the child or great bodily harm or death to the child's sibling;

(b) the child's parent, guardian or custodian has attempted, conspired to cause or caused great bodily harm or death to another parent, guardian or custodian of the child;

(c) the child has been abandoned;

(d) the child is in need of emergency medical care;

(e) the department is not available to conduct a safety assessment in a timely manner; or

(f) the child is in imminent risk of abuse; or

(2) by medical personnel when there are reasonable grounds to believe that the child has been injured as a result of abuse or neglect and that the child may be at risk of further injury if returned to the child's parent, guardian or custodian. The medical personnel shall hold the child until a law enforcement officer is available to take custody of the child pursuant to Paragraph (1) of this subsection.

B. A child shall not be taken into protective custody solely on the grounds that the child's parent, guardian or custodian refuses to consent to the administration of a psychotropic medication to the child.

C. When a child is taken into custody by law enforcement, the department is not compelled to place the child in an out-of-home placement and may release the child to the child's parent, guardian or custodian.

D. When a child is taken into custody, the department shall make reasonable efforts to determine whether the child is an Indian child.

E. If a child taken into custody is an Indian child and is alleged to be neglected or abused, the department shall give notice to the agent of the Indian child's tribe in accordance with the federal Indian Child Welfare Act of 1978.

F. Any person who intentionally interferes with protection of a child, as provided by Subsection A of this section, is guilty of a petty misdemeanor.

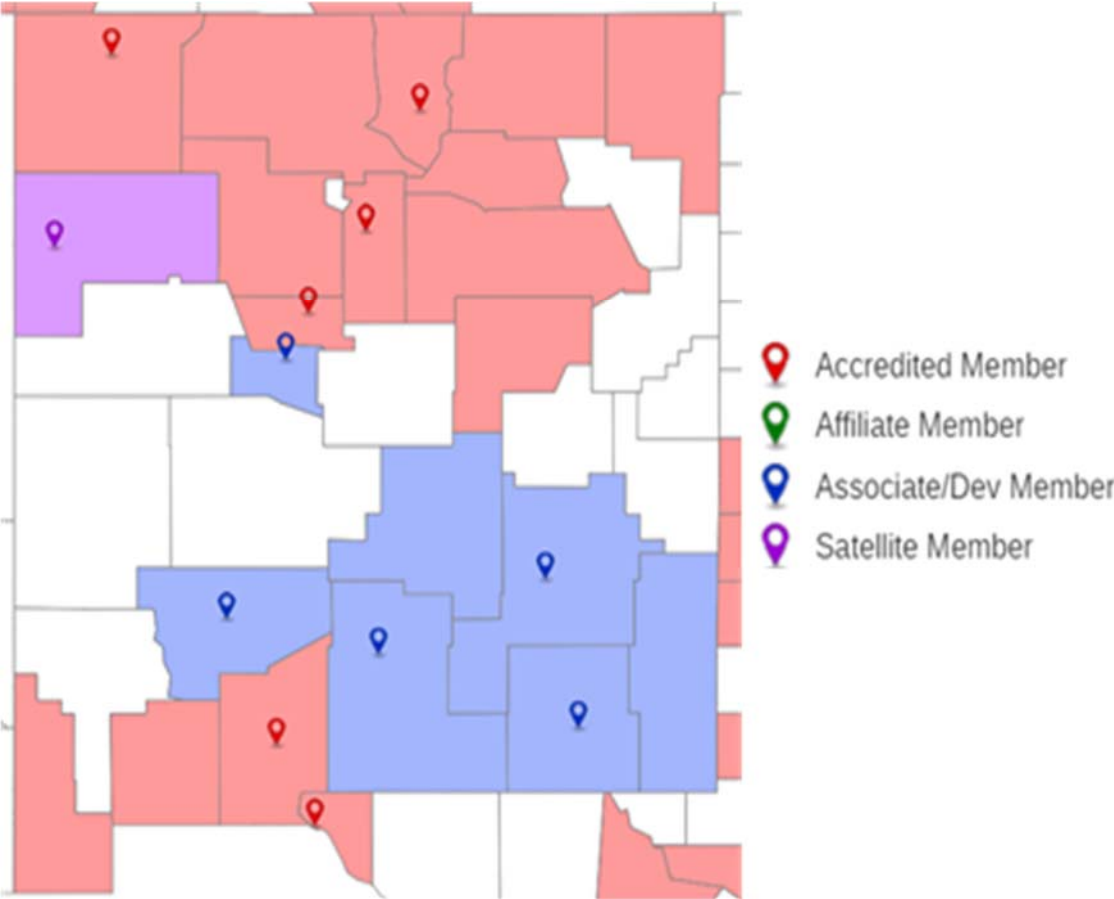
Source: NMSA 32A-4-6

## APPENDIX N. Rate of Children Exiting Foster Care After 48 hours and 8 Days by State

State	Stays in Foster Care <= 48 Hrs	Stays in Foster Care <= 8 Days	Total Number of Exits From Foster Care
New Mexico	23.5%	38.0%	1,793
Vermont	8.1%	13.2%	740
Hawaii	7.8%	17.8%	1,043
North Dakota	5.8%	12.1%	1,043
Nevada	5.1%	12.2%	2,965
Maryland	4.6%	7.5%	2,237
Wyoming	4.5%	8.0%	1,007
South Dakota	4.4%	12.0%	1,145
Washington	4.0%	14.1%	5,422
New Jersey	3.9%	10.0%	3,863
Idaho	3.3%	8.9%	1,143
Louisiana	3.3%	12.1%	3,458
Puerto Rico	3.3%	3.3%	123
Wisconsin	3.2%	6.0%	4,724
Minnesota	3.1%	8.7%	6,771
Ohio	3.1%	5.4%	11,014
South Carolina	2.9%	10.6%	3,591
Alabama	2.8%	6.3%	3,582
Kentucky	2.8%	10.9%	5,993
Arizona	2.7%	8.2%	10,549
Tennessee	2.3%	5.9%	5,241
Georgia	2.1%	5.7%	7,257
Colorado	2.0%	7.6%	4,741
Pennsylvania	1.9%	5.4%	9,931
Utah	1.8%	4.9%	2,263
Nebraska	1.8%	3.5%	2,438
Arkansas	1.7%	6.9%	3,578
Oklahoma	1.6%	4.2%	5,320
Montana	1.5%	3.8%	2,154
Oregon	1.2%	2.1%	3,335
New York	1.2%	5.9%	7,332
Missouri	0.9%	2.3%	6,559
Mississippi	0.9%	3.1%	3,181
Rhode Island	0.9%	1.6%	1,107
Massachusetts	0.8%	5.7%	5,844
California	0.7%	5.1%	25,879
Alaska	0.6%	1.8%	1,248
Connecticut	0.6%	2.6%	1,560
North Carolina	0.6%	1.6%	4,698
Delaware	0.5%	9.5%	370
Florida	0.5%	1.4%	15,505
Iowa	0.4%	1.1%	3,617
Kansas	0.4%	1.8%	3,696
Michigan	0.4%	1.1%	5,984
District of Columbia	0.3%	3.3%	361
Indiana	0.3%	1.0%	12,132
Virginia	0.2%	5.1%	2,849
Illinois	0.1%	0.6%	4,278
West Virginia	0.1%	1.0%	4,429
Texas	0.1%	0.4%	19,403
Maine	0.0%	1.1%	883
New Hampshire	0.0%	0.3%	724
<b>Total / Avg</b>	<b>1.7%</b>	<b>5.2%</b>	<b>250,103</b>



# APPENDIX O. Map of Multidisciplinary Teams in New Mexico



Source: National Children's Alliance

# Appendix P. System Review Chart from High Performing CAC

SYSTEM REVIEW				3/17/10
	Date	WHAT WORKED	WHAT DIDN'T	
SCI	2/24/06	CYFD sent out investigator report made		
Law Enforcement <i>Taos PD</i>	2/24/04	Officer responded on site interview - quick response		
CYFD	2/24/06	(Sent out investigator)		
Saferoom	2/25/06	Interview done immediately		
Medical	2/26/06	(SANE Exam)		
DA	July 07 pending	(witness interviews) (lawyer on miss hearing)		
Family Advocate	2/25/06	(immediate assistance) Continued support re DV		

**FOLLOW UP NOTES:**

*worked = quick response & collaboration, ongoing counseling & support*

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## Appendix Q. Examples of Data Sharing Agreements in Other States

### Examples of Information Sharing Agreements

- **Los Angeles County: Electronic Suspected Child Abuse Report System (eSCARS) and Emergency Response Investigation Service (ERIS).** California's Child Abuse and Neglect Reporting Act requires CPS and law enforcement to share information about reports of suspected child abuse, with oversight by the District Attorney. The system provided child welfare investigators with real-time access to additional information about families, including family composition, past history with law enforcement and, and data from other county departments of mental health, public health, and probation. The system was so successful at improving relationships among agencies, that grants have been offered to other counties to replicate it.
- **New York City: Instant Response Teams.** The New York City Administration for Children's Services (ACS) and the New York City Police Department (NYPD) created Instant Response Teams (IRTs) to improve coordination between the two agencies. IRTs enhance the CPS agency's investigative capacity and coordinate rapid responses to fatalities, severe physical and sexual abuse, and other cases involving severe maltreatment.

Source: Casey Family Programs (August, 2019).

# APPENDIX R. Albuquerque Police Department and the Children, Youth, and Families Department Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CHILDREN, YOUTH AND FAMILIES DEPARTMENT  
AND  
THE ALBUQUERQUE POLICE DEPARTMENT**

THIS MEMORANDUM OF UNDERSTANDING (“Memorandum”) is made by and between The Children, Youth and Families Department (“CYFD”) and the City of Albuquerque Police Department (“APD”).

**RECITALS:**

**WHEREAS**, CYFD maintains initial screening responsibilities of all Statewide Central Intake (“SCI”) reports as the DEPARTMENT under the provisions of §§32A-4-3(A)(2) NMSA 1978;

**WHEREAS**, CYFD maintains mandatory reporting practices of submission of SCI reports within forty-eight hours to law enforcement under the provisions of §§32A-4-3(B) NMSA 1978 via electronic mail;

**WHEREAS**, APD maintains mandatory reporting practices of transmitting the facts of a report of Child Abuse and Neglect within forty-eight hours to the DEPARTMENT under the provisions of §§32A-4-3(B) via electronic mail when these facts are a continuation of initially identified concerns and are not of independent new concerns or concerns identified associated with a previously unknown victim;

**WHEREAS**, CYFD utilizes SCI intake screen methodology to initially identify reports classifying the reports in accordance to their established categories defined as EMERGENCIES, PRIORITY 1, PRIORITY 2, and SCREEN OUT.

**WHEREAS**, APD requests immediate telephonic notification to be made by SCI to APD DISPATCH of all identified reports classified by SCI in the categories of EMERGENCIES and PRIORITY 1, allowing APD DISPATCH to generate a CALL FOR SERVICE with APD UNIFORMED OFFICER RESPONSE.

**WHEREAS**, APD requests SCI implement an email heading system to classify all SCI reports under provision §§32A-4-3(B) that are transmitted through electronic mail.

**NOW, THEREFORE, IT IS AGREED** as follows:

**I. TERM OF MEMORANDUM**

This Memorandum shall take effect upon signature by the authorized representatives of CYFD and APD, and shall remain in effect until August 31, 2021, unless terminated earlier by CYFD or APD, upon fourteen days written notice pursuant to Paragraph V herein.

MEMORANDUM BETWEEN CHILDREN, YOUTH AND FAMILIES DEPARTMENT AND THE CITY OF ALBUQUERQUE POLICE DEPARTMENT

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## II. DEFINITIONS AND ABBREVIATIONS

“Cross Report” means the transmission of a SCI report to APD either by physically delivering a copy of a report, providing an electronic form of the report via electronic mail, or telephonically calling in the report to APD DISPATCH.

## III. REQUIRED TASKS UNDER THE MEMORANDUM

### a) Joint Responsibilities

1. CYFD and APD will comply with the provisions of this Memorandum in all respects. Nothing in this Memorandum may be construed to allow any signatory to this Memorandum to maintain, use, disclose or share protected information in a manner not allowed by Federal or state law, City ordinance, APD Policies, or CYFD regulation.
2. CYFD will utilize the email address of [APDCACU@CABQ.GOV](mailto:APDCACU@CABQ.GOV) to transmit all SCI intake reports.
3. APD will utilize the email address of [SCI.LEReports@state.nm.us](mailto:SCI.LEReports@state.nm.us) to transmit only updated information upon response to a SCI initiated APD dispatch call for service.

### b) Responsibilities of CYFD

1. CYFD SCI will immediately contact APD Dispatch via telephone only when cross reporting the SCI Reports which have met the established criteria for immediate cross reporting. APD Dispatch will initiate a CALL FOR SERVICE with a UNIFORMED APD OFFICER as the initial respondent.
  - a. Criteria for immediate cross reporting
    - i. Any SCI Reports that are categorized as EMERGENCIES or PRIORITY ONE based upon SCI established categorizing criteria.
2. For all other SCI intake reports, CYFD will continue to provide SCI intake reports to APD Crimes Against Children Unit (“CACU”) via electronic mail and in accordance to §§32A-4-3(B) NMSA 1978, but will not contact APD DISPATCH via telephone or initiate a call for service. CYFD will address such other SCI intake reports in keeping with CYFD policies and procedures.
3. CYFD SCI will adopt a uniform email header to categorize the SCI reports sent to APD CACU and provide a copy of this categorization to APD

MEMORANDUM BETWEEN CHILDREN, YOUTH AND FAMILIES DEPARTMENT AND THE CITY OF ALBUQUERQUE POLICE DEPARTMENT

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**c) Responsibilities of APD**

1. APD will respond to immediate cross-reports in accordance with APD dispatch policies and procedures and state law.
2. APD CRIMES AGAINST CHILDREN UNIT (CACU) will continue to, upon receiving a SCI report that is not an immediate cross-report, screen the report for additional factors necessitating a law enforcement response in accordance with §§32A-4-3(C) NMSA 1978.
3. APD will rescind Department Special Order 16-09 and replace it with a Department Special Order directing electronic mail as the primary reporting method for communicating with CYFD regarding immediate cross-reports if:
  - a. The dispatch call for service does not develop new independent accusations of child abuse or neglect that are fully independent from the initial accusations in the immediate cross-report or,
  - b. The dispatch call for service does not develop new independent accusations of child abuse or neglect to a victim that was not already identified by the immediate cross-report.
4. APD will continue to respond to CYFD requests when a CYFD initiated investigation leads CYFD personnel to believe law enforcement support is necessary. A UNIFORMED APD OFFICER will complete an initial response. APD will work with CYFD to identify the most appropriate continued action.

**IV. SCOPE OF MEMORANDUM**

This Memorandum incorporates all the understandings between CYFD and APD concerning the subject matter hereof. No prior Memorandum, verbal representations, or understandings shall be valid or enforceable unless embodied in this Memorandum.

**V. TERMINATION OF MEMORANDUM**

This Memorandum may be terminated by CYFD or APD, upon written notice delivered to the other not less than fourteen (14) days prior to the intended termination date. By such termination notice, neither CYFD nor APD, shall negate obligations already incurred or required to be performed prior to the effective date of termination.

CYFD or APD, may suspend or terminate this memorandum upon learning of any violations of the terms of this MOU, or suspend this MOU until such time as it has been determined that the actions have been remedied or corrected. This Memorandum shall terminate automatically on August 31, 2021, unless extended by a written agreement.

**VI. LIABILITY**

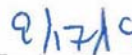
MEMORANDUM BETWEEN CHILDREN, YOUTH AND FAMILIES DEPARTMENT AND THE CITY OF ALBUQUERQUE POLICE DEPARTMENT

Each party shall be solely liable for its own acts or failure to act in accordance with this MOU and will be solely responsible for the actions of its own officers, agents and employees within the strict limits of the New Mexico Tort Claims Act, NMSA 1978, 41-4-1 et seq.


IN WITNESS WHEREOF, the parties have caused this Memorandum to be executed on the year and date indicated, with effective date being the most recent signature.

**CHILDREN YOUTH & FAMILY DEPARTMENT**

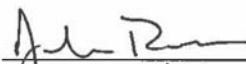
  
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Brian Blalock  
Cabinet Secretary or Designee

  
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Date

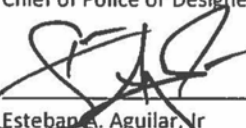
  
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Amanda L. Reme  
General Counsel

  
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Date

**ALBUQUERQUE POLICE DEPARTMENT**

  
\_\_\_\_\_  
Michael Geier *Sutro Russ*  
Chief of Police or Designee

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Esteban A. Aguilar, Jr

  
\_\_\_\_\_  
Date

**CITY OF ALBUQUERQUE**

  
\_\_\_\_\_  
Chief Administrator Officer

  
\_\_\_\_\_  
Date

MEMORANDUM BETWEEN CHILDREN, YOUTH AND FAMILIES DEPARTMENT AND THE CITY OF ALBQUERQUE POLICE DEPARTMENT

## APPENDIX S. Selected References

- <sup>i</sup> Sankaran, V. S. & Church, C. (2017). Easy come, easy go: The plight of children who spend less than 30 days in foster care. *19 U. Pa. J. L. & Soc. Change*, 207-37.
- <sup>ii</sup> Sankaran, V., Church, C., & Mitchell, M. (2019). A cure worse than the disease? The impact of removal on children and their families. *Marquette Law Review*, 102(4), 1163-94.
- <sup>iii</sup> <https://cyfd.org/ps-overview>
- <sup>iv</sup> Personal communication with Valerie D. Sandoval, Deputy Director Protective Services Division (December 17, 2019).
- <sup>v</sup> <https://www.ncsl.org/research/human-services/the-child-welfare-placement-continuum-what-s-best-for-children.aspx>
- <sup>vi</sup> ACF 2018 Child Maltreatment Report <https://www.acf.hhs.gov/sites/default/files/cb/cm2018.pdf>
- <sup>vii</sup> Recurrence List ACF 2018 data from <https://cwoutcomes.acf.hhs.gov/cwodatasite/recurrence/index>
- <sup>viii</sup> Beeman, S.K., Hyungmo, K., Bullerdick, S.K. (2000). Factors affecting placement of children in kinship and non-kinship foster care. *Children and Youth Services Review*, 22(1). 37-54.
- <sup>ix</sup> Vogal, C. A. (1999). Using administrative databases to examine factors affecting length of stay in substitute care. *Children and Youth Services Review*, 21(8), 677-690.
- <sup>x</sup> Sugrue, E. (2019). Evidence Base for Avoiding Family Separation in Child Welfare Practice. Commissioned by Alia.
- <sup>xi</sup> Folman, R. D. (1998). "I was token": How children experience removal from their parents preliminary to placement into foster care. *Adoption Quarterly*, 2(2), 7-35.
- <sup>xii</sup> Repeat Maltreatment Table CYFD 360 Reports, FFY19Q1 rates. [https://cyfd.org/docs/360\\_SF19Q3.pdf](https://cyfd.org/docs/360_SF19Q3.pdf)
- <sup>xiii</sup> CYFD analysis. Personal communication with Sarah Meadows March 18, 2020.
- <sup>xiv</sup> Government Accountability Office (2003). HHS Could Play a Greater Role in Helping child welfare agencies recruit and retain staff. <https://www.gao.gov/products/GAO-03-357>
- <sup>xv</sup> How did Texas decrease caseworker turnover and stabilize its workforce? Casey Family Programs, Updated March 2018. <https://www.casey.org/turnover-costs-and-retention-strategies/>
- <sup>xvi</sup> Julie Steen, Reshawna Chapple, Tara Hormell, and Andry Sweet. (2017). ChildWIN: Child Welfare Workforce Innovation. Florida Institute for Child Welfare. <https://ficc.fsu.edu/sites/g/files/upcbnu1106/files/imported/FR%20ChildWIN-Child%20Welfare%20Workforce%20Innovation%2020051517.pdf>
- <sup>xvii</sup> Caseload and Workload Management, Child Welfare Information Gateway (2016). Children's Bureau. <https://www.childwelfare.gov/pubs/case-work-management/>
- <sup>xviii</sup> CYFD. (July 1, 2019 – June 30, 2020). Scope of Work. Guidance Center of Lea County.
- <sup>xix</sup> Berry, M., Chandler, S.M., Senaha, D.M., Littlejohn, K., Lucas, A., Rhodes, E., Wulczyn, F., & Micua, L. (2020). Final Evaluation Report: State of Hawai'i Title IV-E Waiver Demonstration. Honolulu, Hawai'i: University of Hawai'i Center on the Family.
- <sup>xx</sup> James Bell Associates. Profiles of the Active Title IV-E Child Welfare Waiver Demonstrations (2018). Children's Bureau Administration on Children, Youth and Families, US Department of Health and Human Services. [https://www.acf.hhs.gov/sites/default/files/cb/compiled\\_profiles.pdf](https://www.acf.hhs.gov/sites/default/files/cb/compiled_profiles.pdf)
- <sup>xxi</sup> Garcia, A., Puckett, A., Ezell, M., Pecora, P. J., Tanoury, T., & Rodriguez, W. (2012). Three models of collaborative child protection: what is their influence on short stays in foster care? *Child & Family Social Work*, 19(2), 125–135. doi: 10.1111/j.1365-2206.2012.00890.x
- <sup>xxii</sup> Mandel, D. R., Lehman, D. R., & Yuille, J. C. (1995). Reasoning About the Removal of a Child From Home: A Comparison of Police Officers and Social Workers. *Journal of Applied Social Psychology*, 25(10), 906–921. doi: 10.1111/j.1559-1816.1995.tb02652.x
- <sup>xxiii</sup> Pelton, L. H. (2008). An examination of the reasons for child removal in Clark County, Nevada. *Children and Youth Services Review*, 30(7), 787–799. doi: 10.1016/j.childyouth.2007.12.007
- <sup>xxiv</sup> Cross, T. P., Finkelhor, D., & Ormrod, R. (2005). Police Involvement in Child Protective Services Investigations: Literature Review and Secondary Data Analysis. *Child Maltreatment*, 10(3), 224–244. doi: 10.1177/1077559505274506
- <sup>xxv</sup> **Massachusetts General Laws Part I Title XVII Chapter 119 Section 51B.**
- <sup>xxvi</sup> Section 1. § 901, Title 16- Section 9. § 909, Title 16 Delaware Code, HB181 an act to amend Title 16 of the Delaware code relating to responses to child abuse and neglect
- <sup>xxvii</sup> [Casey Family Programs \(August 2019\). What are some examples of real-time information sharing between child protection and law enforcement?](#)
- <sup>xxviii</sup> [Child Welfare Information Gateway. \(2016\). Cross reporting among responders to child abuse and neglect. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.](#)
- <sup>xxix</sup> **Juvenile Justice Information Exchange (2019) Homeless Washington State teens: Whose Responsibility Are they? Often, 'No One'** <https://jjie.org/2019/05/31/homeless-washington-state-teens-whose-responsibility-are-they-often-no-one/>
- <sup>xxx</sup> Sankaran, V. S. & Church, C. (2017). Easy come, easy go: The plight of children who spend less than 30 days in foster care. *19 U. Pa. J. L. & Soc. Change*, 207-37.



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<sup>xxx</sup>[Sankaran, V., Church, C., & Mitchell, M. \(2019\). A cure worse than the disease? The impact of removal on children and their families. \*Marquette Law Review\*, 102\(4\), 1163-94.](#)

<sup>xxxii</sup>[United States CFR 1355](#)

<sup>xxxiii</sup> Email between Mitchel Latimer and Kelly Winston 2/25/2020