

HOUSE JOINT MEMORIAL 4

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Stefani Lord

A JOINT MEMORIAL

REQUESTING THE SECRETARY OF CHILDREN, YOUTH AND FAMILIES TO
CONVENE A TASK FORCE TO ADDRESS THE ONGOING PROBLEM OF CHILDREN
RUNNING AWAY FROM FOSTER HOME PLACEMENT.

WHEREAS, throughout the United States, an estimated fifty-
five children will disappear today from the foster care system;
and

WHEREAS, in the past twenty years, more than one hundred
thousand cases involving missing foster children in the United
States were closed before the children were located; and

WHEREAS, according to the children, youth and families
department, as of January 1, 2023, there were thirty children
missing after placement by the department's protective services
division; and

WHEREAS, in New Mexico, according to the children, youth

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1 and families department, in 2022, nine children in foster care
2 turned eighteen years of age while on runaway status, thus
3 aging out of foster care and losing the safety and protection
4 of the department charged with protecting them; and

5 WHEREAS, state agencies were not required to report
6 missing foster children to law enforcement until 2014, and
7 since that time, reports of children missing from foster care
8 have more than doubled; and

9 WHEREAS, human traffickers know that children without
10 stable families are easy prey, and research overwhelmingly
11 shows that most sexually trafficked children are from foster
12 care; and

13 WHEREAS, children in foster care and out-of-home placement
14 constitute most of the sexually trafficked children in the
15 United States; and

16 WHEREAS, children removed from sex trafficking report that
17 they are given a quota of up to fifteen buyers per night,
18 perhaps resulting in sex-trafficking victims being raped
19 thousands of times a year; and

20 WHEREAS, missing foster children often remain missing and
21 potentially sexually trafficked because there are no involved
22 families to lead a search and law enforcement authorities are
23 hindered by laws that prevent transparency about the details of
24 a missing child's identity; and

25 WHEREAS, there are no state or nationwide protocols for

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1 preventing the disappearance of foster children or for the
2 search and recovery of missing foster children; and

3 WHEREAS, the purpose of child protective services is to
4 prevent reoccurring child abuse and the traumatization of
5 children in New Mexico; and

6 WHEREAS, many children within the foster care system have
7 specific needs that are unaddressed; and

8 WHEREAS, New Mexico should make every effort to keep
9 foster children safe and spare no effort to locate a child
10 missing from foster care;

11 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
12 STATE OF NEW MEXICO that the secretary of children, youth and
13 families be requested to convene a child protective services
14 task force to make recommendations to the children, youth and
15 families department on how to prevent children from running
16 away from foster care and develop an effective strategy to
17 recover children missing from foster care; and

18 BE IT FURTHER RESOLVED that the child protective services
19 task force be requested to:

20 A. analyze data related to children who have run
21 away from foster care;

22 B. analyze the root causes of why children run away
23 from foster care;

24 C. identify and analyze behaviors that contribute
25 to children running away from foster care;

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1 D. analyze the likelihood that children who have
2 run away from foster care will become victims of crime;

3 E. analyze best practices, state laws and rules and
4 foster home protocols and practices related to children running
5 away from foster care;

6 F. develop a consistent, prompt and effective
7 response to recover missing children; and

8 G. address the safety and well-being of a child who
9 has run away upon the child's return to a foster home; and

10 BE IT FURTHER RESOLVED that the secretary of children,
11 youth and families be requested to include the following as
12 members of the child protective services task force:

13 A. a representative of the office of the attorney
14 general;

15 B. a representative of the federal bureau of
16 investigation;

17 C. a representative of the homeland security and
18 emergency management department;

19 D. a representative of the university of New Mexico
20 office for community health;

21 E. two individuals with experience living in foster
22 care;

23 F. an individual with experience living in a youth
24 homeless shelter;

25 G. an expert in the area of human trafficking;

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1 H. an expert in the area of protective services for
2 children;

3 I. a licensed behavioral health care expert; and

4 J. a representative of law enforcement; and

5 BE IT FURTHER RESOLVED that the secretary of children,
6 youth and families be requested to invite the following as
7 appropriate to participate in discussions of the child
8 protective services task force:

9 A. an expert from a nonprofit children's advocacy
10 organization;

11 B. an expert in behavioral health care services;

12 C. a representative of a sexual minority community;

13 D. a representative of a gender minority community;

14 E. an expert on the federal Indian Child Welfare
15 Act of 1978; and

16 F. other stakeholders whose expertise the secretary
17 of children, youth and families deems necessary to the work of
18 the child protective services task force; and

19 BE IT FURTHER RESOLVED that the child protective services
20 task force be requested to enter into an agreement with an
21 institution of higher education to perform research that
22 supports the task force's work and conduct focus groups with
23 children in foster homes, young adults who have aged out of the
24 child protection system and foster home providers; and

25 BE IT FURTHER RESOLVED that findings and recommendations

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1 of the child protective services task force be presented to the
2 interim legislative health and human services committee by
3 October 1, 2024; and

4 BE IT FURTHER RESOLVED that the report include the child
5 protective services task force's findings and recommendations
6 to reduce the number of children who run away from foster
7 homes; and

8 BE IT FURTHER RESOLVED that copies of this memorial be
9 transmitted to the governor, the attorney general, the chair of
10 the interim legislative health and human services committee,
11 the co-chairs of the legislative interim committee that
12 addresses courts, corrections and justice issues, the director
13 of the legislative finance committee, the secretary of
14 children, youth and families, the co-chairs of the children's
15 court improvement commission, the director of the protective
16 services division of the children, youth and families
17 department and the chair of the children's cabinet.