

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

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SECTION I: GENERAL INFORMATION

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 2024-01-24
Bill No: SM5

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: Harold Pope
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Agency Name and Code CYFD 69000
Number:
Person Writing
Analysis:
Phone:
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Short Title: CYFD RESTRUCTURING
TASK FORCE

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation

Act:

SECTION III: NARRATIVE

BILL SUMMARY

The memorial requests that the Legislative Finance Committee create a task force to support and enhance the restructuring of Children, Youth and Families Department (CYFD). The memorial proposes that the task force be composed of the following members:

- * a member appointed by the Governor;
- * a member appointed by the Speaker of the House of Representatives;
- * a member appointed by the Minority Floor Leader of the House of Representatives;
- * a member appointed by the Senate President Pro Tempore;
- * a member appointed by the Minority Floor Leader of the Senate;
- * a member appointed by the Chief Justice of the Supreme Court
- * a member representing Kevin S. Settlement;
- * a member representing service providers;
- * a member representing foster families;
- * a youth representative;
- * a member representing juvenile justice stakeholders; and
- * an at large representative.

The Memorial requests that the task force work to augment and enhance the Governor’s efforts to improve the child welfare system through Executive Order 2023-020 by looking at all facets of the child welfare system; and that the task force examine the organizational structure and operations of CYFD and make recommendations for necessary changes in the following areas:

- * agency mission, vision and values and organizational structure compared to the national best practices;
- * implementation of the multi-level response system known as differential or alternative response compared to national best practices;
- * examination and definition of data-driven process to identify children and families at risk for maltreatment and related outcomes;
- * the availability of and the need for best practices in
- * wrap-around services for children and families;

- * services and safety for child-welfare-involved families, including hard to place children;
- * safety, permanency and wellbeing for children and families, including hard to place children;
- * equity consideration;
- * availability and implementation of evidence-based and trauma informed programming in juvenile justice community and facility settings, including restorative justice, multisystemic therapy, functional family therapy and cognitive behavioral therapy; and
- * prevention, early intervention and rehabilitation surrounding juvenile crime.
- * the existing network of services for prevention, early intervention and intervention services;
- * the qualifications of and recruitment practices for frontline workers, including investigators, permanency workers and juvenile justice field staff;
- * the current use of potential to leverage federal funding;
- * staffing and facility needs at juvenile justice facilities; and
- * the agency organizational structure compared to;
- * request that the task force make recommendations to the legislature and the Governor by November 15, 2024; and
- * provide the task force with sufficient administrative support to enable it to meet at least once a month.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

The work outlined in this SM has already been undertaken or is currently being conducted. The work outlined in this SM would be duplicative of these previous and current efforts. Similar advisory boards and task groups have been assembled in the past and CYFD continues to implement many of the consensus recommendations of these groups.

In particular, the Substitute Care Advisory Council (SCAC) is already codified in state statute in order to bring New Mexico in alignment with federal laws mandating such an advisory board. CYFD is working with SCAC to better define processes by which a more collaborative approach can be implemented between CYFD and that Council. Moreover, the Governor's executive order, issued in February 2023, included formation of a Policy Advisory Council which is in process of filling vacant positions and restructuring the council.

Also, the federal Children's Bureau has identified New Mexico as one of several states to participate in Round 4 of the Child and Family Services Review in FFY 2025. Preparations for that comprehensive review include intensive statewide assessment using the input of valued stakeholders such as community providers, parents and children served by the agency, the judiciary and courts, foster parents, tribal representatives, child advocates, youth with lived experience, and other interested members of the community. The Round 4 Review is conducted in close partnership with the Children's Bureau and informs the state's Performance Improvement Plan, which, after input from stakeholders and Children's Bureau approval, will then be implemented with federal oversight.

Phase one of CYFD's internal assessment and reorganization, which consisted of changes to the Protective Services Division management structure and the formation of the Family Services

Division, was completed in October 2023. This intensive process focused on the use of data to determine and prioritize the needs of the agency's customers and ensure that the staffing volume and structure at CYFD was best positioned to meet these needs, with an emphasis on prevention and minimization of trauma.

Finally, the multilevel response system is currently in place for phase one and phase two has been outlined by the current CYFD reorganization. With personnel in place, the differential response will not take place as a standard differential response, but rather one that is seen nationally as an alternative response which several states have adopted in order to not have an investigator respond. Instead, the family will have a family support worker assigned to complete a comprehensive family assessment and create a family preservation plan to support safety and increase parental protective factors. A traditional differential response has investigators do either an investigation or complete the family assessment. It is not two different workforces but rather adds additional work to the current investigation team. The traditional response is not a response that will be effective with New Mexico families.

Given these current efforts, yet another task force analyzing the same issues is unnecessary.

PERFORMANCE IMPLICATIONS

Adding a task force can dramatically reduce the ability for the agency to perform efficiently, consistently, and impartially.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Implementation of a task force will make the department less effective by creating duplicative levels of oversight and potentially conflicting recommendations.

AMENDMENTS

None.