

SENATE MEMORIAL 5

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

A MEMORIAL

REQUESTING THE LEGISLATIVE FINANCE COMMITTEE TO CREATE A TASK FORCE TO SUPPORT AND ENHANCE THE RESTRUCTURING OF THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT.

WHEREAS, there are no sides when it comes to child welfare, and it is imperative to have a strong system of care that effectively serves vulnerable children and their families; and

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WHEREAS, the system of care must meet the needs of children and families in a manner that encompasses the best interests of the children and families it serves; and

WHEREAS, the children, youth and families department was created by the legislature in 1992 in response to the efforts of First Lady Alice King to consolidate all services for children and families under one cabinet secretary and to carry out as its primary responsibilities the effective administration of protective services for children and families; supervision and services for delinquent youth and youth who are at risk of becoming delinquent offenders and improvement of their ability to thrive in their communities; and the administration of a behavioral health system for all children in New Mexico; and

WHEREAS, over the past three decades, the children, youth and families department has grown significantly and has assumed numerous other obligations and responsibilities, which has diminished its effectiveness and focus on its primary areas of service; and

WHEREAS, the Kevin S. settlement agreement provides a framework for the establishment of a clear and disciplined strategy to attain sustainable system improvements, obligating the children, youth and families department to carry out its services in a disciplined, transparent, collaborative and verifiable manner in order to enhance its effectiveness and

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enable it to be transparent and accountable to the governor, the legislature, the judiciary, stakeholders, communities and the public; and

WHEREAS, the development and support of the children, youth and families department workforce and support of foster families and service providers are key to a healthy and effective child welfare system; and

WHEREAS, identifying an organizational structure that will best fulfill the children, youth and families department's primary responsibilities is critical to system improvement; and

WHEREAS, in recent years, numerous studies have examined systemic problems and weaknesses in the child welfare system and in the children, youth and families department, including assessments by Casey Family programs, the Collaborative Safety LLC report, the House Bill 10 task force and the Kevin S. settlement agreement annual reports; and

WHEREAS, Governor Lujan Grisham has issued Executive Order 2023-020 to improve the effectiveness of the children, youth and families department; and

WHEREAS, to the fullest extent possible, Executive Order 2023-020 must be supported and enhanced in order to attain a child welfare system that meets the needs of New Mexico's children and families;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that the legislative finance committee be

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requested to create a task force composed of the following members:

- A. a member appointed by the governor;
- B. a member appointed by the speaker of the house of representatives;
- C. a member appointed by the minority floor leader of the house of representatives;
- D. a member appointed by the senate president pro tempore;
- E. a member appointed by the minority floor leader of the senate;
- F. a member appointed by the chief justice of the supreme court;
- G. a member representing the *Kevin S.* settlement agreement;
- H. a member representing service providers;
- I. a member representing foster families;
- J. a youth representative;
- K. a member representing juvenile justice stakeholders; and

Sf11→L. a tribal member with lived experience of the effects of the federal Indian Child Welfare Act of 1978, the Indian Family Protection Act or other, similar provisions of the Children's Code; and←Sf11

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representative; and

BE IT FURTHER RESOLVED that the task force work to augment and enhance the governor's efforts to improve the child welfare system through Executive Order 2023-020; and

BE IT FURTHER RESOLVED that the task force examine the organizational structure and operations of the children, youth and families department and make recommendations for necessary changes, including:

A. agency mission, vision and values compared with national best practices in child welfare administration;

B. agency organizational structure compared with statutory framework and national best practices in child welfare administration;

C. implementation of the multilevel response system known as differential or alternative response, compared with statutory framework and national best practices in child welfare administration;

D. examination and definition of a data-driven process to identify children and families at risk for maltreatment and related outcomes;

E. the availability of, needs for and best practices in wrap-around services for children and families;

F. the existing network of services, including prevention, early intervention and intervention services;

G. the availability of, needs for and best

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practices in services and safety for child-welfare-involved families, including hard-to-place children;

H. best practices in safety, permanency and well-being for children and families, including hard-to-place children;

I. the qualifications of and recruitment practices for frontline workers, including investigators, permanency workers and juvenile justice field staff;

J. the current use of and potential to leverage federal funding;

K. best practices in equity considerations;

L. staffing and facility needs at juvenile justice facilities;

M. the needs and best practices for and 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

N. juvenile crime trends and best practices for prevention, early intervention and rehabilitation; and

BE IT FURTHER RESOLVED that the task force be requested to make recommendations to the legislature and the governor by November 15, 2024 for consideration during the first session of the fifty-seventh legislature; and

BE IT FURTHER RESOLVED that the task force have sufficient

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administrative support to enable it to meet at least monthly and move its work forward in a structured, consistent, public and transparent manner; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the governor, all members of the legislature, the legislative finance committee, the legislative health and human services committee and the secretary of children, youth and families.

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