

Ideas for Mitigating Harm in the Child Welfare System
Systemic Issues and Challenges in the Child Welfare System

Three Observations

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1. Professional leadership

The decisions and choices CYFD workers face are very difficult. CYFD deals with all of the most challenging social problems confronting our community: violence, drug and alcohol addition, homelessness, mental illness, criminal behavior, employment issues, education issues, etc. And we know that whatever the stress on the community, the family, the household, the burden falls heaviest on the children.

The decisions about these families and children must be made with knowledge, experience and skill. There was a time when the majority of CYFD workers had graduate or at least college degrees in social work, counseling, and related fields. I urge you to do what you can to bring more professionals into CYFD – especially leadership positions.

I believe having skilled, experienced and licensed professionals will enable better decisions, and create better working environments at CYFD. If there are experienced supervisors, managers, county office managers, division directors, etc., working at CYFD will be more attractive to those graduating from our schools of social work, and the children and families will be better served.

2. Confidentiality

The New Mexico Children's Code provides that information related to a child's abuse and neglect case is confidential and closed to the public. I understand the principles supporting that law, but too often confidentiality is a reason to prevent important information from being accessed when a child is in danger. There are many examples, but one I know well was a child who is clearly at risk for abuse and neglect coming to the attention of schoolteachers. A referral to CYFD is made. The teacher sees the child's condition worsening. Teacher calls CYFD to find out what is being done, what the school can do to support, and is told the matter is 'confidential.' The teacher do what they can, providing food, clothing, etc, but then suddenly the child disappears – just stops coming to school. Again, the teachers try to get information about what CYFD is doing but are told it's all 'confidential'. That child was later beaten to death by mom's boyfriend.

3. Risk management teaching what it has learned

At the end of every case where the state is sued, regardless the outcome, I think it would be wise for the lawyers Risk Management has hired to defend the case to be paid to digest all that they learned, all that their retained experts learned, all they learned from the other side, and use that information to conduct trainings – case specific trainings – on what happened, what went wrong, where decisions were made, how the decisions were made, etc. It seems to me this would be cost effective, and the most informed and educated people are closest to the facts and have already been paid to become fully knowledgeable.

I don't think the answer is to make it harder or impossible for a child injured as a result of CYFD's failures to bring a lawsuit. That gets us nowhere, and punishes the most vulnerable, and indeed punishes those who are entirely blameless. But learning from the lawsuits, the claims, the injuries, the horrible injuries and deaths – that makes the legal process serve the second and equally important part of its purpose. To enable the community to learn from the mistakes and take action to prevent it from happening again.