

State of New Mexico

CHILDREN, YOUTH and FAMILIES DEPARTMENT

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November 13, 2015

Senator Gerald Ortiz y Pino, Chair
Representative Nora Espinoza, Vice Chair
New Mexico State Legislature
Legislative Health and Human Service Committee

Re: Response to Child Care Assistance Letter

Dear Senator Ortiz y Pino and Representative Espinoza:

I'm writing this in response to your letter dated November 2, 2015, regarding the Child Care Assistance Program administered by CYFD. Your correspondence highlights a number of concerns with the administration of the Child Care Assistance program brought before you by the OLÉ Working Parents Association. Those concerns are summarized as follows:

- "...CYFD workers deny or terminate child care assistance to those parents who refuse to sue the absent second parent for child support". ... "Yet some of these parents refuse to apply for child support for fear that the result of filing for child support from the noncustodial parent will be to subject themselves or their children to harm where the noncustodial parent has perpetrated or threatened violence".
- "contracts between the CYFD and parents relating to child care assistance terms, conditions and budgets are being offered for intervals of only one to three months, requiring parents to frequently undergo what was described as a considerable burden of reapplying for child care assistance"
- "the CYFD fails to post in a conspicuous manner the parents' "Bill of Rights" detailing parents' rights under the law as child care assistance applicants and recipients"
- "the CYFD has failed to accurately and timely apprise applicants and recipients of their right to due process for denial, reduction or termination of child care assistance"

As the Secretary of CYFD, I take the above claims/allegations very seriously. My utmost priority and the mission of CYFD is to "Improve the quality of life for our children".

This is a message that is instilled in our team every day. That said, the allegations brought forth to the LHHS committee have been prioritized and investigated to the degree possible.

I feel it's important to note that historically, when the OLÉ Working Parents Association have alleged any instance of client cases being mishandled, CYFD has tried to work with them to identify when and to whom the infractions occurred, however, the OLÉ organization has refused to supply any information such as client names, or other case specific information to CYFD. Without client names, which would obviously assist CYFD with the investigation of the claims, our only option has been to use the claims as opportunities to provide ongoing training and direction to child care assistance staff, which we have done.

I can assure you, that the last thing we want to do at CYFD is to put mothers and children at risk of domestic violence, which is the purpose of the NMAC policy you cite in your letter; outlining the good cause exceptions to the requirement of child support application on behalf of child care assistance clients. As mentioned above, the lack of specific client information makes it extremely difficult to investigate down to a granular level. However, events lately have allowed my staff, through diligent research, to identify some specific client names the OLÉ organization **may** be referencing. As a result of this research, my staff have been able to research nine clients. While I cannot disclose information that would be considered confidential or that which might identify a client, the following summarizes our findings:

- One client applied for child support months before applying for child care assistance, therefore, the client had already met the requirement upon child care assistance application;
- One client disclosed fear of domestic violence and was granted an exemption to the requirement;
- Three clients were already receiving child support, therefore, negating the requirement to apply for child support;
- One client's case was closed, not for failure to comply with the child support requirement, but for failure to meet other program requirements;
- One client was also receiving TANF, therefore, negating the requirement to apply for child support;
- Two clients applied for child support, fulfilling the requirement;

Regarding short contracts being issued to clients, thereby, burdening clients with the re-application process, I instructed my staff to create a report detailing contract lengths for child care assistance clients currently receiving services. Here are their findings:

CYFD, Early Childhood Services, Summary of Child Care Assistance Contract Length

Total Records in Data Pull

11031

Contract Length	Number Contracts/Cases	Percentage of Total
Less than 30 Days	173	1.57%
31 to 60 Days	556	5.04%
61 to 90 Days	994	9.01%
91 to 120 Days	1391	12.61%
121 to 150 Days	1755	15.91%
151 to 180 Days	1892	17.15%
181 Days or Greater	4270	38.71%

As the summary above indicates, over 85% of contracts issued for child care assistance are for time periods greater than 90 days. Typically, the very short contracts of less than 30 days are for two primary reasons; 1) the client is receiving TANF and has only been authorized a short term by contract by the Human Services Department based on the client's activity or, 2) the client is missing information needed to determine long term eligibility and is therefore issued a short contract in lieu of denial.

The majority of contracts spanning from 60 to 120 days are usually for clients who are attending school and therefore their contracts run parallel with their school schedules. All other clients typically receive contracts spanning much longer periods.

I will address the last two claims of, posting the client "Bill of Rights" and notifying clients of their rights to due process, together. It is true that CYFD offices do not post a client "Bill of Rights" within their offices. While CYFD is not opposed to considering this approach it's important to note that we do make substantial efforts to ensure clients are aware of their rights. The following illustrates these efforts;

- 1.) The Child Care Assistance Application includes a section labeled "Your Rights and Responsibilities" and includes a placeholder for client signature within the section. One statement within this section of the application reads in part "I understand that I, or my representative, may request a Fair Hearing if I do not agree with any decision made on any matter concerning my case.....";
- 2.) Child Care Assistance client correspondence is delivered via written Notice of Action documents. All Notice of Action documents include a statement informing the client that he or she has the right to request a Fair Hearing.

Considering our findings detailed above, I feel compelled to conclude that the claims made by the OLÉ organization do not represent any widespread systemic issues relating to the administration of the Child Care Assistance program. Please understand that I am not claiming the CYFD workforce is perfect and does not make mistakes. At all times, when presented with valid and credible information of any infractions we will make every attempt to resolve those situations and ensure they are not the norm. I have to say I find it very peculiar that the OLÉ organization has not guided the clients they represent through the Fair Hearing process which is so notably called out within the CYFD Child Care Assistance documents highlighted above. I would urge the organization to do so if they feel they have information contrary to what I've included in this correspondence.

Please feel free to contact me if you have any further questions or concerns with this matter.

Sincerely,



MONIQUE JACOBSON
Cabinet Secretary